

SUPREME COURT OF CONNECTICUT

Francis v. Board of Pardons & Paroles

SC 20377 · No. SC 20377 · Decided September 28, 2021

SUMMARY

The Connecticut Supreme Court affirmed dismissal of Ernest Francis’s declaratory judgment action concerning his potential parole eligibility under General Statutes § 54-125g. The court held that “definite sentence” means the full sentence imposed by the sentencing court, not the sentence reduced by statutory credits. Because Francis would not serve 95 percent of his fifty-year sentence before his maximum release date, his claims were nonjusticiable and he lacked standing.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Vertefeuille, J.; Robinson, C. J.; McDonald, J.; D'Auria, J.; Mullins, J.; Kahn, J.; Ecker, J.
JURISDICTION	Connecticut
DECIDED	September 28, 2021
DOCKET	SC 20377
DISPOSITION	affirmed
PROCEDURAL POSTURE	The plaintiff brought a declaratory judgment action seeking a declaration that General Statutes § 54-125g applied to him and that his parole eligibility should be included in his release calculations. The Superior Court dismissed the action for lack of subject matter jurisdiction on ripeness grounds. The Appellate Court affirmed, and the Supreme Court affirmed on the alternative ground that the plaintiff lacked standing because his claims depended on an event that would never occur.
STANDARD OF REVIEW	The interpretation of General Statutes § 54-125g and questions of justiciability, including standing and ripeness, are reviewed de novo under a plenary standard.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Connecticut
PARTIES	Ernest Francis v. Board of Pardons and Paroles, Commissioner of Correction

TOPICS

statutory interpretation

plain meaning rule

standing

subject matter jurisdiction

civil procedure

PRACTICE AREAS

statutory interpretation

parole and corrections

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criminal procedure

QUESTIONS PRESENTED

1. Whether the term "definite sentence" in General Statutes § 54-125g means the full sentence imposed by the sentencing court or the sentence remaining after statutory credits.
2. Whether Francis's declaratory judgment claims were justiciable when he would never serve ninety-five percent of the full sentence imposed and therefore could never become eligible for parole under § 54-125g.
3. Whether the Appellate Court properly affirmed dismissal of the action for lack of subject matter jurisdiction.

HOLDINGS

1. The term "definite sentence" means the full sentence imposed by the sentencing court, not the sentence reduced by statutory credits.
2. A plaintiff lacks standing to seek a declaratory judgment when the claim depends on an event that, with virtual certainty, will never occur and resolution of the legal issue would have no practical consequences for the plaintiff.
3. The Appellate Court properly affirmed dismissal of Francis's action for lack of subject matter jurisdiction.

KEY QUOTATIONS

"We conclude that the term "definite sentence," as used in § 54-125g, means the full sentence imposed by the sentencing court, and not the sentence as reduced by various statutory credits."

"When a claim is contingent on an event that, with virtual certainty, will never occur, it appears to us that the plaintiff's standing to bring the claim is implicated because the plaintiff cannot "demonstrate a specific, personal and legal interest in the subject matter of the [controversy]"

FACTUAL BACKGROUND

Francis was convicted of murder in 1992 and sentenced to fifty years of imprisonment. He argued that General Statutes § 54-125g entitled him to consideration for parole after serving ninety-five percent of his sentence and that the Department of Correction should include that eligibility in his release calculations. After statutory sentence credits, his maximum release date was projected to be in 2027, while he would not serve ninety-five percent of the fifty-year sentence imposed by the trial court until approximately 2039.

PROCEDURAL HISTORY

Francis filed a declaratory judgment action in the Superior Court for the judicial district of New Haven. The trial court dismissed the action without prejudice after determining that the claims were not ripe, and the Appellate Court affirmed in a memorandum decision. The Supreme Court granted certification and affirmed the Appellate Court's judgment, concluding that the plaintiff's claims were nonjusticiable for lack of standing.

DISPOSITION

affirmed

CASES CITED

- Francis v. Board of Pardons & Paroles, 189 Conn. App. 906, 204 A.3d 1263 (2019)
- Francis v. Board of Pardons & Paroles, 333 Conn. 907, 215 A.3d 731 (2019)
- Chapman Lumber, Inc. v. Tager, 288 Conn. 69, 86–87, 952 A.2d 1 (2008)
- State v. Adam H., 54 Conn. App. 387, 393, 735 A.2d 839, cert. denied, 251 Conn. 905, 738 A.2d 1091 (1999)
- Canty v. Otto, 304 Conn. 546, 557–58, 41 A.3d 280 (2012)
- State v. Rivera, 250 Conn. 188, 201, 736 A.2d 790 (1999)
- Lazar v. Ganim, 334 Conn. 73, 85, 220 A.3d 18 (2019)
- In re Ava W., 336 Conn. 545, 558, 248 A.3d 675 (2020)
- Milford Power Co., LLC v. Alstom Power, Inc., 263 Conn. 616, 625–26, 822 A.2d 196 (2003)
- Barde v. Board of Trustees, 207 Conn. 59, 62, 539 A.2d 1000 (1988)