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SCHALLER, J., concurring. Although I agree with and join fully in part I of the majority opinion, I write separately to note my disagreement with the necessity and propriety of addressing the defendant's constitutional claim that General Statutes § 53a-72a (a) (2) violates his right to equal protection under the law. Whether I agree or disagree with the reasoning in part II of the majority's opinion is not relevant. I believe that "[t]his court has a basic duty to avoid deciding a constitutional issue if a nonconstitutional ground exists that will dispose of the case." *Moore v. McNamara*, 201 Conn. 16, 20, 513 A.2d 660 (1986). In the present situation, part I of the opinion fully resolves the case. No need exists for this court to address the constitutional claim under the present circumstances. Whether our Supreme Court may choose to reconsider the precedent set forth in *State v. Roswell*, 6 Conn. 446 (1827), or to address the constitutional issue at some later time, should have no bearing on our present responsibility. As a reviewing court, our obligation is clearly to avoid unnecessary constitutional adjudication. *State v. Falcon*, 68 Conn. App. 884, 886, 793 A.2d 274, cert. denied, 260 Conn. 924, 797 A.2d 521 (2002), overruled on other grounds, *State v. D'Antonio*, 274 Conn. 658, 692 n.20, 877 A.2d 696 (2005) (en banc).

Our Supreme Court expressly has instructed that appellate courts should avoid deciding constitutional issues where possible. "It is axiomatic that courts do not engage in constitutional analysis if a nonconstitutional basis upon which to resolve an issue exists." *Shelton v. Statewide Grievance Committee*, 277 Conn. 99, 107, 890 A.2d 104 (2006). We have explained that "[t]his court has a basic judicial duty to avoid deciding a constitutional issue if a nonconstitutional ground exists that will dispose of the case. . . . The best teaching of this [c]ourt's experience admonishes us not to entertain constitutional questions in advance of the strictest necessity. . . . Appropriate deference to a coordinate branch of government exercising its essential functions demands that we refrain from deciding constitutional challenges to its enactments until the need to do so is plainly evident." (Internal quotation marks omitted.) *State v. Stern*, 65 Conn. App. 634, 638, 782 A.2d 1275, cert. denied, 258 Conn. 935, 785 A.2d 232 (2001). I am also mindful that our Supreme Court has held that where a defendant's insufficiency of evidence claim is meritorious, all of his or her remaining claims are moot. *State v. Munoz*, 233 Conn. 106, 110, 659 A.2d 683 (1995). In my view, in light of these well established principles, we should not address this defendant's constitutional claim.

For the foregoing reasons, I concur in the result

reached in part I of the majority opinion.
