

\*\*\*\*\*

The “officially released” date that appears near the beginning of each opinion is the date the opinion will be published in the Connecticut Law Journal or the date it was released as a slip opinion. The operative date for the beginning of all time periods for filing postopinion motions and petitions for certification is the “officially released” date appearing in the opinion. In no event will any such motions be accepted before the “officially released” date.

All opinions are subject to modification and technical correction prior to official publication in the Connecticut Reports and Connecticut Appellate Reports. In the event of discrepancies between the electronic version of an opinion and the print version appearing in the Connecticut Law Journal and subsequently in the Connecticut Reports or Connecticut Appellate Reports, the latest print version is to be considered authoritative.

The syllabus and procedural history accompanying the opinion as it appears on the Commission on Official Legal Publications Electronic Bulletin Board Service and in the Connecticut Law Journal and bound volumes of official reports are copyrighted by the Secretary of the State, State of Connecticut, and may not be reproduced and distributed without the express written permission of the Commission on Official Legal Publications, Judicial Branch, State of Connecticut.

\*\*\*\*\*

RICHARD LEWIS *v.* COMMISSIONER OF  
CORRECTION  
(SC 18664)

Rogers, C. J., and Norcott, Palmer, Zarella, McLachlan, Eveleigh and  
Harper, Js.

Argued March 22—officially released April 10, 2012

*Temmy Ann Pieszak*, chief of habeas corpus services, for the appellant (petitioner).

*James A. Killen*, senior assistant state's attorney, with whom, on the brief, were *Michael Dearington*, state's attorney, and *Linda N. Howe*, former senior assistant state's attorney, for the appellee (respondent).

*Opinion*

PER CURIAM. The habeas court rendered judgment dismissing the petition for a writ of habeas corpus filed by the petitioner, Richard Lewis, when the petitioner failed to appear in person for trial. The respondent, the commissioner of correction, had filed a motion to dismiss the petition, which the habeas court granted. Thereafter, the habeas court denied the petitioner's motion to open the judgment in which the petitioner stated that he had failed to appear because of transportation problems. Upon the habeas court's granting of his petition for certification to appeal, the petitioner appealed from the dismissal to the Appellate Court. On appeal, he sought reversal, under the plain error doctrine, of the habeas court's dismissal of his petition for a writ of habeas corpus on a number of grounds that had not been preserved for review in the habeas court. *Lewis v. Commissioner of Correction*, 121 Conn. App. 693, 696, 996 A.2d 1214 (2010). The petitioner did not seek review of his unpreserved constitutional claims pursuant to *State v. Golding*, 213 Conn. 233, 239–40, 567 A.2d 823 (1989). The Appellate Court affirmed the habeas court's judgment of dismissal. *Lewis v. Commissioner of Correction*, supra, 698. We then granted the petitioner's petition for certification to appeal to this court limited to the following issue: "Did the Appellate Court properly decline to (a) review and (b) reverse the petitioner's federal due process and equal protection challenges to the dismissal of his habeas corpus petition, which was based on the court's refusal to allow the petitioner to appear only through counsel?" *Lewis v. Commissioner of Correction*, 298 Conn. 901, 902, 3 A.3d 70 (2010).

After examining the entire record on appeal and considering the briefs and oral arguments of the parties, we have determined that the appeal in this case should be dismissed on the ground that certification was improvidently granted.

The appeal is dismissed.

---