

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)