STATE OF CONNECTICUT *v.* RONALD BROWN
(SC 18926)

Rogers, C. J., and Palmer, Zarella, Eveleigh, McDonald and Vertefeuille, Js.

Argued September 19—officially released December 24, 2013

Timothy F. Costello, assistant state's attorney, with whom, on the brief, were *David I. Cohen*, state's attorney, and *Suzanne M. Vieux*, supervisory assistant state's attorney, for the appellant (state).

Christopher Y. Duby, assigned counsel, for the appellee (defendant).

Opinion

VERTEFEUILLE, J. The dispositive issue in this certified appeal is whether the ten year maximum allowable period of special parole[1] established by General Statutes § 54-125e (c)[2] operates as an aggregate limitation on the total effective sentence of special parole when a defendant is convicted of, and sentenced for, multiple offenses. The state appeals, following our grant of its petition for certification to appeal,[3] from the judgment of the Appellate Court, which reversed the judgment of the trial court denying the motion to correct an illegal sentence filed by the defendant, Ronald Brown. *State* v. *Brown*, 133 Conn. App. 140, 156, 34 A.3d 1007 (2012). On appeal, the state claims that the Appellate Court improperly interpreted § 54-125e (c) as imposing a ten year maximum on the aggregate sentence of special parole and, therefore, improperly concluded that the two consecutive sentences of special parole at issue in the present case—neither of which exceeded ten years individually, but together imposed a total effective sentence of sixteen years of special parole—violated § 54-125e (c). We agree with the state, and conclude that the ten year limitation on a period of special parole provided for in § 54-125e (c) applies per offense, rather than to the total effective sentence of special parole. Accordingly, we reverse the judgment of the Appellate Court.

The record and the Appellate Court opinion reveal the following undisputed facts and relevant procedural history. In 2005, the state charged the defendant, under Docket No. MV-05-0443087S, with reckless driving in violation of General Statutes § 14-222 for conduct that occurred on June 12, 2005, and, under Docket No. CR-05-0109070, with, inter alia, possession of narcotics with intent to sell in violation of General Statutes § 21a-277 (a) for conduct that occurred on July 1, 2005. Id., 142–43. In 2006, the state charged the defendant, under Docket No. CR-06-0112604, with, inter alia, sale of narcotics in violation of General Statutes § 21a-278 (b) for conduct that occurred on March 6, 2006. Id.

Thereafter, the state and the defendant reached a plea agreement resolving these three cases and, on January 25, 2007, the prosecutor set forth the details of that agreement before the trial court. Id., 143. Specifically, the prosecutor stated that, in exchange for his guilty pleas to the three particular offenses, the defendant would be sentenced as follows: (1) on the sale of narcotics charge, under Docket No. CR-06-0112604, to a mandatory term of incarceration of five years, followed by a ten year term of special parole; (2) on the charge of possession of narcotics with intent to sell, under Docket No. CR-05-0109070, to a term of incarceration of four years, followed by a six year term of special parole, both sentences to run consecutively; and (3) on the reckless driving charge, under Docket No. MV-05-

0443087S, to an unconditional discharge. Id. Additionally, pursuant to the plea agreement, in exchange for the defendant's guilty pleas on these three charges, the state agreed to enter a nolle prosequi as to numerous other charges pending against the defendant. Id. The defendant's counsel thereafter agreed that the state had accurately set forth the terms of the plea agreement. Id.

Before accepting the plea agreement, the trial court canvassed the defendant, ensuring that he understood that he was agreeing to a "total effective sentence of nine years to serve, five of which are a mandatory minimum"; (internal quotation marks omitted) id.; and that the terms of incarceration would be "followed by sixteen years of special parole." (Internal quotation marks omitted.) Id., 144. "Following the canvass, the court accepted the defendant's pleas as having been freely, voluntarily and intelligently made with the effective assistance of counsel. The court found a factual basis for the pleas, and a finding of guilty entered on the three offenses.

"On March 8, 2007, the defendant appeared before the court for sentencing. As he had at the January 25, 2007 hearing, the prosecutor set forth the terms of the plea agreement, and the defendant's attorney stated his agreement with those terms. The court sentenced the defendant according to the plea agreement.

"[Thereafter] [o]n September 22, 2009, the defendant, as a self-represented party, filed a motion to correct an illegal sentence.[4] The gist of the motion was that the court illegally sentenced him to a sixteen year term of special parole when, in light of the crimes at issue, the maximum term of special parole authorized was ten years.

