

DOCKET NO. CV23-5001597

STATE OF CONNECTICUT
SUPERIOR COURT
G.A. 19

SUPERIOR COURT

BRAYAN OCASIO

2024 APR 17 A 9:32

JUDICIAL DISTRICT
OF TOLLAND

V.

COMMISSIONER OF CORRECTION

APRIL 17, 2024

MEMORANDUM OF DECISION ON RESPONDENT’S MOTION TO DISMISS

Brayan Ocasio, the petitioner, initiated this matter with a pro se petition for a writ of habeas corpus filed on October 5, 2023. He alleges that his due process rights were violated in connection with a disciplinary ticket he received. The respondent filed a motion to dismiss and supporting memorandum seeking dismissal of the petition premised on Practice Book § 23-29 because Ocasio’s guilty plea waives any due process challenge and because the respondent provided adequate due process. For the reasons articulated more fully below, the motion is granted.

I. LEGAL STANDARD

A. Motion to Dismiss

“It is well established that, when a habeas court considers a motion to dismiss a petition for a writ of habeas corpus, ‘[t]he evidence offered by the [petitioner] is to be taken as true and interpreted in the light most favorable to [the petitioner], and every reasonable inference is to be drawn in [the petitioner’s] favor.’ (Internal quotation marks omitted.) Ham v. Commissioner of Correction, 152 Conn. App. 212, 223–24, 98 A.2d 81, cert. denied, 314 Conn. 932, 102 A.3d 83 (2014); see also Orcutt v. Commissioner of Correction, 284 Conn. 724, 739, 937 A.2d 656 (2007). It is equally well settled that ‘[t]he petition for a writ of habeas corpus is essentially a pleading and, as such, it should conform generally to a complaint in a civil action ... [and it] is fundamental in our law that the right of a plaintiff to recover is limited to the allegations of his complaint.’ (Internal quotation marks omitted.) Thiersaint v. Commissioner of Correction, 316 Conn. 89, 125, 111 A.3d

829 (2015). Thus, “[w]hile the habeas court has considerable discretion to frame a remedy that is commensurate with the scope of the established constitutional violations ... it does not have the discretion to look beyond the pleadings ... to decide claims not raised.... The purpose of the [petition] is to put the [respondent] on notice of the claims made, to limit the issues to be decided, and to prevent surprise.” (Internal quotation marks omitted.) Nelson v. Commissioner of Correction, 326 Conn. 772, 780–81, 167 A.3d 952 (2017), citing and quoting Newland v. Commissioner of Correction, 322 Conn. 664, 678, 142 A.3d 1095 (2016).

Pursuant to Practice Book § 23-29 (1) and (2), this court “may, at any time, upon its own motion or upon motion of the respondent, dismiss the petition, or any count thereof, if it determines that: (1) the court lacks jurisdiction; (2) the petition, or a count thereof, fails to state a claim upon which habeas corpus relief can be granted... (5) any other legally sufficient ground for dismissal of the petition exists.”

B. Due Process Requirements

In order to state a claim for a denial of procedural due process an incarcerated individual “must allege that he possessed a protected liberty interest, and was not afforded the requisite process before being deprived of that liberty interest.” (Citation omitted.) Anthony A. v. Commissioner of Correction, 326 Conn. 668, 674, 166 A.3d 614 (2017). Thus, in order for the habeas court to have jurisdiction, the individual must demonstrate the deprivation of a liberty interest. *Id.*; Perez v. Commissioner of Correction, 326 Conn. 357, 163 A.3d 597 (2017). “To constitute a deprivation of liberty, a restraint must have imposed an atypical and significant hardship ... in relation to the ordinary incidents of prison life.... Additionally, the [incarcerated individual] must establish that the state has granted its inmates, by regulation or by statute, a protected liberty interest in remaining free from that confinement or restraint.” (Citation omitted.) Townsend v. Sterling, 157 Conn. App. 708,

718, 116 A.3d 873 (2015). Additionally, the matter must be dismissed if there is no practical relief that this court can grant the incarcerated individual.

