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PALMER, J., with whom KATZ, J., joins, concurring. I agree with the result that the majority reaches. I disagree, however, with the majority's decision not to resolve the petitioner's unpreserved ex post facto claim on the ground that the petitioner did not expressly invoke *State v. Golding*, 213 Conn. 233, 239–40, 567 A.2d 823 (1989). See part I of the majority opinion. Although the petitioner should have acknowledged that his ex post facto claim was unpreserved and that he was seeking review under *Golding*, the state never objected on the ground that the petitioner had failed to invoke *Golding*; indeed, the state addressed the petitioner's ex post facto claim on its merits. There is no dispute, moreover, that the petitioner's claim fully satisfies the requirements for *Golding* review. Furthermore, the arguments and analysis that the petitioner raised in support of his ex post facto claim are precisely the same arguments and analysis that he would have raised if he had invoked *Golding*. Finally, as the majority acknowledges; see footnote 4 of the majority opinion; the merits of the petitioner's claim are foreclosed by our recent opinion in *Washington v. Commissioner of Correction*, 287 Conn. 792, A.2d (2008). Under the circumstances, therefore, I see no reason why we should not consider the merits of the petitioner's ex post facto claim. I would do so and reject them for the reasons set forth in *Washington*. I therefore concur in the result.

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