because he "was obligated to budget the entirety of his financial resources so as to meet his alimony obligation." The plaintiff requests that we "remand this matter to the trial court for a new hearing, at which the trial court should admit credible testimony and evidence with regard to the defendant's 'station,' which the court must consider and analyze in an alimony modification context . . . ."[7]

The plaintiff's claim is an evidentiary claim. "The trial court's ruling on the admissibility of evidence is entitled to great deference. . . . [T]he trial court has broad discretion in ruling on the admissibility . . . of evidence . . . [and its] ruling on evidentiary matters will be overturned only upon a showing of a clear abuse of the court's discretion. . . . We will make every reasonable presumption in favor of upholding the trial court's ruling, and only upset it for a manifest abuse of discretion. . . . In addition, [b]efore a party is entitled to a new trial because of an erroneous evidentiary ruling, he or she has the burden of demonstrating that the error was harmful. . . . The harmless error standard in a civil case is whether the improper ruling would likely affect the result. . . . When judging the likely effect of such a trial court ruling, the reviewing court is constrained to make its determination on the basis of the printed record before it. . . . In the absence of a showing that the [excluded] evidence would have affected the final result, its [exclusion] is harmless." (Internal quotation marks omitted.) *Brown* v. *Brown*, 130 Conn. App. 522, 531–32, 24 A.3d 1261 (2011).

[7] We go back to a 1988 decision of our Supreme Court to find a fulsome discussion of "station." "The most pertinent definition of 'station' in Webster, Third New International Dictionary, is 'social standing.' A person's social standing is strongly correlated to his standard of living, although other factors may be important as well. Our courts have frequently considered the standard of living enjoyed by spouses in determining alimony or in dividing marital property." *Blake* v. *Blake*, 207 Conn. 217, 232, 541 A.2d 1201 (1988).

NOTE: These pages (173 Conn. App. 607 and 608) are in replacement of the same numbered pages that appear in the Connecticut Law Journal of 6 June 2017.

The plaintiff does not identify what evidence she offered that the court ruled to be inadmissible. There is no reference to exhibits marked for identification or the offer of proof made to the court at the time she sought their admission.[8] She simply makes broad statements about the defendant's "nonessential expenses," the "moneys expended to improve the [Massachusetts] home," and the defendant's "extravagant vacations," and claims that the court should have admitted such evidence to show the defendant's "station while unemployed." Our review of the transcripts of the hearing reveals that the plaintiff made these same arguments before the court and that she was afforded considerable latitude in questioning the defendant about his expenditures. Moreover, the court admitted, frequently over the defendant's objection, thirty exhibits submitted by the plaintiff. Included among those exhibits were the defendant's credit card statements, bank statements, and a construction expense sheet for the Massachusetts property. The plaintiff provides no explanation as to why the excluded exhibits provided different and relevant information from the admitted exhibits, or how the admission of the excluded exhibits would have affected the result in this case. Accordingly, we cannot conclude that the court abused its discretion in its evidentiary rulings.

The judgment is affirmed.

STATE OF CONNECTICUT *v.* JESUS RUIZ
(AC 38025)
(AC 38232)

Keller, Mullins and Beach, Js.

Syllabus

The state appealed, and the defendant cross appealed, to this court from the judgment of the trial court granting, in part, the motion to correct

[8] Practice Book § 67-4 (d) (3) provides: "When error is claimed in any evidentiary ruling in a court or jury case, the brief or appendix shall include

