on count one, of sexual assault in the first degree was a class A felony, then a period of probation would not have been allowed pursuant to § 53a-29[9] and the original sentence on count one, therefore, would be illegal. The state further contends that, because the defendant failed to meet his alleged burden of proof by providing evidence that his conviction on count one was, instead, a class A, rather than a class B, felony, we must assume and hold that the conviction was for a class B felony and that the sentence, therefore, was legal.[10]

The defendant contends that we should not decide this issue because it was neither presented to nor decided by the trial court. He argues that it was not his theory of illegality before the trial court and that he, therefore, did not attempt to provide any proof whatsoever that his conviction on count one should have been classified as a class A felony. We agree with the defendant.

"Only in [the] most exceptional circumstances can and will [a reviewing court] consider a claim, constitutional or otherwise, that has not been raised and decided in the trial court." (Internal quotation marks omitted.) *State* v. *Martin M.*, 143 Conn. App. 140, 151, 70 A.3d 135, cert. denied, 309 Conn. 919, 70 A.3d 41 (2013). "For this court to . . . consider [a] claim on the basis of a specific legal ground not raised during trial would amount to trial by ambuscade, unfair both to the [court] and to the opposing party." (Internal quo-

[9] General Statutes § 53a-29 (a) provides in relevant part: "The court may sentence a person to a period of probation upon conviction of any crime, other than a class A felony . . . ."

[10] Although requesting that we issue a ruling concluding that the defendant's conviction on count one was for a class B felony, in response to a question by the panel during oral argument before this court, the state expressed that it was not immediately aware of any doctrine that would prohibit the defendant from offering evidence in another proceeding to substantiate a claim that his conviction was for a class A, rather than class a B, felony.

tation marks omitted.) *State* v. *Koslik*, 116 Conn. App. 693, 702, 977 A.2d 275, cert. denied, 293 Conn. 930, 980 A.2d 916 (2009).

For purposes of this appeal, we assume, without deciding, that the defendant's conviction on count one was for a class B felony. We are mindful that our Supreme Court has stated that a criminal sentence may be challenged "on the ground that it is illegal by raising the issue on direct appeal or by filing a motion pursuant to [Practice Book] § 43-22 with the judicial authority, namely, the trial court." (Internal quotation marks omitted.) *State* v. *Tabone*, supra, 279 Conn. 534, quoting *Cobham* v. *Commissioner of Correction*, 258 Conn. 30, 38, 779 A.2d 80 (2001); see also *Victor O. I*, supra, 301 Conn. 193. Here, however, the state does not ask us to correct an *illegal sentence*; rather, it seeks to have us issue a ruling declaring that the defendant's sentence *is legal* because the defendant did not claim and prove that it was illegal on the ground that the conviction was for a class A felony and the sentence improperly included a period of probation.

Because the defendant does not claim that his sentence on count one is illegal on the ground that his conviction should have been classified as a class A felony, for which our Supreme Court has ruled a period of probation would not be permitted, we decline to issue the ruling that the state is seeking; there simply is no record on which we could base such a ruling. Indeed, we must assume that the defendant's conviction for both counts of sexual assault in the first degree was for a class B felony because we have no record that would permit us to go beyond that assumption, neither party having ever challenged the assumed classification.[11] Therefore, under the particular and unique facts

[11] The only document we have seen in the record that appears to set forth the classification for the charges of sexual assault in the first degree, as class B felonies, is the short form information, which the court also uses as its docket sheet during the criminal trial. The charges set forth in that information, however, were superseded by a long form information.