

SUPREME COURT OF CONNECTICUT

Anthony A. v. Commissioner of Correction, 326 Conn. 668

166 A.3d 655 (2017) · No. SC 19565 · Decided August 29, 2017

SUMMARY

The Connecticut Supreme Court held that a habeas petitioner sufficiently alleged a protected liberty interest when he claimed that the Department of Correction wrongfully classified him as a sex offender and required sex-offender treatment or risked loss of parole eligibility, supervised community release, and good-time credits. Applying the stigma-plus test, the court concluded that the alleged false sex-offender classification was uniquely stigmatizing and that the resulting consequences constituted a major change in confinement conditions amounting to a grievous loss. The court affirmed the Appellate Court’s reversal of the habeas court’s dismissal for lack of subject matter jurisdiction.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Espinosa, J.; Rogers, C.J.; Palmer, J.; Eveleigh, J.; McDonald, J.; Robinson, J.
JURISDICTION	Connecticut
DECIDED	August 29, 2017
DOCKET	SC 19565
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from Appellate Court reversal of habeas court's dismissal of petition for writ of habeas corpus.
STANDARD OF REVIEW	De novo review of jurisdictional dismissal
PRECEDENTIAL VALUE	Published opinion of the Connecticut Supreme Court.
PARTIES	Commissioner of Correction v. Anthony A.

TOPICS

- post-conviction relief
- due process
- prisoners rights
- procedural due process
- civil rights

PRACTICE AREAS

- Habeas Corpus
- Constitutional Law
- Prisoners' Rights

QUESTIONS PRESENTED

1. Whether an inmate's allegations of wrongful sex offender classification and resulting negative consequences sufficiently allege a protected liberty interest under the stigma plus test to confer subject matter jurisdiction on the habeas court.

HOLDINGS

1. The petitioner's allegations that he was wrongfully classified as a sex offender and that he faced forfeiture of parole eligibility, community release, and good time credits if he refused sex offender treatment were sufficient to allege a protected liberty interest under the stigma plus test, conferring subject matter jurisdiction on the habeas court.

KEY QUOTATIONS

“The classification is uniquely stigmatizing. As the United States Court of Appeals for the Ninth Circuit explained: ‘We can hardly conceive of a state’s action bearing more stigmatizing consequences than the labeling of a prison inmate as a sex offender....’” (326 Conn. at 692)

“Federal courts have considered an inmate’s allegation that he was compelled to participate in sex offender treatment sufficient to satisfy the ‘plus’ factor.” (326 Conn. at 696)

FACTUAL BACKGROUND

Petitioner was convicted of unlawful restraint, failure to appear, and probation violation. A sexual assault charge was nolle prossed after the victim recanted. The Department of Correction classified petitioner as a sex offender despite no conviction or history as such. Petitioner was required to participate in sex offender treatment or risk losing parole eligibility, community release, and good time credits.

PROCEDURAL HISTORY

Petitioner filed habeas petition challenging sex offender classification. Habeas court dismissed for lack of subject matter jurisdiction. Appellate Court reversed and remanded. Supreme Court affirmed Appellate Court.

DISPOSITION

affirmed

CASES CITED

- Sandin v. Conner, 515 U.S. 472 (1995)
- Vitek v. Jones, 445 U.S. 480 (1980)
- Morrissey v. Brewer, 408 U.S. 471 (1972)
- Wolff v. McDonnell, 418 U.S. 539 (1974)
- Meachum v. Fano, 427 U.S. 215 (1976)
- Greenholtz v. Inmates of the Nebraska Penal & Correctional Complex, 442 U.S. 1 (1979)

- Hewitt v. Helms, 459 U.S. 460 (1983)
- Paul v. Davis, 424 U.S. 693 (1976)
- Wilkinson v. Austin, 545 U.S. 209 (2005)
- Vega v. Lantz, 596 F.3d 77 (2d Cir. 2010)
- Neal v. Shimoda, 131 F.3d 818 (9th Cir. 1997)
- Renschenski v. Williams, 622 F.3d 315 (3d Cir. 2010)
- Coleman v. Dretke, 395 F.3d 216 (5th Cir. 2004)
- Kirby v. Siegelman, 195 F.3d 1285 (11th Cir. 1999)
- Chambers v. Colorado Dept. of Corrections, 205 F.3d 1237 (10th Cir. 2000)
- Toney v. Owens, 779 F.3d 330 (5th Cir. 2015)
- Grennier v. Frank, 453 F.3d 442 (7th Cir. 2006)
- Baker v. Commissioner of Correction, 281 Conn. 241 (2007)
- Wheway v. Warden, 215 Conn. 418 (1990)
- Dorry v. Garden, 313 Conn. 516 (2014)
- Coleman v. Commissioner of Correction, 111 Conn. App. 138 (2008)
- Anthony A. v. Commissioner of Correction, 159 Conn. App. 226 (2015)

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