

**Timothy Hackett Everett**  
**Clinical Professor of Law**  
**University of Connecticut School of Law**  
**Hartford, Connecticut 06105**  
**Tel. (860) 570-5203**  
**E-mail: Timothy.Everett@law.uconn.edu**

### **Professional Experience**

#### **1987 to present (2011)**

Clinical Professor of Law (full since 1994) at the University of Connecticut School of Law. Clinical teaching: trial and appellate criminal clinics. Non-clinical teaching: criminal procedure, advanced criminal procedure.

#### **1986-87**

Associate at Sharp & Berger, a Hartford firm concentrating on land use and environmental law.

#### **1984-86**

Lecturer, University of Bridgeport School of Law. Set up and ran new Appellate clinic, handled fourteen criminal appeals before the Connecticut Supreme and Appellate Courts. Taught criminal procedure. Also acted as trial special public defender in Superior Court.

#### **Bar Admissions**

Connecticut Bar, 1984. Connecticut District Court, 1985. Second Circuit Court of Appeals, 1990. United States Supreme Court, 1990.

### **Legal Interests**

Appellate brief writing, criminal law/procedure, linguistics and lexicography in law.

### **Education**

**J.D.** with honors, University of Connecticut School of Law, May, 1984. Student commencement speaker. Co-winner of Federal District Court Judge M. Joseph Blumenfeld award for outstanding work on behalf of indigent persons, 1984. American Jurisprudence prize in Criminal Procedure, fall 1982. Teaching assistant in 1983 and 1984 Moot Court Inter-terms. Co-taught and supervised criminal investigation program, 1982-83.

**M.A.** in linguistics, Clark University, 1977. Thesis on distinction between anomaly and ungrammaticality in natural language. Delivered paper on metaphor and anomaly at 1977 annual conference of International Linguistic Association. Lectured on expository writing in departments of English, History, and Economics.

**B.A.** with highest honors in English, Clark University, 1975. Phi Beta Kappa. Honors thesis: *The "Terror of History" in Thomas Wolfe's Novels.*

### **Professional/Community Affiliations and Activities**

*Member and "Prisoner Representative" on University of Connecticut Health Center Institutional Review Board ("IRB"), November, 2003 to present. IRB meets monthly to review new and continuing human subjects research projects at UCHC to ensure compliance with federal, state and local medico-legal and ethical standards governing human subjects research. Appointed by Dr. Cato T. Laurencin, Vice President for Health Affairs and Dean, School of Medicine.*

*Community Partners in Action ("CPA," formerly Connecticut Prison Association). Member, Board of Directors, 1998-2003 (Board Chair, 2002-03); new term 2005-11 (including term as Board Chair from December, 2009 to December 2011). A 133-year-old criminal justice organization, CPA's work includes operating re-entry and work release programs for prisoners, detention and residential facilities for juvenile girls and juvenile boys, pretrial alternative incarceration programs for adult defendants who otherwise would be jailed if unable to make bail, substance abuse and HIV/AIDS counseling, and a prison arts program. CPA's annual budget revenue of nearly 14 million dollars derives largely from contracts with the Court Support Services Division of the Judicial Department and the Connecticut Department of Correction.*

*Board of Editors, Connecticut Bar Journal 1993-present. Senior Topical Editor, Criminal Law, 2006-present.*

*Connecticut Civil Liberties Union: Statewide Board of Directors (1993-99) and Hartford Chapter Board of Directors (1991-2000).*

*Member, Committee on Professional Ethics, Connecticut Bar Association, 1993-97. Drafted ethics opinions for Committee adoption and publication.*

*Member, Appellate Advocacy Committee, Connecticut Bar Association, Nov. 2008-present.*

### **Pre-professional Experience**

*Assistant Editor for Word (Journal of *International Linguistic Association*), 1977-81, including Vol. 30, No. 1-2 on National Language Planning and Treatment.*

*Worked in various roles, dishwashing, mopping, and waiting tables at Sal's Place restaurant in Provincetown, MA, summers from 1966 to 81. Also worked as a carpenter, Latin tutor, clerk in a bookstore, waiter in an Italian coffee bar, and assistant to a veteran theatrical agent.*

### **Personal Interests**

*Quirks of English usage, lexicography and etymology. English poetry. Italian renaissance paintings and drawings. Pastimes include imagining great baseball feats I never accomplished.*

PUBLICATIONS

*Arizona v. Gant: The End of the Belton Rule as We Knew It*, XXXIII The Champion (National Association of Criminal Defense Lawyers) 58-60 (August 2009)

*Developments in Connecticut Criminal Law* [2008], 83 Connecticut Bar Journal 163-96 (2009)

*Developments in Connecticut Criminal Law: 2007*, 82 Connecticut Bar Journal 173-204 (2008).