"On July 12, 2010, the sentencing court held a hearing to consider the motion to correct. The defendant, [then] represented by counsel, argued that the court lacked the authority to sentence him to a term of special parole that exceeded ten years. The defendant argued that although the court imposed consecutive sentences under two docket numbers, it was not authorized to exceed a ten year maximum term of special parole. The defendant [also] argued that any ambiguity with regard to the court's authority to sentence him in the manner that it did should favor the defendant such that the court was required to reduce the term of special parole from sixteen years to ten years. . . . The court denied the motion to correct . . . ." (Footnotes altered.) Id., 144–45.

On appeal to the Appellate Court, the defendant reiterated his claim that the total effective sentence of sixteen years of special parole was "illegal because it exceeds the ten year maximum period of special parole authorized by . . . § 54-125e (c)." Id., 145.

In a divided opinion, the Appellate Court majority

first concluded that it was "not clear from a review of subsection (c) of § 54-125e whether the ten year limit on the 'period of special parole' limits the special parole portion of the sentence imposed for individual offenses or whether it limits a defendant's aggregate sentence that arises from his conviction of multiple offenses for which special parole was imposed by the sentencing court." Id., 150–51. After noting that the language of § 54-125e (c) created a distinction between different classes of offenders by providing an exception to the ten year limitation on a period of special parole for certain offenses, the majority concluded that the "distinction, based upon the type of offense committed by the defendant, [did] not clarify the issue" of whether an aggregate sentence of a period of special parole, imposed after a conviction of multiple offenses, that exceeds ten years violates § 54-125e (c). Id., 151.

The majority, therefore, looked to § 54-125e (a),[5] and concluded that the language of that subsection "acknowledges that, in a situation in which a person has been sentenced for multiple offenses to terms of incarceration and special parole, a single 'period of special parole' begins after the expiration of the maximum terms of incarceration have expired." Id., 152. The majority further stated that "[t]he 'period of special parole' that commences after the expiration of a person's maximum *term* or *terms* of incarceration 'shall not be less than one year or more than ten years' for a person, like the defendant, who has not been convicted of one of the enumerated exceptions set forth in subsection (c) for which a longer period of special parole may be imposed." (Emphasis in original.) Id. After rejecting the state's argument that numerous other statutory provisions related to criminal sentencing and probation reflect that a " 'period of special parole' refers to the special parole portion of a sentence imposed for a single applicable offense"; id., 153; the majority concluded that the trial court had "exceeded its sentencing authority insofar as it sentenced the defendant to serve sixteen years of special parole. The court [further] abused its discretion in denying the motion to correct because it lacked the authority to sentence the defendant to a term of special parole that exceeded ten years" in the aggregate. Id., 152–53. Accordingly, the Appellate Court rendered judgment reversing the trial court's denial of the defendant's motion to correct an illegal sentence and remanded the case for resentencing.[6] Id., 160. This certified appeal followed. See footnote 3 of this opinion.

On appeal, the state claims that the Appellate Court improperly concluded that the two individual sentences of special parole, neither of which individually exceeded ten years, together were illegal under § 54-125e (c). Specifically, the state contends that a review of related sentencing statutes reveals that a court may impose a sentence of up to ten years of special parole

for each individual offense, and that such sentences may run consecutively even if the aggregate sentence exceeds ten years. In response, the defendant claims that § 54-125e (c) is unambiguous and is capable of only one interpretation, namely, that the ten year maximum applies to the aggregate sentence. The defendant further contends that the interpretation advanced by the state would lead to bizarre results, and that, although a sentencing court has numerous options with which to fashion a criminal sanction, those options simply do not include imposing any period of special parole that exceeds ten years. We agree with the state that the ten year limitation on a period of special parole set forth in § 54-125e (c) applies to each offense, rather than the aggregate term provided by multiple, consecutive sentences. We, therefore, conclude that the two consecutive sentences of special parole imposed by the trial court in the present case, for a total effective sentence of sixteen years of special parole, were legal because neither individual sentence exceeded ten years.

Before turning to the state's claims on appeal, we set forth the appropriate standard of review. "[A] claim that the trial court improperly denied a defendant's motion to correct an illegal sentence is [typically] reviewed pursuant to the abuse of discretion standard. . . . In the present case, however, the defendant's motion to correct an illegal sentence raise[d] a question of statutory construction. Issues of statutory construction raise questions of law, over which we exercise plenary review. . . .