an illegal sentence filed by the defendant, who, in 2008, had been convicted of the crimes of sexual assault in the first degree, risk of injury to a child and sexual assault in the fourth degree, and had been sentenced to a total effective sentence of seventeen years of incarceration, execution suspended after twelve years, with ten years of probation. In his motion to correct, the defendant claimed that his sentence for sexual assault in the first degree was illegal because it included a period of probation, rather than an period of special parole. On appeal, the state claimed that the trial court, in granting in part the defendant's motion to correct, improperly concluded that it was required, pursuant to statute ([Rev. to 2001] § 53a-70 [b] [3], as amended by Public Acts 2002, No. 02-138, § 5), to resentence the defendant to a period of special parole for his conviction of sexual assault in the first degree. After these appeals were filed, our Supreme Court, in 2016, determined in *State* v. *Victor O.* (320 Conn. 239), and *State* v. *Jason B.* (320 Conn. 259), that § 53a-70 (b) (3) does not require that a trial court sentence persons convicted under that statute to a period of special parole. The defendant nonetheless claimed that because, at the time he filed his motion to correct in 2015, it was settled law that special parole was required, he should not be penalized for relying on established law, and that it would amount to an impermissible retroactive application of the law if this court were to apply *Victor O.* to this case. *Held* that the defendant's original sentence was not illegal for lack of a period of special parole, our Supreme Court having clearly determined in *Victor O.* that a conviction of sexual assault in the first degree does not require the imposition of a period of special parole, but, rather, if a sentencing court chooses to impose a period of special parole along with the imposed term of imprisonment, the total sentence given to a defendant for such a conviction must amount to at least ten years: the defendant's reliance on certain case law for the proposition that the requirement of special parole for persons convicted of violating § 53a-70 (b) (3) was "settled law" prior to the decision in *Victor O.* was untenable, as that issue had not been decided by a reviewing court until our Supreme Court issued its ruling in *Victor O.*; moreover, this court declined to rule on the state's claim that because the defendant failed to meet his burden of proof by providing evidence that his conviction of the charge of sexual assault in the first degree was for a class A felony, for which a period of probation is not allowed, this court should assume that the conviction was for a class B felony, for which a period of probation is permitted, and, thus, that the sentence was legal, as the defendant never claimed that his sentence on the sexual assault in the first degree charge was illegal on the ground that his conviction should have been classified as a class A felony, and, under the particular and unique facts of this case, it would have been unfair

a verbatim statement of the following: the question or offer of exhibit; the objection and the ground on which it was based; the ground on which the evidence was claimed to be admissible; the answer, if any; and the ruling."

NOTE: These pages (173 Conn. App. 609 and 610) are in replacement of the same numbered pages that appear in the Connecticut Law Journal of 6 June 2017.

to the defendant to decide the issue by holding that he failed to meet a burden of proof on a claim he never made.

Argued February 23—officially released June 6, 2017

Procedural History

Substitute information charging the defendant with two counts of the crime of sexual assault in the first degree, and with the crimes of risk of injury to a child and sexual assault in the fourth degree, brought to the Superior Court in the judicial district of New Haven and tried to a jury before *Thompson*, *J.*; verdict and judgment of guilty, from which the defendant appealed to this court, which affirmed the judgment of the trial court; thereafter, the court, *Clifford*, *J.*, granted in part the defendant's motion to correct an illegal sentence, and the state and the defendant appealed to this court. *Reversed; judgment directed.*

Laurie N. Feldman, special deputy assistant state's attorney, with whom, on the brief, were *Patrick Griffin*, state's attorney, *Michael Dearington*, former state's attorney, and *Lisa D'Angelo*, assistant state's attorney, for the appellant-appellee (state).

Stephan E. Seeger, with whom, on the brief, was *Igor G. Kuperman*, for the appellee-appellant (defendant).

Opinion

MULLINS, J. The state appeals from the judgment of the trial court granting in part the defendant's motion to correct an illegal sentence. In reliance on *State* v. *Victor O.*, 320 Conn. 239, 128 A.3d 940 (2016) (*Victor O. II*), and *State* v. *Jason B.*, 320 Conn. 259, 128 A.3d 937 (2016), the state claims that the trial court improperly held that the defendant's original sentence was illegal because it did not include a period of special parole. The defendant, Jesus Ruiz, cross appeals from the judgment of the trial court. The defendant claims