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STATE OF CONNECTICUT *v.* JASON FREEMAN
(SC 18909)

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

Argued September 16—officially released November 5, 2013

Lisa A. Vanderhoof, assigned counsel, for the appellant (defendant).

Linda Currie-Zeffiro, assistant state's attorney, with whom, on the brief, were *John C. Smriga*, state's attorney, and *Pamela J. Esposito*, senior assistant state's attorney, for the appellee (state).

Opinion

PER CURIAM. In this certified appeal, the defendant, Jason Freeman, appeals from the judgment of the Appellate Court, which affirmed the judgment of conviction, rendered after a jury trial, of robbery in the first degree in violation of General Statutes § 53a-134 (a) (1), assault of a victim sixty years of age or older in the first degree in violation of General Statutes § 53a-59a (a) (1), assault in the first degree in violation of General Statutes § 53a-59 (a) (3), and carrying a pistol without a permit in violation of General Statutes § 29-35 (a). The defendant proceeded to trial after his motions to suppress certain evidence were denied. We granted the defendant's petition for certification to appeal, limited to the following issue: "Did the Appellate Court properly conclude that the trial court did not abuse its discretion when it reopened a pretrial suppression hearing and permitted the state to present additional evidence?" *State v. Freeman*, 303 Conn. 922, 923, 34 A.3d 395 (2012). We answer this question in the affirmative and, accordingly, affirm the judgment of the Appellate Court.

The relevant facts and procedural history giving rise to this appeal are set forth in detail in *State v. Freeman*, 132 Conn. App. 438, 440–44, 33 A.3d 256 (2011). To summarize, following the judgment of conviction, the defendant appealed to the Appellate Court, claiming, inter alia, that the trial court had abused its discretion in reopening the suppression hearing to allow the state to introduce additional testimony regarding the development of the defendant as a suspect. *Id.*, 443. The Appellate Court rejected the defendant's argument that *State v. Allen*, 205 Conn. 370, 385, 533 A.2d 559 (1987), which held that the trial court had improperly allowed the state to reopen its case-in-chief to establish an essential element of the crime charged after the defendant's motion for judgment of acquittal had been denied, applied to the present case. *State v. Freeman*, supra, 445. The Appellate Court observed that *Allen*, which this court implicitly had limited to its facts, was factually and legally distinguishable from the present case. *Id.*, 445–46. The Appellate Court then concluded that "the reopening of pretrial testimony did not unduly prejudice the defendant nor reward the state for its laxity, but rather, aided the court in its search for truth. As the [trial] court acknowledged in its decision to reopen the suppression hearing, the state had testimony that would have addressed the evidentiary deficiency at its 'fingertips,' but appeared to merely have inadvertently excluded that testimony from the pretrial hearing." *Id.*, 446. Accordingly, the Appellate Court affirmed the judgment of the trial court. This certified appeal followed.

Upon our examination of the record and briefs and our consideration of the arguments of the parties, we

conclude that the judgment of the Appellate Court should be affirmed on the certified issue. Because the Appellate Court properly resolved this issue in an opinion that fully addresses all arguments raised in this appeal, we adopt it as a proper statement of the issue and the applicable law concerning that issue. It would serve no useful purpose for us to repeat the discussion contained therein. See *Anderson v. Commissioner of Correction*, 308 Conn. 456, 462, 64 A.3d 325 (2013).

The judgment of the Appellate Court is affirmed.