"When construing a statute, [o]ur fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . . In other words, we seek to determine, in a reasoned manner, the meaning of the statutory language as applied to the facts of [the] case, including the question of whether the language actually does apply. . . . In seeking to determine that meaning, General Statutes § 1-2z directs us first to consider the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered. . . . The test to determine ambiguity is whether the statute, when read in context, is susceptible to more than one reasonable interpretation." (Citations omitted; internal quotation marks omitted.) *State* v. *Adams*, 308 Conn. 263, 269–70, 63 A.3d 934 (2013).

We begin, then, with the text of § 54-125e (c), and observe that the phrase providing that "[t]he period of special parole shall be not less than one year or more than ten years" is not modified by any language specifying whether that ten year limitation applies to a sentence of special parole imposed for one offense, or

whether it applies to a defendant's aggregate sentence of special parole imposed for multiple offenses. We, like the Appellate Court majority, note that § 54-125e (c) further provides an exception to the general ten year limitation on a period of special parole when a defendant is convicted of certain specified offenses, namely, risk of injury to a child, certain sexual assaults, and being a persistent felony offender, none of which applies to the defendant in the present case. See footnote 2 of this opinion. Contrary to the Appellate Court majority, however, we conclude that the exception for specified offenses in § 54-125e (c) suggests that "[t]he period of special parole" that is subject to the ten year limitation is related to a conviction for each offense, rather than an aggregate sentence for multiple offenses. Indeed, it seems implausible that the legislature would have intended the first portion of § 54-125e (c) to apply to all sentences in the aggregate, while recognizing exceptions to the ten year limitation for specific, individual offenses within the same sentence of the statute. Nevertheless, we agree with the Appellate Court majority that the text of § 54-125e (c) does not, by itself, clearly reveal the legislature's intent with respect to the applicability of the ten year limitation. See *State* v. *Brown*, supra, 133 Conn. App. 150–51.

Therefore, we look to other subsections of § 54-125e to attempt to ascertain the meaning of "[t]he period of special parole" in § 54-125e (c). Like Judge Bear in his well reasoned dissent, we find the language of § 54-125e (a) instructive in divining the intent of the legislature with respect to the applicability of the ten year limitation provided in § 54-125e (c). See *State* v. *Brown*, supra, 133 Conn. App. 163–64 (*Bear*, *J.*, dissenting). Section 54-125e (a) provides in relevant part that "[a]ny person convicted of *a crime* . . . who received *a definite sentence* of more than two years [of incarceration] followed by *a period of special parole* shall, at the expiration of the maximum term or terms of imprisonment imposed by the court, be automatically transferred to the jurisdiction of the chairperson of the Board of Pardons and Paroles . . . ." (Emphasis added.) In our view, the terms "a crime," "a definite sentence," and "a period of special parole" used in § 54-125e (a)—all of which are expressed in the singular—indicate that *a period of special parole* not to exceed ten years can be imposed upon any person who is convicted of *a crime*. Thus, when an individual is convicted of multiple offenses, it logically follows that a period of special parole may be imposed for *each* offense.

Indeed, "[a]lthough General Statutes § 1-1 (f) provides that [w]ords importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular, we have held that because § 1-1 (f) uses the word may it is clearly directory and not mandatory. . . . [S]uch statutory expressions are legislative state-

ments of a general principle of interpretation. . . . The principle does not require that singular and plural word forms have interchangeable effect, and discrete applications are favored except where the contrary intent or reasonable understanding is affirmatively indicated." (Internal quotation marks omitted.) *Shawhan* v. *Langley*, 249 Conn. 339, 347, 732 A.2d 170 (1999). Viewing this concept in practice, we have held that the legislature's use of both the singular and plural forms of a term in a statute "is a strong indication that the use of the singular was deliberate." *Covenant Ins. Co.* v. *Coon*, 220 Conn. 30, 36 n.6, 594 A.2d 977 (1991). Similarly, we have held that when statutory language is framed, as a whole, in the singular, it suggests that the statute contemplates the relevant terms in the singular. See *Shawhan* v. *Langley*, supra, 344 ("[t]he language of the statute [regarding an offer of judgment], which is framed in the singular, suggests . . . that the statute contemplates *one* offer of judgment" [emphasis added]). In this regard, contrary to the defendant's interpretation, we do not believe that the legislature would have used the singular forms of "a crime" and "a definite sentence" in § 54-125e (a) to encompass both a single crime and single definite sentence and multiple crimes and multiple definite sentences, while limiting the singular form of "a period of special parole" in the same sentence to exclude multiple periods of special parole.