*Developments in Connecticut Criminal Law: 2006*, 81 Connecticut Bar Journal 161-96 (2007).

*Developments in Connecticut Criminal Law: 2005*, 80 Connecticut Bar Journal 185-216 (2006).

*On the Value of Prison Visits with Incarcerated Clients Represented on Appeal by a Law School Criminal Defense Clinic*, 75 Mississippi Law Journal 845 (2006).

*Post-Gideon Developments in Law and Lawyering*, 4 Conn. Pub. Int. L.J. 20 (2004) (paper written after moderating Connecticut Public Interest Law Journal Symposium, "Gideon v. Wainwright After 40 years: Are We Keeping the Promise?" Nov. 13, 2003). Available at <http://www.law.uconn.edu/journals/cpilj/contents/archives/vol4/everett.pdf>

Presented paper contrasting early 19<sup>th</sup> century with late 20<sup>th</sup> century appellate courts' use of lexicographic authority, May 31, 2003, at 14<sup>th</sup> Biennial Meeting of the Dictionary Society of North American, held in Durham, N.C., sponsored by the Duke University Linguistics Department. Member, 1999-present, *Dictionary Society of North America*.

"'Not guilty'--in whose eyes? The Simpson jury: unique perspective" for Sunday Commentary, *Hartford Courant*, October 8, 1995.

SELECTED APPELLATE CASES<sup>1</sup>

## SECOND CIRCUIT COURT OF APPEALS

*Bunkley v. Meachum*, 68 F.3d 1518 (2d. Cir. 1995) (student argued)  
*Floyd v. Meachum*, 907 F.2d 347 (2d. Cir. 1990) (successful habeas corpus petition for state inmate)

## CONNECTICUT SUPREME COURT

32. *State v. Jenkins*, 298 Conn. 209 (2010)
31. *State v. King*, 289 Conn. 289 (2008) (student argued)
30. *Baker v. Commissioner*, 281 Conn. 214 (2007) (student argued)
29. *State v. James G.*, 268 Conn. 382 (2004) (co-supervised students)
28. *Johnson v. Commissioner of Correction*, 258 Conn. 804 (2002) (student argued)
27. *Beasley v. Commissioner of Correction*, 249 Conn. 499; 733 A.2d 833 (1999)
26. *State v. Wilkins*, 240 Conn. 489; 692 A.2d 1283 (1997) (student argued)
25. *State v. Newsome*, 238 Conn. 588; 682 A.2d 972 (1996)
24. *State v. Linares*, 232 Conn. 345; 655 A.2d 737 (1995)
23. *State v. Nixon*, 231 Conn. 545; 651 A.2d 1264 (1995) (student argued)
22. *State v. Ray*, 228 Conn. 147; 635 A.2d 777 409 (1993)
21. *State v. Cooper*, 227 Conn. 417; 630 A.2d 1043 (1993) (students argued)
20. *Bunkley v. Commissioner of Correction*, 222 Conn. 444; 610 A.2d 598 (1992) (student argued)
19. *State v. Carey*, 222 Conn. 299; 610 A.2d 1147 (1992) (supervised student argument, not brief).
18. *State v. Hammond*, 221 Conn. 264; 604 A.2d 793 (1992) (student argued; shared supervisory responsibilities with Professors Sheldon and Fernow)
17. *Phillips v. Warden*, 220 Conn. 112; 595 A.2d 1356 (1991) (student co-argued)
16. *State v. Grant*, 219 Conn. 596; 594 A.2d 459 (1991) (supervised student argument, not brief)
15. *State v. Joly*, 219 Conn. 234; 593 A.2d 96 (1991) [16 A.L.R.5th 1093]. (students argued; co-supervised with Professors Sheldon and Fernow)
14. *State v. Osman*, 218 Conn. 432; 589 A.2d 1227 (1991) (students argued)
13. *Sekou (Saia) v. Warden*, 216 Conn. 678; 583 A.2d 1277 (1990) (students argued)
12. *State v. Smith*, 207 Conn. 152; 540 A.2d 679 (1988) (wrote brief; not a Clinic case)
11. *State v. Jones*, 205 Conn. 638; 534 A.2d 1199 (1987)
10. *State v. Garrison ("Garrison II")*, 203 Conn. 466; 525 A.2d 498 (1987)
9. *State v. Ghery*, 201 Conn. 289; 513 A.2d 1226 (1986) (student argued)
8. *State v. Woolcock*, 201 Conn. 605; 518 A.2d 1377 (1986)

---

<sup>1</sup> Students argued 51 of the 70 clinic cases listed.

