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STATE OF CONNECTICUT *v.* MAURICIO PEDRAZA RAMOS
(SC 18903)

Rogers, C. J., and Palmer, Zarella, McLachlan, Harper and Vertefeuille, Js.*

Argued March 13—officially released August 28, 2012

James B. Streeto, assistant public defender, for the appellant (defendant).

Nancy L. Chupak, senior assistant state's attorney, with whom, on the brief, were *John C. Smriga*, state's attorney, and *Richard L. Palombo*, senior assistant state's attorney, for the appellee (state).

Opinion

HARPER, J. Under General Statutes (Rev. to 1999) § 54-1j (c),[1] when a noncitizen defendant has not been properly advised that a guilty plea may have certain immigration and naturalization consequences, the court is mandated to vacate the judgment of conviction and permit withdrawal of the guilty plea if the defendant "not later than three years after the acceptance of the plea" files a motion and shows that the plea and conviction may have such a consequence. The dispositive issue in this appeal is whether the trial court has jurisdiction under § 54-1j to vacate the judgment and permit withdrawal of the plea, as a matter of discretion, if the motion to vacate is filed more than three years after the court's acceptance of the plea. The defendant, Mauricio Pedraza Ramos, appeals[2] from the judgment of the trial court denying his motion to vacate his judgment of conviction and to withdraw his plea, claiming that, although the trial court properly concluded that it had jurisdiction to consider his motion, it improperly concluded that the present case was not one in which the court should exercise its discretion to vacate the judgment. We conclude that the trial court improperly reached the merits of the defendant's motion without determining whether it had jurisdiction to do so, and that the trial court lacked such jurisdiction because the motion was filed outside the period prescribed under § 54-1j. Accordingly, we conclude that the trial court should have dismissed, rather than denied, the motion to vacate.

The record reveals the following undisputed facts. On June 10, 1999, the defendant, a noncitizen of the United States, entered a guilty plea pursuant to the *Alford* doctrine[3] to a charge of conspiracy to commit forgery in the first degree in violation of General Statutes §§ 53a-48 and 53a-138 in connection with passing a counterfeit bill at a convenience store. The trial court, *Turner*, *J.*, accepted the defendant's plea without advising him of the potential immigration consequences of the plea. Thereafter, the court rendered judgment in accordance with the plea and sentenced the defendant to a term of imprisonment of three years, execution suspended after nine months, and three years probation. Just before the end of his term of imprisonment, the defendant was informed that he was subject to an immigration detainer. At the end of that term, the Immigration and Naturalization Service (now Immigration and Customs Enforcement) took the defendant into custody and instituted deportation proceedings against him. Following those proceedings, in July, 2000, the defendant was deported to his native Colombia.

In 2006, the defendant illegally reentered the United States. He thereafter married a United States citizen and fathered a child. In 2009, the defendant traveled to Puerto Rico for his honeymoon, where he was detained

and charged with illegal entry as an aggravated felon. That charge was pending in federal court in Puerto Rico at the time of the proceedings at issue in this appeal.

On February 3, 2010, the defendant filed in Superior Court a motion to vacate the June, 1999 conviction and to withdraw his plea on the grounds that the plea canvass violated § 54-1j and Practice Book §§ 39-19 and 39-20,[4] and that he was deprived of his constitutional right to conflict-free and effective representation.[5] The trial court, *Iannotti*, *J.*, denied the motion. At the outset of its memorandum of decision, the trial court noted that, in 2009, this court had overruled Appellate Court case law holding that a claim asserting that a plea was made as a result of an error of constitutional magnitude was an exception to the general rule that the court's jurisdiction over a criminal defendant terminates after the defendant's sentence has been executed. See *State* v. *Das*, 291 Conn. 356, 968 A.2d 367 (2009). Therefore, the trial court focused on the only other possible basis for jurisdiction, a statute that explicitly permits review of the defendant's motion. The trial court considered the defendant's contention that, although § 54-1j (c) imposes a three year time restriction for *mandatory* withdrawal of a plea, the legislative history to the 1997 amendment that substituted the three year period for previous language mandating withdrawal of the plea upon a motion filed at "any time"[6] indicates that the legislature did not intend to deprive a court of *discretion* to grant requests filed beyond the three year period if there are compelling circumstances.[7] The court agreed that the particular colloquy on which the defendant relied could be persuasive evidence in support of his view, but pointed out that, under General Statutes § 1-2z,[8] it was not permitted to consider such extratextual sources unless § 54-1j is ambiguous as to this issue. Ultimately, the court concluded: "The present matter can be resolved, however, regardless of whether the text of § 54-1j is plain and unambiguous. Even if a trial judge had the discretion to vacate a defendant's plea more than three years after that plea was entered, the present case would not be appropriate for the exercise of that discretion. . . . [T]he defendant acknowledges that he illegally reentered the United States after having been removed to Colombia. The court finds this to be an aggravating factor that outweighs the defendant's reasons in arguing good cause for a favorable exercise of discretion. The motion is denied." (Citation omitted.) This appeal followed.

