

CONNECTICUT APPELLATE COURT

Gibbs v. Commissioner of Correction

AC 47995 (Conn. App. Ct. June 9, 2026) · No. AC 47995 · Decided June 9, 2026

SUMMARY

The Connecticut Appellate Court affirmed the denial of Dave Gibbs’s habeas corpus petition. The court held that the petitioner failed to establish either an express and unambiguous objection to his trial counsel’s strategy or a concession of guilt to the charged offenses, which were required predicates for a claim under *McCoy v. Louisiana*. The court therefore did not reach the issue of McCoy’s retroactive application.

CASE DETAILS

COURT	Connecticut Appellate Court
WRITING FOR THE COURT	Pellegrino, J.; Cradle, C. J.; Elgo, J.
JURISDICTION	Connecticut Appellate Court
DECIDED	June 9, 2026
DOCKET	AC 47995
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the judgment of the Superior Court, judicial district of Tolland, denying an amended petition for a writ of habeas corpus; certification to appeal was granted.
STANDARD OF REVIEW	The habeas court’s factual findings are reviewed for clear error; whether those facts constitute a violation of the Sixth Amendment right to autonomy is a mixed question of law and fact reviewed de novo or plenary.
PRECEDENTIAL VALUE	Published precedential Connecticut Appellate Court opinion
PARTIES	Dave Gibbs v. Commissioner of Correction

TOPICS

- state post-conviction relief
- habeas corpus
- sixth amendment
- right to counsel
- criminal procedure

PRACTICE AREAS

state habeas corpus

post-conviction relief

criminal procedure

constitutional law

Sixth Amendment right to counsel

QUESTIONS PRESENTED

1. Whether Gibbs established the express, intransigent, and unambiguous objection required for a claim under *McCoy v. Louisiana*.
2. Whether defense counsel's use of an extreme emotional disturbance defense, alongside an innocence defense, constituted a concession of guilt violating Gibbs's Sixth Amendment right to client autonomy.
3. Whether the habeas court properly denied the petition for a writ of habeas corpus.

HOLDINGS

1. Gibbs failed to establish that he made an express, intransigent, and unambiguous objection to counsel's use of the extreme emotional disturbance defense or to the overall defense strategy; therefore, the threshold objection predicate for a *McCoy* claim was absent.
2. Counsel's pursuit of an extreme emotional disturbance defense, while also presenting an innocence defense and challenging the State's proof, did not constitute a concession of Gibbs's guilt and therefore did not violate his Sixth Amendment right to client autonomy under *McCoy*.
3. The habeas court properly denied Gibbs's petition for a writ of habeas corpus.

KEY QUOTATIONS

"In the absence of these threshold predicates for a McCoy claim, we conclude that the habeas court properly denied his habeas petition."

"We conclude that the petitioner failed to establish that his trial counsel made a concession of guilt to the charged offenses during his criminal trial and that he expressly and unambiguously objected to such a concession."

"Pursuant to our analysis in Jan G. v. Commissioner of Correction, supra, 237 Conn. App. 115, we conclude that McCoy is inapplicable because raising an EED defense does not constitute a concession of guilt that would relieve the prosecution of its burden of proof."

FACTUAL BACKGROUND

Gibbs was convicted after a jury trial arising from the killings of Tania Ramsey and Carmen Fagan. At trial, defense counsel pursued both an innocence or third-party-culpability theory and an extreme emotional disturbance defense that could mitigate culpability if the jury found that Gibbs committed the killings. Gibbs expressed disagreement with counsel's approach, but the habeas court found no evidence that he expressly, intransigently, and unambiguously objected to the EED defense or that counsel refused to pursue innocence. Counsel did not concede Gibbs's guilt to the charged offenses and continued to challenge the State's proof that Gibbs was the killer.

PROCEDURAL HISTORY

Gibbs was convicted after a jury trial of two murders and one capital felony, although judgment was rendered only on the capital felony count after the State withdrew its request for the death penalty. His direct appeal was affirmed by the Connecticut Supreme Court. After an unsuccessful first habeas action, Gibbs filed the present habeas petition alleging, among other claims, that trial counsel violated his Sixth Amendment right to client autonomy by pursuing an extreme emotional disturbance defense despite his asserted desire to maintain innocence. The habeas court denied the petition, and Gibbs appealed after certification was granted.

DISPOSITION

affirmed

CASES CITED

- McCoy v. Louisiana, 584 U.S. 414, 138 S. Ct. 1500, 200 L. Ed. 2d 821 (2018)
- Grant v. Commissioner of Correction, 345 Conn. 683, 287 A.3d 124 (2022)
- Jan G. v. Commissioner of Correction, 237 Conn. App. 115, 350 A.3d 1156 (2026)
- Zachs v. Commissioner of Correction, 205 Conn. App. 243, 257 A.3d 423 (2021)
- Baltas v. Commissioner of Correction, 210 Conn. App. 167, 269 A.3d 957 (2022)
- Florida v. Nixon, 543 U.S. 175, 125 S. Ct. 551, 160 L. Ed. 2d 565 (2004)
- State v. Gibbs, 254 Conn. 578, 758 A.2d 327 (2000)
- Duperry v. Solnit, 261 Conn. 309, 803 A.2d 287 (2002)
- White v. Commissioner of Correction, 236 Conn. App. 67, 347 A.3d 214 (2025)
- John B. v. Commissioner of Correction, 194 Conn. App. 767, 222 A.3d 984 (2019)
- Gilchrist v. Commissioner of Correction, 334 Conn. 548, 223 A.3d 368 (2020)
- Betancourt v. Commissioner of Correction, 132 Conn. App. 806, 35 A.3d 293 (2012)
- Owen v. Commissioner of Correction, 234 Conn. App. 481, 344 A.3d 158 (2025)
- Morales v. Commissioner of Correction, 99 Conn. App. 506, 914 A.2d 602 (2007)
- Leon v. Commissioner of Correction, 189 Conn. App. 512, 208 A.3d 296 (2019)
- Johnson v. Commissioner of Correction, 229 Conn. App. 577, 327 A.3d 916 (2024)
- State v. Peeler, 321 Conn. 375, 140 A.3d 811 (2016)
- State v. Angel A., 235 Conn. App. 635, 346 A.3d 527 (2025)
- Ramos v. Louisiana, 590 U.S. 83, 124 n.5, 140 S. Ct. 1390, 206 L. Ed. 2d 583 (2020)
- Mitschke v. Borromeo, 645 S.W.3d 251, 256 (Tex. 2022)