FLYNN, J., concurring. If it were proper for us to reach the merits in this case, I would agree with the result reached and the reasoning of the majority. I write separately because I would not reach the merits. The respondent, the commissioner of correction, has asserted that the doctrine of res judicata applies in this case to bar relitigation of a legal dispute between the same parties that already has resulted in a final judgment from the United States District Court for the District of Connecticut, later affirmed by the United States Court of Appeals for the Second Circuit in *Davis* v. *Bryan*, 889 F.2d 445, 448–51 (2d Cir. 1989). Both are courts of competent jurisdiction over both the subject matter and the parties in this case. The petitioner, Arthur J. Davis, first chose the federal forum. It ruled against him. After litigating the issue, and losing, he seeks to have the state courts of Connecticut enter an inconsistent judgment. That would be contrary to one of the principal public policy justifications for the res judicata doctrine, namely, "preventing inconsistent judgments . . . ." *Weiss* v. *Weiss*, 297 Conn. 446, 465, 998 A.2d 766 (2010). I would address the res judicata bar because, if applicable, consideration of the merits of the petitioner's claim would be barred. I agree with the respondent that res judicata bars the petitioner's claim.

"[U]nder the doctrine of res judicata, or claim preclusion, a former judgment on a claim, if rendered on the merits, *is an absolute bar to a subsequent action* on the same claim . . . [or any claim based on the same operative facts that] might have been made. . . . A judgment is final not only as to every matter which was offered to sustain the claim, but also as to any other admissible matter which might have been offered for that purpose. . . . The rule of claim preclusion *prevents reassertion of the same claim* regardless of what additional or different evidence or legal theories might be advanced in support of it. . . . [T]he appropriate inquiry with respect to [claim] preclusion is whether the party had an adequate opportunity to litigate the matter in the earlier proceeding . . . ." (Citations omitted; emphasis added; internal quotation marks omitted.) *State* v. *Osuch*, 124 Conn. App. 572, 581, 5 A.3d 976, cert. denied, 299 Conn. 918, 10 A.3d 1052 (2010).

In both the prior federal action and the case before us, the petitioner alleges that he is entitled, under Connecticut law,[1] to be sentenced to a minimum term of imprisonment from ten to twenty-five years for each of six consecutive life sentences for murders, which he presently is serving. The petitioner asserted that, in the federal action, his due process rights were violated when a state prison official determined that his "mini-

mum sentence" on each count was twenty-five years. He claimed that he was entitled to have a judge make this determination. That minimum sentence was ten years on each count of murder. That is his claim, made again, in the present case.

It is well settled that "[t]he doctrine of res judicata ordinarily extends not only to a judgment rendered by a court of record of general jurisdiction, but also to judgments of all courts." 47 Am. Jur. 2d 73–74, Judgments § 514 (2006). The focus of analysis of res judicata is whether or not the matter previously has been adjudicated by a court of competent jurisdiction, not which court did the adjudicating. I am untroubled, therefore, by the fact that the judgment, which the respondent asserts bars the claim, came from the federal court. "[A] judgment of a court of concurrent jurisdiction directly upon the point is as a plea, a bar, or as evidence conclusive between the same parties or privies upon the same matters when directly in question in another court." (Internal quotation marks omitted.) *Johnson Co.* v. *Wharton*, 152 U.S. 252, 257–58, 14 S. Ct. 608, 38 L. Ed. 429 (1894); see 47 Am. Jur. 2d, supra, pp. 73–74. Res judicata precludes state court litigation of matters fully litigated in federal court. *McCarthy* v. *Warden*, 213 Conn. 289, 295, 567 A.2d 1187 (1989), cert. denied, 496 U.S. 939, 110 S. Ct. 3220, 110 L. Ed. 2d 667 (1990), citing *Virgo* v. *Lyons*, 209 Conn. 497, 501–502, 551 A.2d 1243 (1988). The principal reason for applying this doctrine is that litigation cannot be endless. That is true particularly in habeas appeals where the merits of a truly worthy case brought for the first time under "the great writ" can be lost in a sea of endless, previously litigated appeals, once finally decided, but revived anew.

For the foregoing reasons, I respectfully concur with the result reached in the majority opinion.

[1] Specifically, General Statutes § 53a-35, as opposed to General Statutes §§ 54-125 and 53-10.