On appeal, the defendant contends that the trial court "de facto" resolved the issue of jurisdiction in his favor, and that such a conclusion was proper in light of the legislative history of the 1997 amendment to § 54-1j. The defendant claims that this legislative history resolves an ambiguity created by textual silence on the effect of filing a motion after the three year period prescribed in § 54-1j (c). The defendant further contends that the

trial court improperly failed to determine that there were compelling circumstances that warranted vacating his guilty plea. In particular, the defendant contends that the trial court should not have focused on his illegal entry, for which the defendant will have to answer in the federal court proceedings, but instead should have focused on facts that demonstrate that he was deprived of effective assistance of counsel in his criminal trial. Alternatively, citing *State* v. *Reid*, 277 Conn. 764, 778, 894 A.2d 963 (2006), the defendant asks us to exercise our supervisory authority to treat his appeal as though he had filed a request for permission to file an untimely appeal from his judgment of conviction.

In response, the state contends that the trial court did not resolve the issue of jurisdiction, but instead improperly presumed that it had jurisdiction under § 54-lj to resolve the case on the ground that it would not exercise discretion to grant the motion if it had such jurisdiction. The state contends that the trial court lacked jurisdiction to consider the defendant's motion under settled jurisprudence and the plain text of the statute, and there is no textual ambiguity that permits resort to legislative history. Moreover, the state contends that the legislative history on which the defendant relies is itself ambiguous, in that the colloquy may have been referring to the court's common-law jurisdiction to vacate certain judgments under appellate case law that since has been overruled. Alternatively, the state contends that, even if the trial court has jurisdiction over a motion filed outside the three year period prescribed under § 54-1j (c), the court properly determined that the facts of the present case did not warrant an exercise of discretion in the defendant's favor.

We conclude that the trial court lacked jurisdiction over the defendant's motion to vacate. We further conclude that the present case does not implicate the type of rare circumstances that warranted the exercise of our supervisory authority in *State* v. *Reid*, supra, 277 Conn. 778.

"Questions regarding subject matter jurisdiction are purely legal in nature and subject to plenary review." *State* v. *Das*, supra, 291 Conn. 361. In considering the particular question raised in the present case, we are guided by well settled principles. "The Superior Court is a constitutional court of general jurisdiction. In the absence of statutory or constitutional provisions, the limits of its jurisdiction are delineated by the common law. . . . It is well established that under the common law a trial court has the discretionary power to modify or vacate a criminal judgment before the sentence has been executed. . . . This is so because the court loses jurisdiction over the case when the defendant is committed to the custody of the commissioner of correction and begins serving the sentence. . . . *State* v. *Luzietti*, 230 Conn. 427, 431–32, 646 A.2d 85 (1994). . . .

"[In other words] the jurisdiction of the sentencing court terminates once a defendant's sentence has begun, and, therefore, that court may no longer take any action affecting a defendant's sentence unless it expressly has been authorized to act. *Cobham* v. *Commissioner of Correction*, 258 Conn. 30, 37, 779 A.2d 80 (2001); accord *State* v. *Reid*, [supra, 277 Conn. 775]; see also *State* v. *Walzer*, 208 Conn. 420, 424–25, 545 A.2d 559 (1988). This principle is memorialized in Practice Book § 39-26, which provides: A defendant may withdraw his or her plea of guilty or nolo contendere as a matter of right until the plea has been accepted. After acceptance, the judicial authority shall allow the defendant to withdraw his or her plea upon proof of one of the grounds in [§] 39-27. A defendant may not withdraw his or her plea after the conclusion of the proceeding at which the sentence was imposed." (Internal quotation marks omitted.) *State* v. *Das*, supra, 291 Conn. 361–62.