7. *State v. Simino*, 200 Conn. 113; 509 A.2d 1039 (1986)
6. *State v. Artis*, 198 Conn. 617; 503 A.2d 1181 (1986)
5. *State v. Harrell*, 199 Conn. 255; 506 A.2d 1041 (1986) (student argued)
4. *State v. Garrison* (“*Garrison I*”), 199 Conn. 383; 507 A.2d 467 (1986) (student argued)
3. *State v. Castonguay*, 194 Conn. 416; 481 A.2d 56 (1984) (on brief as a student)
2. *State v. Johnson*, 192 Conn. 471; 472 A.2d 1267 (1984) (argued as a student)
1. *Conservation Commission v. Price*, 193 Conn. 414; 479 A.2d 187 (1984) (on brief as student)

## CONNECTICUT APPELLATE COURT

39. *State v. Kelly*, 129 Conn. App. 109 (2011) (student argued)
38. *State v. Lahai*, 128 Conn. 448 (2011) (student argued)
37. *State v. Ocasio*, 112 Conn. App. 737 (2009) (student argued)
36. *State v. Guzman*, 110 Conn. App. 263 (2008) (student argued)
35. *State v. Jenkins*, 104 Conn. App. 417 (2007) (student argued),  
*cert. granted*, 285 Conn. 909 (2008)
34. *State v. Sam*, 98 Conn. App. 13 (2006) (student argued)
33. *State v. Schiavo*, 93 Conn. App. 290 (2006) (student argued; co-supervisor)
32. *Baker v. Commissioner*, 91 Conn. App. 855 (2005) (student argued)
31. *Groomes v. Commissioner*, 86 Conn. App. 486 (2004)
30. *State v. Tyson*, 86 Conn. App. 607 (2004) (student argued)
29. *State v. Wilson*, 71 Conn. App. 110 (2002) (student argued; co-supervisor)
28. *Beasley v. Commissioner*, 50 Conn. App. 421; 718 A.2d 487 (1998)
27. *Blakeney v. Commissioner of Correction*, 47 Conn. App. 568; 706 A.2d 989 (1998)  
(student argued)
26. *D'Onofrio v. Commissioner of Correction*, 36 Conn. App. 691; 652 A.2d 1058 (1995)  
(student argued)
25. *State v. Garcia*, 37 Conn. App. 619; 657 A.2d 691 (1995) (student argued; co-supervisor)
24. *State v. Shanks*, 34 Conn. App. 103; 640 A.2d 155 (1994) (students argued; co-supervisor)
23. *State v. Ray*, 30 Conn. App. 95; 619 A.2d 469 (1993) (student argued)
22. *State v. Nixon*, 32 Conn. App. 224; 630 A.2d 74 (1993) (student argued)
21. *State v. Linares*, 32 Conn. App. 656; 630 A.2d 1340 (1993) (student argued)
20. *State v. Nelson*, 23 Conn. App. 215; 579 A.2d 1104 (1990), *cert. denied*, 216 Conn. 826;  
582 A.2d 205, *cert. denied*, *Connecticut v. Nelson*, 499 U.S. 922 (1991) (student argued)
19. *State v. Osman*, 21 Conn. App. 299; 573 A.2d 743 (1990) (students argued)
18. *State v. Plaskonka*, 22 Conn. App. 207; 577 A.2d 729 (1990) (student argued)
17. *Phillips v. Warden*, 23 Conn. App. 63; 579 A.2d 1092 (1990) (student co-argued)
16. *State v. Kristy* [“*Kristy II*”], 20 Conn. App. 495; 568 A.2d 809 (1990), *cert. denied*, 214  
Conn. 808; 573 A.2d 321 (1990), *cert. denied*, *Connecticut v. Kristy*, 498 U.S. 818 (1990)

