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ROGERS, C. J., concurring. For the reasons explained in my concurrence in *State v. Bellamy*, 323 Conn. 400, 454, A.3d (2016), I continue to adhere to my belief that we should overrule our opinion in *State v. Kitchens*, 299 Conn. 447, 10 A.3d 942 (2011), thereby reinstating the much narrower conception of implied waiver of claims of jury instructional error that predated *Kitchens*. See *State v. Bellamy*, *supra*, 454–55. Under the unique circumstances and for the limited purpose of the present appeal, however, I concur with and join the majority opinion.