Thus, although this court has recognized the general principle that there is a strong presumption in favor of jurisdiction; *Connecticut Coalition Against Millstone* v. *Connecticut Siting Council*, 286 Conn. 57, 66, 942 A.2d 345 (2008); *Burton* v. *Browd*, 258 Conn. 566, 573–74 n.10, 783 A.2d 457 (2001); *Banks* v. *Thomas*, 241 Conn. 569, 583, 698 A.2d 268 (1997); in criminal cases, this principle is considered in light of the common-law rule that, "once a defendant's sentence has begun . . . th[e] court may no longer take any action affecting a defendant's sentence unless it *expressly* has been authorized to act." (Emphasis added.) *Cobham* v. *Commissioner of Correction*, supra, 258 Conn. 37; accord *State* v. *Fowlkes*, 283 Conn. 735, 739, 930 A.2d 644 (2007); *State* v. *Alexander*, 269 Conn. 107, 112–13, 847 A.2d 970 (2004).

The defendant recognizes that there is neither a constitutional nor common-law basis for the trial court to exercise jurisdiction over his motion to vacate the judgment and withdraw his plea, and instead relies on a statutory grant of jurisdiction under § 54-1j. That statute provides: "If the court fails to advise a defendant as required in subsection (a) of this section and the defendant *not later than three years after the acceptance of the plea* shows that his plea and conviction may have one of the enumerated consequences, the court, on the defendant's motion, shall vacate the judgment, and permit the defendant to withdraw the plea of guilty or nolo contendere, and enter a plea of not guilty." (Emphasis added.) General Statutes (Rev. to 1999) § 54-1j (c).

It is clear that the only grant of jurisdiction expressly provided in the statute is afforded in those circumstances in which the defendant has filed the motion within the three year period prescribed. See *State* v. *Alegrand*, 130 Conn. App. 652, 665, 23 A.3d 1250 (2011) (citing three year period in § 54-1j [c] as evidencing

legislature's recognition of "need to have some finality to criminal judgments"). No discretionary authority to act beyond that period is conferred expressly, or even by necessary implication. Cf. *Ethics Commission* v. *Freedom of Information Commission*, 302 Conn. 1, 8, 23 A.3d 1211 (2011) (noting with respect to jurisdiction of administrative agency, which must act under strict limitations provided by statutes, that "[i]ts authority is found in a legislative grant, beyond the terms and necessary implications of which it cannot lawfully function" [internal quotation marks omitted]); *Housatonic Railroad Co.* v. *Commissioner of Revenue Services*, 301 Conn. 268, 288–89, 21 A.3d 759 (2011) ("[a] litigant that seeks to overcome the presumption of sovereign immunity [pursuant to a statutory waiver] must show that . . . the legislature, either expressly or by force of a necessary implication, statutorily waived the state's sovereign immunity" [internal quotation marks omitted]). The legislature's failure to provide for the treatment of motions filed after the three year period is especially telling in light of the fact that it had substituted this definite period for a previous indefinite period. See footnote 6 of this opinion.

Nevertheless, the defendant contends that, because the statute does not state what would happen if a motion were filed beyond the three year period, this omission gives rise to an ambiguity, which, in turn, permits this court to consider the 1997 legislative history to § 54-1j. It is well settled, however, that "silence does not necessarily equate to ambiguity." (Internal quotation marks omitted.) *Hartford/Windsor Healthcare Properties, LLC* v. *Hartford*, 298 Conn. 191, 198, 3 A.3d 56 (2010); accord *Mayfield* v. *Goshen Volunteer Fire Co.*, 301 Conn. 739, 745, 22 A.3d 1251 (2011); *State* v. *Orr*, 291 Conn. 642, 653–54, 969 A.2d 750 (2009); *Manifold* v. *Ragaglia*, 272 Conn. 410, 419, 862 A.2d 292 (2004). Rather, "[i]n determining whether legislative silence renders a statute ambiguous, we read the statute in context to determine whether the language is susceptible to more than one reasonable interpretation." (Internal quotation marks omitted.) *Hicks* v. *State*, 297 Conn. 798, 802, 1 A.3d 39 (2010); *State* v. *Orr*, supra, 651.

