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DYOUS *v.* COMMISSIONER OF MENTAL HEALTH & ADDICTION
SERVICES—CONCURRENCE

PALMER, J., concurring. I agree with the result that the majority reaches because I believe that our decision in *Duperry v. Solnit*, 261 Conn. 309, 803 A.2d 287 (2002), controls the outcome of this case, and the petitioner, Anthony Dyou, has not asked us to overrule that decision. In light of Judge Stefan R. Underhill's thoughtful analysis in *Duperry v. Kirk*, 563 F. Supp. 2d 370 (D. Conn. 2008), of the same fundamental issue presented in this case, however, I now question whether our application of *Teague v. Lane*, 489 U.S. 288, 109 S. Ct. 1060, 103 L. Ed. 2d 334 (1989), in *Duperry v. Solnit*, supra, 319–26, was correct. Because the majority understandably relies on our reasoning in *Duperry v. Solnit*, supra, 309, to decide the present case, I concur in the result only.