Furthermore, we disagree with the Appellate Court majority and the defendant that the phrase "term or terms of imprisonment" in § 54-125e (a) indicates that the trial court has the authority to sentence a defendant to multiple terms of imprisonment, but only a single term of special parole not to exceed ten years. On the contrary, we, like the state, read the phrase "term or terms of imprisonment" simply to indicate the starting point for any postincarceration period of special parole. Section 54-125e (a) contemplates the potential for a defendant to have been convicted of multiple offenses and sentenced to multiple terms of incarceration. In that respect, the statute requires that a defendant be transferred to the jurisdiction of the Board of Pardons and Paroles only after he has served all of the terms of incarceration for which he has been sentenced. Therefore, § 54-125e (a) merely establishes the time at which an individual will begin serving any term of special parole to which he has been sentenced, specifically, only after he has completed any and all periods of incarceration. The statute does not, as the defendant contends, indicate that, although the legislature used the singular terms "a crime," "a definite sentence," and "a period of special parole," it intended the phrase "a period of special parole" to be read in the singular. General Statutes § 54-125e (a).

A review of the relationship of § 54-125e (c) to other criminal and sentencing statutes further supports an interpretation of § 54-125e (c) as limiting a sentencing

court's ability to impose a sentence of special parole to a maximum of ten years for each offense, rather than in the aggregate. We begin by noting that our sentencing statutes are structurally organized per offense, and provide that a separate sentence shall be imposed for each offense. See General Statutes § 53a-28 (a) ("[e]xcept as provided in section 17a-699[7] and chapter 420b,[8] to the extent that the provisions of said section and chapter are inconsistent herewith, every person convicted of *an offense* shall be sentenced in accordance with this title" [emphasis added; footnotes added]). Section 53a-28 (b) provides: "Except as provided in section 53a-46a, when a person is convicted of *an offense*, the court shall impose one of the following sentences: (1) A term of imprisonment; or (2) a sentence authorized by section 18-65a or 18-73; or (3) a fine; or (4) a term of imprisonment and a fine; or (5) a term of imprisonment, with the execution of such sentence of imprisonment suspended, entirely or after a period set by the court, and a period of probation or a period of conditional discharge; or (6) a term of imprisonment, with the execution of such sentence of imprisonment suspended, entirely or after a period set by the court, and a fine and a period of probation or a period of conditional discharge; or (7) a fine and a sentence authorized by section 18-65a or 18-73; or (8) a sentence of unconditional discharge; or (9) a term of imprisonment and *a period of special parole* as provided in section 54-125e." (Emphasis added.) Section 53a-28 (b) (9) expressly provides that one of the sentencing options for conviction of "an offense" is "a term of imprisonment and *a period of special parole* as provided in section 54-125e." (Emphasis added.) Our general sentencing scheme and § 53a-28 (a) and (b), therefore, further support our interpretation that the limitation on a period of special parole established by § 54-125e (c) similarly applies per offense rather than in the aggregate.

Another statute referencing special parole also suggests that the limitation on a period of special parole should be read as limited to a single offense. In setting forth the rules for returning a defendant to the jurisdiction of the Department of Correction after a special parole violation, the language of General Statutes § 54-128 (c) references a single term of special parole in relation to a single offense for which the person was convicted. See General Statutes § 54-128 (c) ("[t]he total length of the term of incarceration [after a person has been returned to the Department of Correction for a violation of special parole] and *term of special parole combined* shall not exceed the maximum sentence of incarceration authorized for *the offense for which the person was convicted*" [emphasis added]). Thus, it becomes clear that, in all references to special parole, the legislature has related the conviction of a single offense to the imposition of a single period of special parole.

Moreover, our statutes that generally address multiple convictions and the imposition of multiple sentences of imprisonment provide the trial court with the authority to determine whether those sentences should run concurrently or consecutively. See General Statutes § 53a-37 ("[w]hen multiple sentences of imprisonment are imposed on a person at the same time, or when a person who is subject to any undischarged term of imprisonment imposed at a previous time . . . is sentenced to an additional term of imprisonment, the sentence or sentences imposed by the court shall run either concurrently or consecutively with respect to each other and to the undischarged term or terms in such manner as the court directs at the time of sentence"). In the related context of probation, however, the legislature expressly has deprived the trial court of the authority to impose sentences of probation consecutively. General Statutes § 53a-31 (a) provides that "[m]ultiple periods [of probation], whether imposed at the same or different times, *shall run concurrently*." (Emphasis added.) Neither § 53a-28 (b) (9), which provides the trial court with the authority to impose a sentence of special parole, nor § 54-125e (c), which establishes the ten year maximum allowable sentence of special parole, similarly restricts the trial court's authority to impose multiple sentences of special parole consecutively, whether imposed at the same or different times.