For example, silence may render a statute ambiguous when the missing subject reasonably is necessary to effectuate the provision as written. Thus, in *Stuart* v. *Stuart*, 297 Conn. 26, 37, 996 A.2d 259 (2010), this court concluded that silence as to the standard of proof under General Statutes § 52-564, which provides treble damages for civil theft, rendered the statute ambiguous because there was "more than one plausible interpretation of its meaning." Similarly, the legislature's silence as to the scope of a term may render the statute ambiguous. See *Thomas* v. *Dept. of Developmental Services*, 297 Conn. 391, 400, 999 A.2d 682 (2010) ("[W]e note that the lien provision is silent with respect to its scope. Although [statutory] silence does not . . . necessarily

equate to ambiguity . . . we conclude that this silence renders the provision ambiguous with respect to its scope because there is more than one plausible interpretation of its meaning." [Citation omitted; internal quotation marks omitted.]). No such lacunae exist in the present case.

We disagree that the failure to specify the effect of an untimely filed motion renders § 54-1j ambiguous.[9] Although the defendant relies on the fact that this court previously has considered whether statutes setting forth time periods are jurisdictional; see, e.g., *Commission on Human Rights & Opportunities* v. *Savin Rock Condominium Assn., Inc.*, 273 Conn. 373, 382–83, 870 A.2d 457 (2005) (discussing line of cases under which statutory time limitation is deemed not to implicate subject matter jurisdiction); those statutes are substantively different than § 54-1j. For example, in *Stec* v. *Raymark Industries, Inc.*, 299 Conn. 346, 348–49, 10 A.3d 1 (2010), on which the defendant principally relies, this court considered whether the time limitation set forth in General Statutes § 31-301 (a) for filing an appeal from a decision by a workers' compensation commissioner (commissioner) deprives the workers' compensation review board of subject matter jurisdiction over an untimely filed appeal. Section 31-301 (a) provides in relevant part: "At any time within twenty days after entry of an award by the commissioner, after a decision of the commissioner upon a motion or after an order by the commissioner according to the provisions of section 31-299b, either party may appeal therefrom to the Compensation Review Board by filing in the office of the commissioner from which the award or the decision on a motion originated an appeal petition and five copies thereof. . . ." In considering the issue of jurisdiction, this court stated: "We initially note that, by its language, § 31-301 (a) clearly requires that a party must appeal within twenty days. The statute also provides no exceptions to the twenty day filing period. *The statute, however, does not explicitly address whether the twenty day limitation operates as a jurisdictional bar to an untimely appeal.*" (Emphasis added.) *Stec* v. *Raymark Industries, Inc.*, supra, 358–59. Finding limited additional guidance from related statutes, we concluded that "§ 31-301 (a) is ambiguous as to whether the twenty day appeal limitation deprives the [compensation review board] of subject matter jurisdiction over an untimely appeal." Id., 359.

Putting aside certain fundamental differences between civil and criminal cases that undoubtedly color the lens through which we would interpret §§ 31-301 (a) and 54-1j,[10] the very nature of the statutes differ. *Stec* involved a statute simply setting forth a time limitation, akin to a statute of limitations for commencing an action. See id., 365 ("[i]t is reasonable to infer . . . that the legislature intended the limitation on the right to appeal contained in [§ 31-301 (a)] to operate similarly

to [other] statutory time limitations on the right to initiate a statutory action" [internal quotation marks omitted]). That statute provides for a procedure, an appeal, upon the filing of the appeal petition. In essence, the right is self-effectuating upon the filing. Thus, if the court in *Stec* were to have concluded that the time limit in § 31-301 was nonjurisdictional, an untimely filing would have had the same effect as one timely filed—the party would be permitted to appeal. The ambiguity, under either possible construction, would not lead to further ambiguities. By contrast, § 54-1j is not a statute of limitations that merely affords the defendant the right to a hearing on his motion to vacate the judgment if filed within the prescribed period; it further mandates the court to afford certain relief.[11] Because, by the defendant's own admission, § 54-1j reasonably cannot be construed to impose the same mandate if a motion is filed beyond the three year period, reading the time limitation as ambiguous actually would give rise to further ambiguities as to the conditions under which relief could be afforded. The statute does not articulate a standard for determining whether to grant late filed motions, such as the "compelling circumstances" standard that the defendant seeks to apply, nor does it indicate whether the trial court must, or may, consider prejudice to the state due to lost evidence or witnesses.[12]