In Wolff v. McDonnell, 418 U.S. 539, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974), the United States Supreme Court held that “due process requires procedural protections before a prison inmate can be deprived of a protected liberty interest[,] which include (1) advance written notice of the action to be taken; (2) an opportunity, when consistent with institutional safety and correctional goals, to call witnesses and to present documentary evidence and (3) a written statement by the [fact finder] of the evidence relied on and the reasons for the action.” (Cleaned up.) Anthony A. v. Commissioner of Correction, supra, 339 Conn. 307.

“In a variety of contexts, including the prison context the United States Supreme Court has also recognized that a governmental decision resulting in the loss of an important liberty interest violates due process if the decision is not supported by any evidence. This standard is a lenient one, requiring only ‘a modicum of evidence’ to support the challenged decision. Ascertaining whether this standard is satisfied does not require examination of the entire record, independent assessment of the credibility of witnesses, or weighing of the evidence. Instead, the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board.” (Cleaned up.) Vandever v. Commissioner of Correction, 315 Conn. 231, 245, 106 A.3d 266 (2014).

II. DISCUSSION

Ocasio claims that he was denied due process by the department of correction (DOC) when he pled guilty to a ticket under duress “to get out of seg faster.”

The ticket stems from an incident that occurred on August 12, 2023 which ultimately resulted in Ocasio allegedly refusing to return to his housing unit. He was placed in administrative detention and issued a ticket for refusing housing, all on the same day. On August 16, 2023, Ocasio

pled guilty to the ticket and received a variety of sanctions, including forfeiture of fifteen days of risk reduction earned credit. The disciplinary process summary report indicates that Ocasio was advised that his voluntary guilty plea barred an appeal. The “guilty plea” portion of the form states “I hereby plead guilty to the charge contained in this disciplinary report. I voluntarily enter this plea and understand that my plea bars an appeal.”

The respondent relies on cases that stand for the proposition that a guilty plea to a ticket precludes any due process challenges. See e.g. Trimmier v. Cook, No. 3:20CV396 (KAD), 2020 WL 5231300, at *3 (D. Conn. Sept. 2, 2020) (“because he pled guilty to the SRG disciplinary charge, Trimmier cannot state a plausible 14th Amendment procedural due process claim arising out of those events;”) Coleman v. Sutton, 530 F. Supp. 2d 451, 453 (W.D.N.Y. 2008), *aff’d*, 355 F. App’x 566 (2d Cir. 2009) (“For one thing, plaintiff pleaded guilty to the charged in the misbehavior report filed against him by Nurse Welburn. That alone defeats any claim based on the issuance of the report;”) Gibson v. Travaglin, 164 F.3d 617 (2d Cir. 1998) (“Because Gibson pled guilty, he chose to forego his right under [Wolff v. McDonnell,] to call witnesses at a disciplinary hearing.”).


Ocasio argues that he only pled guilty “under duress” so he could leave segregation. While the court is sympathetic to Ocasio’s circumstances, there is general support in the caselaw for the proposition that a generally voluntary plea should bar any habeas corpus challenges based on due process violations. See Keith Sullivan v. Commissioner of Correction, Superior Court, judicial district of Tolland, docket no. CV22-5001220 (*Newson, J.*, September 5, 2023). Once an incarcerated individual enters a knowing guilty plea to a ticket, all due process concerns are extinguished. The court points out that this is unlike a case decided by this court; Vlash v. Commissioner of Correction, Superior Court, judicial district of Tolland, docket no. CV23-5001580 (*Bhatt, J.*, February 5, 2024); wherein this court found that a guilty plea induced by an alleged eighth amendment

violation did not deprive this court of jurisdiction. Here, there is no such eighth amendment violation forcing the guilty plea.

Thus, based on the allegations made in the petition and the opposition to the motion to dismiss, the court grants the motion to dismiss.

III. CONCLUSION

Based on the foregoing, the motion to dismiss is granted.



Bhatt, J. —

Copies sent to:

Brayan Ocasio w/pet cert/ap fees - by mail
Attorney Edward Rowley - by JDNO
Judge Bhatt

by: Kathryn Stackpole, First Asst. Clerk
4/17/2024