
The “officially released” date that appears near the beginning of this opinion is the date the opinion 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.

This opinion is subject to revisions and editorial changes, not of a substantive nature, and corrections of a technical nature prior to publication in the Connecticut Law Journal.

ROBINSON, C. J., concurring. I join in the well reasoned opinion of the majority concluding that the petitioner, Jamie Gomez, was entitled to a grant of his petition for a writ of habeas corpus because his federal due process rights were violated under *Napue v. Illinois*, 360 U.S. 264, 79 S. Ct. 1173, 3 L. Ed. 2d 1217 (1959), and *Giglio v. United States*, 405 U.S. 150, 92 S. Ct. 763, 31 L. Ed. 2d 104 (1972), when the prosecutor at his murder trial failed to correct the material, false testimony of two cooperating prosecution witnesses, despite the fact that the petitioner’s defense attorney was at least constructively aware that the testimony was false. I agree with the majority’s conclusion that the trial prosecutor’s actions in this case constituted an extraordinary breach of his obligations as a minister of justice with ethical responsibilities to the public and the judicial system that transcend seeking convictions at all costs. See, e.g., *State v. Medrano*, 308 Conn. 604, 612, 65 A.3d 503 (2013).

Specifically, as the majority notes, the trial prosecutor directly solicited testimony that was false and misleading in nature regarding the witnesses’ cooperation agreements with the state and did nothing to address that false testimony, which the witnesses then repeated during cross examination. The trial prosecutor then effectively vouched for their credibility during summations. I emphasize that sanctioning this parade of falsity has at a minimum the appearance of a dereliction of the prosecutor’s ethical duty “to ensure that all evidence tending to aid in the ascertaining of the truth be laid before the court, whether it be consistent with the contention of the prosecution that the accused is guilty.” (Internal quotation marks omitted.) *Massameno v. Statewide Grievance Committee*, 234 Conn. 539, 557, 663 A.2d 317 (1995). I write separately to commend (1) the Division of Criminal Justice, at an institutional level, for adopting a comprehensive policy recognizing its prosecutors’ obligations to ensure the accuracy of cooperating witnesses’ testimony, along with correcting any falsehoods;¹ and (2) the appellate prosecutor for discharging his obligation as a minister of justice on behalf of the state and paving the way to habeas relief by candidly conceding the materiality and falsity of the witnesses’ testimony. Given that concession and the severity of the *Napue/Giglio* violation in this case, I join in the judgment of the majority to direct habeas relief and to order a new trial for the petitioner.

¹ See footnote 10 of the majority opinion.