In sum, we cannot conclude that silence as to the treatment of motions filed outside the three year period prescribed under § 54-1j (c) renders the statute susceptible to more than one reasonable interpretation. The only reasonable interpretation is that a court has jurisdiction only if the conditions expressly provided are satisfied. In the absence of any ambiguity, § 1-2z bars consideration of the legislative history on which the defendant relies.[13] Although the defendant contends that our conclusion would mean that legislators whose comments during debate on the 1997 amendment indicated that they interpreted the statute differently and did not understand the plain meaning of the bill that they either sponsored or voted in favor of, this argument too depends on our resort to the legislative history that § 1-2z bars us from considering. Were we to examine that legislative history, we also would be bound to consider the state's contention that this history may simply reflect an acknowledgment of appellate case law, which since has been overruled. See *State* v. *Das*, supra, 291 Conn. 361–62. Accordingly, we conclude that the trial court lacked jurisdiction to consider the defendant's motion to vacate the judgment of conviction and to permit him to withdraw his plea that was filed ten years after the court's acceptance of that plea.

We also decline the defendant's request to exercise our supervisory authority to treat his appeal from the trial court's denial of his motion to vacate as a request to file an untimely appeal from the judgment of conviction as this court did in *State* v. *Reid*, supra, 277 Conn.

778. In that case, we pointed to the following facts: "The defendant's conviction resulting from his April, 1997 guilty plea, which is claimed to be constitutionally unsound, was substituted by the Department of Homeland Security as the basis for his deportation in June, 2003, only after a November, 1997 conviction for another offense had been vacated in May, 2003, as a result of DNA testing. . . . Since the November, 1997 conviction was vacated and the April, 1997 conviction was substituted as a basis for his deportation, thereby giving him the impetus for the first time to challenge his second degree assault conviction, the defendant consistently has sought review of that conviction in federal and state court. In August, 2003, the defendant filed a motion to terminate the deportation proceedings with the United States Immigration Court. In September, 2003, he filed a motion to correct the sentence resulting from the plea he presently challenges. Finally, in February, 2004, the month after he was deported, he filed the motion to withdraw his plea that is at issue in this appeal." (Citation omitted.) Id., 778–79. In the present case, contrary to the defendant's claim, the facts are hardly identical to the "rare" and "unique" circumstances that persuaded this court to exercise its supervisory authority in *Reid*. Id., 778. In the present case, the defendant did not take prompt action with regard to his state conviction when he became aware of its deportation consequences. Rather, he sought to vacate his plea approximately nine years later, after illegally reentering territory of the United States.

"Under well established law, it is clear that the trial court's lack of subject matter jurisdiction to hear the motion to withdraw rendered void its denial of that motion. See *Commissioner of Transportation* v. *Rocky Mountain, LLC*, 277 Conn. 696, 725, 894 A.2d 259 (2006); see also 1 A. Freeman, Judgments (5th Ed. 1925) § 322, pp. 643–44 ('A judgment void upon its face and requiring only an inspection of the record to demonstrate its invalidity is a mere nullity, in legal effect no judgment at all, conferring no right and affording no justification. . . . It neither binds nor bars anyone. All acts performed under it and all claims flowing out of it are void.')." *State* v. *Reid*, supra, 277 Conn. 776.

The form of the judgment is improper, the judgment is reversed and the case is remanded with direction to dismiss the defendant's motion to vacate the judgment of guilty and withdraw his plea.

In this opinion the other justices concurred.

* The listing of justices reflects their seniority status on this court as of the date of oral argument.

This case was scheduled to be argued before a panel of this court consisting of Chief Justice Rogers and Justices Palmer, Zarella, McLachlan, Harper and Vertefeuille. Although Justice McLachlan was not present when the case was argued before the court, he read the record and briefs and listened to the recording of oral argument prior to participating in this opinion.

[1] General Statutes (Rev. to 1999) § 54-1j provides: "(a) The court shall not

accept a plea of guilty or nolo contendere from any defendant in any criminal proceeding unless the court advises him of the following: 'If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States.'

"(b) The defendant shall not be required at the time of the plea to disclose his legal status in the United States to the court.

"(c) If the court fails to advise a defendant as required in subsection (a) of this section and the defendant not later than three years after the acceptance of the plea shows that his plea and conviction may have one of the enumerated consequences, the court, on the defendant's motion, shall vacate the judgment, and permit the defendant to withdraw the plea of guilty or nolo contendere, and enter a plea of not guilty."

