
The “officially released” date that appears near the beginning of each opinion is the date the opinion will be published in the Connecticut Law Journal or the date it 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. In no event will any such motions be accepted before the “officially released” date.

All opinions are subject to modification and technical correction prior to official publication in the Connecticut Reports and Connecticut Appellate Reports. In the event of discrepancies between the electronic version of an opinion and the print version appearing in the Connecticut Law Journal and subsequently in the Connecticut Reports or Connecticut Appellate Reports, the latest print version is to be considered authoritative.

The syllabus and procedural history accompanying the opinion as it appears on the Commission on Official Legal Publications Electronic Bulletin Board Service and in the Connecticut Law Journal and bound volumes of official reports are copyrighted by the Secretary of the State, State of Connecticut, and may not be reproduced and distributed without the express written permission of the Commission on Official Legal Publications, Judicial Branch, State of Connecticut.

LUURTSEMA v. COMMISSIONER OF CORRECTION—THIRD
CONCURRENCE

McLACHLAN, J., concurring. I concur with the plurality reluctantly. I concur reluctantly because the majority opinion in *State v. Salamon*, 287 Conn. 509, 949 A.2d 1092 (2008), compels me to concur. Although I agree with the holding of *Salamon*, namely, that “to commit a kidnapping in conjunction with another crime, a defendant must intend to prevent the victim’s liberation for a longer period of time or to a greater degree than that which is necessary to commit the other crime”; *id.*, 542; I disagree with that portion of the analysis in which the court concluded that for more than thirty years, and in innumerable cases, the courts of this state, including this court, have misconstrued our kidnapping statutes. The discussion of legislative acquiescence in the dissent in *State v. Salamon*, *supra*, 595–601, convinces me that the courts of the state, including this court, had not misconstrued General Statutes § 53a-91 et seq. for a period of over thirty years. Thus, when the petitioner in the present case, Peter Luurtsema, was convicted of kidnapping in 2000, it was in accordance with the laws of this state, which had been consistently interpreted at that time for more than twenty years.

In *Salamon*, this court adopted a “new rule” expressly overruling the law in existence at the time of the petitioner’s crime and conviction. *Id.*, 542. As reasoned by the Wisconsin Supreme Court, “[t]o pretend that [past precedent] never existed or applied to any case simply to reach a desired result is disingenuous to the litigants, attorneys and . . . courts that were bound by those decisions.” *State v. Lagundoye*, 268 Wis. 2d 77, 100, 674 N.W.2d 526 (2004). To date the United States Supreme Court has not required “new” interpretations of statutes to be applied retroactively in criminal cases, and I would not so provide. See *Fiore v. White*, 531 U.S. 225, 121 S. Ct. 712, 148 L. Ed. 2d 629 (2001). Although I would prefer to follow our long-standing principle of finality of judgments and would deny the petitioner the relief that he seeks, I am compelled to follow the precedent established by *Salamon*, and, accordingly, concur in the result.
