

SUPREME COURT OF CONNECTICUT

Dickinson v. Mullaney, 284 Conn. 673

937 A.2d 667 (2007) · No. No. 17614 · Decided December 11, 2007

SUMMARY

The Supreme Court of Connecticut reversed the Appellate Court in a habeas corpus case involving the equitable defense of laches. The court held that the petitioner failed to provide an adequate record for appellate review because he did not seek articulation of the habeas court’s failure to expressly find inexcusable delay. The court also upheld the habeas court’s finding of prejudice and remanded with direction to affirm the habeas judgment.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Vertefeuille, J.; Norcott, J.; Katz, J.; Palmer, J.; Zarella, J.
JURISDICTION	Connecticut
DECIDED	December 11, 2007
DOCKET	No. 17614
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The respondents appealed, following certification, from the Appellate Court's reversal of a habeas court judgment denying Dickinson's amended petition for a writ of habeas corpus. The Connecticut Supreme Court reversed the Appellate Court and remanded with direction to affirm the habeas court.
STANDARD OF REVIEW	Habeas court factual findings are reviewed for clear error, while questions of law receive plenary review. A trial court's laches determination is a factual determination and may be disturbed only when the subordinate facts make a contrary conclusion legally inevitable. The appellant bears the burden of providing an adequate record, including by seeking articulation when necessary.
PRECEDENTIAL VALUE	Published Connecticut Supreme Court opinion; precedential.
PARTIES	Garrell Mullaney, Chief Executive Officer, Connecticut Valley Hospital, Thomas A. Kirk, Jr., Commissioner of Mental Health and Addiction Services v. Martin F. Dickinson

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Appellate Court properly reviewed and reversed the habeas court's laches determination when the habeas court failed to expressly find that Dickinson's delay was inexcusable and Dickinson did not seek articulation.
2. Whether the record was adequate to determine the factual and legal basis for the habeas court's laches ruling.
3. Whether the defense of laches was available in a habeas corpus action.
4. Whether the habeas court failed to balance the equities in applying laches.
5. Whether the evidence was sufficient to support the habeas court's finding of prejudice.

HOLDINGS

1. An appellate court may not review the merits of a claim concerning an omitted or ambiguous factual finding when the appellant failed to seek articulation or clarification of the trial court's decision and the record therefore does not disclose the basis for the ruling.
2. Laches requires both an unreasonable or inexcusable delay and prejudice resulting from that delay; delay alone is insufficient.
3. The habeas court's finding that the respondents were prejudiced by Dickinson's delay was not clearly erroneous where the principal participants in the underlying criminal proceeding had died and could not refute his allegations.
4. The court declined to consider whether laches is available as a defense in a Connecticut habeas corpus action because the claim was not raised in the habeas court.

KEY QUOTATIONS

"It is, therefore, the responsibility of the appellant to move for an articulation or rectification of the record where the trial court has failed to state the basis of a decision" (672)

"Our role is not to guess at possibilities, but to review claims based on a complete factual record developed by a trial court." (673)

"The judgment of the Appellate Court is reversed and the case is remanded with direction to affirm the judgment of the habeas court." (674)

FACTUAL BACKGROUND

Dickinson was arrested in 1984 and, after waiving a jury trial, pleaded not guilty by reason of mental disease or defect to charges of sexual assault and kidnapping. The trial court found him not guilty by reason of mental disease or defect and committed him to the custody of the commissioner of mental health and addiction services for up to twenty years. In 2001, he filed a habeas petition alleging ineffective assistance and an invalid plea. By the time of the habeas proceeding, his trial counsel, the prosecutor, and the trial judge had died, and the habeas court found that their unavailability caused undue prejudice to the respondents.

PROCEDURAL HISTORY

Dickinson was committed in 1985 after being found not guilty by reason of mental disease or defect. He filed a habeas petition in 2001 alleging ineffective assistance of counsel and that his plea was not knowing, intelligent, and voluntary. The habeas court denied the petition on laches grounds, finding undue prejudice but not expressly finding inexcusable delay. The Appellate Court reversed, concluding that the laches findings and supporting evidence were insufficient. The Supreme Court held that the record was inadequate for appellate review because Dickinson failed to seek articulation and reversed the Appellate Court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment of the Appellate Court and remand with direction to affirm the judgment of the habeas court.

CASES CITED

- Dickinson v. Mullaney, 92 Conn. App. 689, 887 A.2d 390 (2005)
- Mead v. Commissioner of Correction, 282 Conn. 317, 322, 920 A.2d 301 (2007)
- State v. Lawrence, 282 Conn. 141, 154-55, 920 A.2d 236 (2007)
- Farmers & Mechanics Savings Bank v. Sullivan, 216 Conn. 341, 350, 579 A.2d 1054 (1990)
- Schoonmaker v. Brunoli, 265 Conn. 210, 232, 828 A.2d 64 (2003)
- Desrosiers v. Henne, 283 Conn. 361, 366, 926 A.2d 1024 (2007)
- State v. Dalzell, 282 Conn. 709, 720, 924 A.2d 809 (2007)
- Zahringer v. Zahringer, 262 Conn. 360, 370, 815 A.2d 75 (2003)
- Grimm v. Grimm, 276 Conn. 377, 389, 886 A.2d 391 (2005), cert. denied, 547 U.S. 1100, 126 S. Ct. 2296, 164 L. Ed. 2d 815 (2006)
- Evans v. Commissioner of Correction, 37 Conn. App. 672, 689, 657 A.2d 1115 (1995), cert. denied, 234 Conn. 912, 660 A.2d 354 (1995)
- Russell v. Mystic Seaport Museum, Inc., 252 Conn. 596, 599-600 n. 3, 748 A.2d 278 (2000)
- State v. DeLoreto, 265 Conn. 145, 152 n. 11, 827 A.2d 671 (2003)
- Dickinson v. Mullaney, 277 Conn. 913, 895 A.2d 788 (2006)