Section 54-1j was amended in 2003 to include, inter alia, more specific language in subsection (a) concerning the court's advisement of any such immigration and naturalization consequences of a conviction, and a requirement that the court permit the defendant to discuss those consequences with his attorney, and a requirement in subsection (c) that the court "address the defendant personally" to determine that the defendant fully understands the consequences of his plea. See Public Acts 2003, No. 03-81, § 1.

[2] The defendant appealed from the trial court's judgment to the Appellate Court, and we thereafter transferred the appeal to this court pursuant to General Statutes § 51-199 (c) and Practice Book § 65-1.

[3] See *North Carolina* v. *Alford*, 400 U.S. 25, 37, 91 S. Ct. 160, 27 L. Ed. 2d 162 (1970) (defendant pleading under *Alford* doctrine neither admits guilt nor protests innocence, but merely acknowledges that state has evidence sufficient to obtain conviction).

[4] Practice Book § 39-19 provides: "The judicial authority shall not accept the plea without first addressing the defendant personally and determining that he or she fully understands:

"(1) The nature of the charge to which the plea is offered;

"(2) The mandatory minimum sentence, if any;

"(3) The fact that the statute for the particular offense does not permit the sentence to be suspended;

"(4) The maximum possible sentence on the charge, including, if there are several charges, the maximum sentence possible from consecutive sentences and including, when applicable, the fact that a different or additional punishment may be authorized by reason of a previous conviction; and

"(5) The fact that he or she has the right to plead not guilty or to persist in that plea if it has already been made, and the fact that he or she has the right to be tried by a jury or a judge and that at that trial the defendant has the right to the assistance of counsel, the right to confront and cross-examine witnesses against him or her, and the right not to be compelled to incriminate himself or herself."

Practice Book § 39-20 provides: "The judicial authority shall not accept a plea of guilty or nolo contendere without first determining, by addressing the defendant personally in open court, that the plea is voluntary and is not the result of force or threats or of promises apart from a plea agreement. The judicial authority shall also inquire as to whether the defendant's willingness to plead guilty or nolo contendere results from prior discussions between the prosecuting authority and the defendant or his or her counsel."

[5] The defendant's criminal trial counsel also represented two codefendants.

[6] Number 97-256, § 6, of the 1997 Public Acts made the following changes to § 54-1j (c), with the new added language indicated with capital letters and the deleted language in brackets: "If the court fails to advise a defendant as required in subsection (a) of this section and the defendant [later at any time] NOT LATER THAN THREE YEARS AFTER THE ACCEPTANCE OF THE PLEA shows that his plea and conviction may have one of the enumerated consequences, the court, on the defendant's motion, shall vacate the judgment, and permit the defendant to withdraw the plea of guilty or nolo contendere, and enter a plea of not guilty. [In the absence of a record that the court provided the advice required by this section, the defendant shall be presumed not to have received the required advice.]"

[7] The trial court pointed to the following exchange between Representative Michael P. Lawlor, a sponsor of the bill that was enacted as Public Acts 1997, No. 97-256, and Representative Robert Farr:

"[Representative] Farr: . . . I guess I just have some concerns about the three year limit on the re-opening of these cases. Could you indicate for

the record why you want to impose a three year limit . . . versus the open ended process we presently have? . . .

"[Representative] Lawlor: . . . This essentially would close a wide loop hole available to convicted offenders in order to obtain a new trial. I think it's a reasonable time three years to discover such a mistake was made and to return to court and ask for a new hearing or a new advisement.

"That's the only reason. . . .

"[Representative] Farr: . . . I guess to Representative Lawlor, my understanding of what's going on out there now is that the Immigration and Naturalization Service is now going through records and finding people who have been convicted years ago and starting to deport them. I guess my concern with this language would be that somebody who might have pleaded guilty to a drug type of situation, in many cases not knowing the consequences, it might have been a simple possession of marijuana. It might have been some other charge for which they did not understand the consequences, it might have been ten years ago. If the [Immigration and Naturalization Service] now picks that up, and they didn't understand the consequences, I am not sure why we want to say that [if] they weren't informed, that they only have the three years.

"Through you, Mr. Speaker to Representative Lawlor, I am not sure why justice would suggest that we ought to be doing this. . . .