15. *State v. Rivera*, 23 Conn. App. 592; 583 A.2d 931 (1990) (not primary supervisor)
14. *State v. Kennedy*, 20 Conn. App. 354; 567 A.2d 841 (1989) (not primary supervisor)
13. *State v. Spears*, 20 Conn. App. 410; 567 A.2d 1245 (1989) (students argued; co-supervised with Attorney Richard Emanuel)
12. *State v. Manfredi*, 17 Conn. App. 602; 555 A.2d 436 (1989) (not primary supervisor)
11. *State v. Phillips*, 17 Conn. App. 391; 552 A.2d 837 (1989)
10. *State v. Ramirez*, 16 Conn. App. 284; 547 A.2d 559 (1988) (co-supervisor)
9. *Iagrosse v. Carlin*, 16 Conn. App. 281; 547 A.2d 558 (1988) (zoning case)
8. *State v. Chapman*, 16 Conn. App. 38; 546 A.2d 929 (1988) (student argued)
7. *State v. Butler*, 11 Conn. App. 673; 529 A.2d 219 (1987)
6. *State v. Kristy* ["Kristy I"], 11 Conn. App. 473; 528 A.2d 390 (1987), cert. denied, 206 Conn. 801; 535 A.2d 1315 (1987) (students argued)
5. *State v. Floyd*, 10 Conn. App. 361; 523 A.2d 1323 (1987), cert. denied, 203 Conn. 809 (1987) (student argued)
4. *State v. Huff*, 10 Conn. App. 330; 523 A.2d 906 (1987), cert. denied, 203 Conn. 809; 525 A.2d 523 (1987)
3. *State v. Smith*, 9 Conn. App. 330; 518 A.2d 956 (1986)
2. *State v. Kitt*, 8 Conn. App. 478; 513 A.2d 731 (1986), cert. denied, 202 Conn. 801 (1986) (student argued)
1. *State v. Householder*, 7 Conn. App. 1; 507 A.2d 1012 (1986) (student argued)

### SELECTED TRIAL & OTHER CASES

*State v. Josue C.* Supervised three appellate clinic students in research, drafting, and filing of a post-verdict memorandum of law successfully arguing for acquittals following jury conviction of a defendant (represented by private counsel) for three offenses stemming from his exercise of speech rights on his home property. Manchester Superior Court Judge William H. Bright granted post-verdict acquittals by a memorandum of decision available at 2009 WL 765692 (Conn.Super.) (March 4, 2009).

*Application of M.D. for Pardon* (2007). Successful application to Connecticut Board of Pardons and Paroles for pardon and erasure of felony drug and assault offenses. Supervised student in preparing application package and making presentation at hearing before the Board.

*Groomes v. Commissioner of Correction*, U.S. District Court, District of Connecticut, 3:06-cv-00201-AWT. Federal habeas corpus petition for state inmate under 28 U.S.C. §2254.

SELECTED TRIAL & OTHER CASES (cont.)

*State v. Holliday*, CR01-194794. Sentence Review case decided favorably in August, 2005. Supervised two clinic students represented client serving 40 year sentence for attempted first degree robbery and conspiracy to commit first degree robbery. Three judge review panel ordered 15 year reduction in sentence, remarking: "We agree with the petitioner that a sentence in the 40 year range is generally reserved for those perpetrators whose acts result in serious physical injury or death . . . ."

*Application of T.M. for Pardon* (2004). Successful application to Connecticut Board of Pardons for pardon and erasure of larceny convictions for person from Eritrea who offended shortly after immigration into U.S.A. Assembled supporting documentation and appeared at Board hearing to narrate biographical and cross-cultural background material.

*State v. Groomes*, CR91-347582. In April, 2004, supervised a Clinic student successfully arguing that three judge sentence review panel should reduce 75 year sentence imposed in 1993 for client's commission of numerous garage burglaries and bicycle thefts in 1991. Sentence reduced by 25 years.

*Groomes v. Commissioner of Correction*, CV94-2114, Rockville Superior Court, Judge Edward Graziani. Twelve day state habeas corpus trial, from December, 2001, to July, 2003. Twelve different Clinic students worked on the case from 1996-2003. Won partial judgment, leading to sentence review and 25 year reduction in prison term.

*Johnson v. Commissioner of Correction*, CV99-549240, New London Superior Court, Judge Richard Dyer. State habeas corpus trial, June, 2000. Two students on case. Won trial on *ex post facto* grounds and later prevailed on appeal in Connecticut Supreme Court on statutory grounds, *Johnson v. Commissioner of Correction*, 258 Conn. 804 (2002). Precedent affected some 800 inmates who otherwise would have had to serve 35% more of their terms before found eligible for parole.