It is clear, therefore that, when the legislature intends to limit the trial court's authority to impose a sentence of postincarceration supervision consecutively or concurrently, it has done so expressly, and its failure to limit, by express terms, the trial court's authority in the context of special parole indicates that the legislature had no intention to limit the trial court's sentencing authority beyond setting a maximum allowable sentence that the trial court could consider when sentencing a defendant convicted of an offense.

Our interpretation is further bolstered by the fact that, contrary to the defendant's contention, an interpretation of § 54-125e (c) limiting any aggregate sentence of special parole to a maximum of ten years, rather than viewing the statute as imposing a ten year maximum allowable sentence *per offense*, would lead to bizarre and unworkable results. Although interpreting the ten year limitation to apply to an aggregate sentence may be workable under the circumstances of the present case, namely, where the defendant was sentenced on two separate docket numbers for two separate criminal incidents at the same sentencing hearing after he had pleaded guilty to those charges pursuant to an overall plea agreement, we can see bizarre and unworkable results under the Appellate Court's interpretation when a defendant is convicted of two (or more) separate offenses at different times.

By way of example, assume that the defendant was

convicted of the two offenses relevant to this case in 2005 and 2006, respectively, rather than pleading guilty to those offenses together in 2007. Had the defendant been convicted and sentenced to ten years of special parole for his 2005 offenses in 2005, under the Appellate Court majority's interpretation, it would appear that the trial court would be unable to exercise its authority pursuant to § 53a-28 (b) (9) to impose a sentence of incarceration followed by a period of special parole for the defendant's 2006 offenses in 2006.[9] We do not believe that the legislature intended § 54-125e (c) to leave so many questions unanswered. Nor do we believe that the legislature intended to deprive the trial court of its authority to impose a sentence of special parole under § 53a-28 (b) (9) simply on the basis of the timing of a defendant's multiple convictions.

Finally, although the interpretation of § 54-125e advocated for by the defendant, along with his proposed remedy of simply shortening his sixteen year total effective sentence of special parole to ten years, would yield a favorable result for this defendant, we do not believe that, as a general matter, construing the statute to limit the allowable sentence of special parole to no more than ten years in the aggregate would benefit the criminal justice system as a whole. Indeed, the defendant conceded at oral argument before this court that so construing the statute might well result in the state being unwilling to negotiate favorable terms for criminal defendants in plea agreements for multiple crimes, which could lead to longer terms of incarceration for some of those defendants. An interpretation of § 54-125e (c) that would not only allow, but essentially require, a trial court to consider and impose a longer term of incarceration even when an individual meets the qualifications for special parole, is not reasonable. We do not believe that the legislature intended such a bizarre result.

After our careful review of the language of § 54-125e (c), in the context of §§ 54-125e (a), 54-128 (c), 53a-28, 53a-37, and 53a-31 (a), we conclude that the legislature clearly intended to provide the trial court with the authority to impose a sentence of up to ten years of special parole for each offense for which a defendant is convicted. We further determine that the legislature has not expressed any intention to prevent a trial court from imposing such sentences of special parole consecutively if it deems appropriate, regardless of whether such consecutive sentences impose a total effective sentence of more than ten years of special parole. Accordingly, we conclude that the Appellate Court improperly reversed the trial court's denial of the defendant's motion to correct an illegal sentence.

The judgment of the Appellate Court is reversed and the case is remanded to that court with direction to affirm the judgment of the trial court.

In this opinion the other justices concurred.

[1] Pursuant to § 54-124a (j) (1)-1 (19) of the Regulations of Connecticut State Agencies, " '[s[pecial [p]arole' means that period of supervision of an offender ordered by the court to follow a term of imprisonment, subject to conditions of parole set by the Board [of Pardons and Paroles or its chairperson], as provided in sections 53a-28 (b) (9) and 54-125e of the Connecticut General Statutes."

[2] General Statutes § 54-125e (c) provides in relevant part: "The period of special parole shall be not less than one year or more than ten years, except that such period may be for more than ten years for a person convicted of a violation of . . . subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a persistent dangerous felony offender pursuant to subsection (h) of section 53a-40 or as a persistent serious felony offender pursuant to subsection (j) of section 53a-40."

