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BOWENS v. COMMISSIONER OF CORRECTION—CONCURRENCE AND
DISSENT

ECKER, J., concurring in part and dissenting in part. I agree with and join parts I, II, and III of the majority opinion. I respectfully dissent, however, from part IV of the majority opinion, in which the majority concludes that, even if the cruel and unusual punishment claims raised by the petitioner, Tyreese Bowens, are not barred by the doctrine of *res judicata*, he cannot prevail on those claims in light of this court's recent decisions in *State v. McCleese*, 333 Conn. 378, A.3d (2019), and *State v. Williams-Bey*, 333 Conn. 468, A.3d (2019). For the reasons articulated in my dissenting opinions in those cases, I believe that juvenile offenders cannot constitutionally be sentenced as adults without an individualized sentencing proceeding in which the sentencing judge *must* consider the mitigating effects of youth and its associated features, and also that the availability of parole eligibility under § 1 of No. 15-84 of the 2015 Public Acts, codified at General Statutes § 54-125a, is not a substitute for such an individualized sentencing hearing. See *State v. McCleese*, *supra*, 429 (Ecker, J., dissenting); *State v. Williams-Bey*, *supra*, 477 (Ecker, J., dissenting); see also *State v. Taylor G.*, 315 Conn. 734, 796–97, 110 A.3d 338 (2015) (Eveleigh, J., dissenting).