*State v. Copas*, CR86-28341. Murder trial before jury in Rockville Superior Court. 44 days of pretrial and trial hearings from February to July, 1997. Co-counsel with Public Defender Phillip Armentano. Four students aided at trial of case.

*Beasley v. Commissioner of Correction* ["Beasley II"], CV95-2059, and companion case, *Narducci v. Commissioner of Correction*, CV96-2176, Rockville Superior Court, Judge Thomas Bishop. State habeas corpus trial May-November, 1996, 7 days of evidence. Student co-tried and briefed case.

SELECTED TRIAL & OTHER CASES (cont.)

*Beasley v. Commissioner of Correction* ["*Beasley I*"], CV91-1177, Rockville Superior Court, Judge Thomas Bishop. State habeas corpus trial April, 1996, 2 days of evidence. Two students co-tried case.

*Blakeney v. Commissioner of Correction*, CV93-1744, Rockville Superior Court, Judge Thomas Bishop. State habeas corpus trial Nov.-Dec. 1995 (with student represented petitioner on one issue).

*Walton v. Commissioner of Correction (1995)*. United States Federal District Court. Federal habeas corpus petition for state inmate. Two students wrote brief.

*Bunkley v. Commissioner of Correction*, CV95-2057. United States Federal District Court. Federal habeas corpus petition for state inmate, 1993-94. Two students on case. Concerned federal constitutional standard for ineffective assistance of appellate counsel claims.

*D'Onofrio v. Commissioner of Correction*, CV91-1245, Rockville Superior Court, Judge Lawrence Klaczak. State habeas corpus trial, 2 days of evidence. One student on case.

*Chapman v. Commissioner of Correction*, N-90-0003 (JAC), Judge Jose Cabranes. Federal habeas corpus petition for state inmate, 1991-92.

*Huff v. Meachum*, H-90-347 (PCD), Judge Peter C. Dorsey. Federal habeas corpus petition for state inmate, 1991-92. Two students on case.

*Sekou (Saia) v. Commissioner of Correction*, CV81-232876, Bridgeport Superior Court, Judge Bruce Thompson. State habeas corpus trial, evidence presented March, 1989. Two students co-tried case. Ineffective assistance of appellate counsel claims relating to constitutional right to be present at trial.

*State v. James Kristy*, CR88-71787, Derby Superior Court, Judge Leander Gray. Prosecution for vehicular homicide. After defendant won appellate reversal of original convictions in 1987, state obtained warrant and prosecuted defendant on new charges stemming from original incident. A student and I successfully argued for dismissal of charges on double jeopardy grounds, January, 1989. We prevailed again on appeal. *State v. Kristy* ["*Kristy II*"], 20 Conn. App. 495 (1990), *cert. denied*, 214 Conn. 808 (1990), *cert. denied*, *Connecticut v. Kristy*, 498 U.S. 818 (1990).

SELECTED TRIAL & OTHER CASES (cont.)

*Phillips v. Warden*, CV86-335s, Rockville Superior Court (at Somers Prison). Judge Sidney Axelrod. State habeas corpus trial, evidence presented on seven days in 1988. Two students co-  
tried case. Claim was that trial attorney had conflict of interest in representing client in same  
courthouse in which attorney remained at liberty while appealing his own conviction for a  
violent felony in a highly publicized case. Relief denied by habeas court but granted on appeal,  
*Phillips v. Warden*, 220 Conn. 112 (1991)).

*Floyd v. Meachum*, H-88-420 (PCD). Federal habeas corpus petition for state inmate denied by  
Connecticut District Court but we later prevailed in Second Circuit Court of Appeals, *Floyd v.*  
*Meachum*, 907 F.2d 347 (2d. Cir. 1990).

*Ghere v. Commission of Correction*, CV88-635, Rockville Superior Court (at Somers Prison),  
Judge Sidney Axelrod. State habeas corpus, 1988. Follow up on *State v. Ghere*, 201 Conn. 289  
(1986). On August 4, 1989, by stipulation of the parties, judgment was entered for petitioner on  
his claim of factual innocence based on proof of perjury by “victim” at petitioner’s criminal trial.  
Petitioner’s trial attorney from Office of Public Defender, Susan Hankins, conducted  
investigation and provided proof leading to stipulated judgment.