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ROGERS, C. J., dissenting. I agree with Justice Eveleigh's conclusion that, under the totality of the circumstances, Officer Andrew Kelly made a permissible warrantless entry onto the property of the defendant, Gary Ryder. I write separately because I agree with the majority that the defendant's argument that the fourth amendment was implicated at the time Kelly stepped over the security gate onto the defendant's curtilage is not a newly raised claim and is properly before this court. A thorough review of the trial transcripts persuades me that the questions whether the defendant sought to secure the privacy of his curtilage, and whether Kelly had a reasonable belief that an emergency existed at the moment he entered thereon, were distinctly raised at trial, as required by Practice Book § 60-5.¹ Moreover, although I agree that it would have been preferable for the pro se defendant to have sought an articulation, I believe the trial court's findings, together with the undisputed facts in the record, provide an adequate basis for reviewing the curtilage issue. On the basis of that record, I join Justice Eveleigh in concluding that a reasonable police officer could have believed that an emergency existed when he entered the defendant's curtilage. Accordingly, I respectfully dissent.

¹ Because the state did not retain the defendant's motion to suppress, the defendant, through no fault of his own, is unable to demonstrate that he formally raised the curtilage issue with the trial court.