

DOCKET NUMBER: CV23-5001603-S

SUPERIOR COURT

MARCUS FAIR

STATE OF CONNECTICUT
SUPERIOR COURT
G.A. 19

JUDICIAL DISTRICT OF

V.

2024 MAY -3 P: 3: 53 TOLLAND AT SOMERS

COMMISSIONER OF CORRECTION

MAY 6, 2024

MEMORANDUM OF DECISION ON ORDER TO SHOW CAUSE

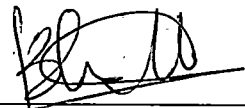
Marcus Fair, the petitioner, filed this, his second petition for a writ of habeas corpus on October 26, 2023. Thereafter, in March 2024, the respondent sought an order to show cause why the petition should be permitted to proceed pursuant to General Statutes § 52-470. Fair filed an objection and the court heard evidence and argument on May 3, 2024. After review of the matter the court finds that the petition is not untimely. Our Appellate Court affirmed the denial of Fair's prior petition on June 15, 2021. Our Supreme Court denied certification to appeal on September 23, 2021. The judgment therefore became final when the time limit to seek a petition for certiorari to the United States Supreme Court passed. See Rose v. Commissioner of Correction, 348 Conn. 333, 337, 304 A.3d 431 (2023) ("The petitioner's conviction became final ninety days later, after the expiration of the time for filing a petition for a writ of certiorari to the United States Supreme Court."). Here, this would have been December 22, 2021. Thus, to be timely, the petition needed to be filed within two years of that,¹ which would be December 22, 2023. The petition was filed on October 26, 2023. It is, therefore, timely.

Copies sent to:

Marcus Fair - by mail Judge Bhatt

*AHy. Arnett
AHy. Trudeau } by JDND*

OCPD-LSD - by mail


Bhatt, J.

by Krista McKen, Asst Clerk 5/3/24

¹ See General Statutes § 52-470 (d), which provides, in relevant part:

(d) In the case of a petition filed subsequent to a judgment on a prior petition challenging the same conviction, there shall be a rebuttable presumption that the filing of the subsequent petition has been delayed without good cause if such petition is filed after the later of the following: (1) Two years after the date on which the judgment in the prior petition is deemed to be a final judgment due to the conclusion of appellate review or the expiration of the time for seeking such review