[3] We granted the state's petition for certification to appeal limited to the following questions: (1) "Did the Appellate Court properly determine that the trial court abused its discretion in denying the defendant's motion to correct an illegal sentence?"; and (2) "If the answer to question one is in the affirmative, did the Appellate Court properly determine that the appropriate remedy was to remand the case for resentencing, rather than to vacate the defendant's guilty pleas?" *State* v. *Brown*, 304 Conn. 901, 901–902, 37 A.3d 745 (2012). Because we answer the first question in the negative, we do not reach the second question.

[4] "The defendant brought the motion pursuant to 'Practice Book Rule 93-22,' a provision that does not exist." *State* v. *Brown*, supra, 133 Conn. App. 144 n.2. Both the trial court and the Appellate Court treated the motion as one properly filed pursuant to Practice Book § 43-22, which governs motions to correct an illegal sentence. Id. We, likewise, view the defendant's motion as a motion filed pursuant to Practice Book § 43-22. See generally *Oliphant* v. *Commissioner of Correction*, 274 Conn. 563, 569, 877 A.2d 761 (2005) ("[I]t is the established policy of the Connecticut courts to be solicitous of pro se litigants and when it does not interfere with the rights of other parties to construe the rules of practice liberally in favor of the pro se party. . . . The modern trend . . . is to construe pleadings broadly and realistically, rather than narrowly and technically. . . . The courts adhere to this rule to ensure that pro se litigants receive a full and fair opportunity to be heard, regardless of their lack of legal education and experience . . . ." [Citation omitted; internal quotation marks omitted.]).

[5] General Statutes § 54-125e (a) provides in relevant part: "Any person convicted of a crime committed on or after October 1, 1998, who received a definite sentence of more than two years followed by a period of special parole shall, at the expiration of the maximum term or terms of imprisonment imposed by the court, be automatically transferred to the jurisdiction of the chairperson of the Board of Pardons and Paroles or, if such person has previously been released on parole pursuant to subsection (a) of section 54-125a or section 54-131a, remain under the jurisdiction of said chairperson until the expiration of the period of special parole imposed by the court. . . ."

[6] In his dissent, Judge Bear disagreed with the majority's conclusion that the trial court had improperly denied the defendant's motion to correct. *State* v. *Brown*, supra, 133 Conn. App. 160. Relying on the language of § 54-125e (c), when read in context with § 54-125e (a) and General Statutes §§ 54-128 (c), 53a-28, and 53a-37, Judge Bear concluded that "the sentencing court may sentence a defendant to a term of imprisonment and special parole for each crime upon which he or she is convicted, provided [that] each individual sentence does not exceed the maximum sentence allowed for that offense, and that the court has the authority to order those sentences to run consecutively, even if the aggregate term of special parole exceeds ten years." Id., 165–66 (*Bear*, *J.*, dissenting). Judge Bear also noted in his dissent that, even if it were assumed, arguendo that the language of § 54-125e was not plain and unambiguous, the legislative history of a proposed amendment to that statute further indicated that the legislature intended the ten year maximum to apply to each sentence of special parole rather than an aggregate sentence for multiple convictions. Id., 167–70.

[7] General Statutes § 17a-699 (b) provides the trial court with the additional authority to "impose a sentence and order [drug or alcohol] treatment . . . if the court finds that (1) the convicted person was an alcohol-dependent or drug-dependent person at the time of *the crime for which he was convicted*, (2) there was a relationship between the dependency and *the crime*,

(3) the person presently needs and is likely to benefit from treatment for the dependency, (4) the person is not ineligible under subsection (a) of this section [which excludes any person convicted of certain, specified violent offenses or any person who has been previously ordered to undergo drug or alcohol treatment from eligibility] and (5) the person meets the criteria for probation under subsection (c) of section 53a-29." (Emphasis added.)

[8] Chapter 420b, General Statutes § 21a-240 et seq., provides the trial court with the authority to impose specified sentences for certain specified offenses related to controlled substances.

[9] It is also entirely unclear what result the Appellate Court majority's interpretation would yield should a defendant be convicted of a second offense after he has begun to serve, or already has completed serving, a sentence of special parole imposed for a prior offense. For example, if we assume that a defendant had served two years of a ten year special parole sentence for the prior offense, would the trial court in the second case have the authority to impose a sentence of two additional years of special parole? Or, would the first conviction and sentence of ten years of special parole preclude a future trial court from ever imposing any new term of special parole?