"[Representative] Lawlor: . . . Through you, two points on that. First of all, this language would not prohibit a court from re-opening a case and allowing a person to essentially re-negotiate their plea agreement. This simply modifies language which requires a court to do so.

"Secondly, apparently a practical problem that has cropped up is that in some courts it's been difficult to obtain the records of exactly what happened years and years ago, whether or not [the] defendants were in fact advised and this would eliminate that problem. . . .

"In the event that there [was] a compelling case, nothing that we are doing here today would prohibit a court from reconsidering it. We are just eliminating—we are limiting the mandatory re-opening to a window of three years. . . .

"[Representative] Farr: . . . I'll take Representative Lawlor's representation that the court would still have the power to re-open these cases and withdraw any objection." 40 H.R. Proc., Pt. 13, 1997 Sess., pp. 4699–4702.

[8] General Statutes § 1-2z provides: "The meaning of a statute shall, in the first instance, be ascertained from the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered."

[9] The defendant's reliance on *State* v. *Parra*, 251 Conn. 617, 741 A.2d 902 (1999), in his brief is misplaced. Although this court did conclude in that case that No. 97-256, § 6, of the 1997 Public Acts, which substituted the three year period of limitation for the unlimited period that previously had existed, was ambiguous, the court did so with respect to the specific question of whether the 1997 amendment was intended to apply retroactively. Id., 628–29. This question is wholly unrelated to the textual matter before us in the present case and is governed by different rules of construction. Moreover, we afford no weight to a statement in a footnote, wherein, after examining the legislative history that referred to the court's discretion to grant relief after the three year period, this court noted that *Parra* did "not present us with the issue of whether the trial court abused its discretion by refusing to reopen the defendant's case." Id., 630 n.9. This statement was dicta, and *Parra* predates the enactment of § 1-2z, which limits the circumstances in which courts may consider extratextual evidence to ascertain the meaning of a statute.

[10] For example, civil judgments may be opened within four months after judgment enters, or longer if the parties waive or submit to the court's jurisdiction. See General Statutes § 52-212a; see also General Statutes § 31-315 (same for workers' compensation awards).

[11] Thus, although we agree that the legislature more clearly has indicated an unequivocal bar to filing beyond the prescribed period in setting certain statutes of limitation; see, e.g., General Statutes § 52-582 ("[n]o petition for a new trial in any civil or criminal proceeding shall be brought but within three years next after the rendition of the judgment or decree complained of, except that a petition based on DNA [deoxyribonucleic acid] evidence that was not discoverable or available at the time of the original trial may be brought at any time after the discovery or availability of such new

evidence"); as the state has pointed out, the legislature also amply has demonstrated that it knows how to provide good cause exceptions to time limitations if it so intends. See, e.g., General Statutes §§ 8-13t (e), 10-146b, 12-205, 12-242kk (b), 13a-175s (e), 16-32b, 17b-61 (c), 38a-135 (a), 46a-83 (a), 46b-133c (b), 52-212, 54-46a (b), 54-56g, 54-82c (a) and 54-82q (d); see also General Statutes § 46b-115dd (b) (extending time for hearing if "compelling circumstances"); General Statutes § 46b-129 (f) (same). Neither consideration is persuasive, however, for the very reason that § 54-1j is not a statute of limitation.

[12] In the present case, for example, the defendant's criminal trial counsel was unable to testify due to long-term illness.

[13] Although § 1-2z also permits resort to extratextual sources if from a reading of the statute its meaning is not plain and unambiguous and leads to bizarre or unworkable results, the defendant does not claim that such a result arises under our construction. Cf. *AFSCME, Council 4, Local 1565* v. *Dept. of Correction*, 298 Conn. 824, 842–43, 6 A.3d 1142 (2010) ("It seems irrational to presume that the legislature provided a scheme whereby an applicant who exchanges her right to litigate the issue of guilt for admission into [the accelerated rehabilitation] program and successfully completes its conditions could fare worse with regard to the presumption of innocence than the applicant who is unsuccessful and proceeds to trial. Nevertheless, we recognize that the legislature did not expressly declare that the application for and acceptance into the program may not be used as evidence of guilt. Accordingly, to the extent that this silence creates an ambiguity; see General Statutes § 1-2z; we turn to the genealogy and legislative history of [General Statutes] § 54-56e to determine whether the legislature intended to allow the accelerated rehabilitation applicant to be treated as presumptively guilty of the offense with which she has been charged.").