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STATE OF CONNECTICUT *v.* SAIFULLAH KHAN (SC 21188)

Mullins, C. J., and McDonald, D'Auria, Ecker, Dannehy, Bright and Clark, Js.*

Syllabus

The plaintiff in error filed a writ of error, challenging the trial court's dismissal of her emergency motion to open the criminal case of the defendant in error K for the limited purpose of redacting her name from the official trial transcripts, and for an order prohibiting the dissemination of the transcripts until her name was removed. K had been charged with sexually assaulting the plaintiff in error. Prior to K's criminal trial, a Superior Court judge granted the request of the plaintiff in error, based on statutory (§ 54-86e) and state constitutional (Conn. Const., amend. XXIX) law, for an order that she be referred to in K's case only by the pseudonym Jane Doe. A different Superior Court judge presiding over K's trial, however, ordered the plaintiff in error to state her actual full name for the record. The plaintiff in error testified at K's trial using her actual name, which was recorded in the official trial transcripts. K ultimately was acquitted of the sexual assault charges. Years after the judgment of acquittal in K's case was rendered, the plaintiff in error filed her motion to open. The trial court, relying on *State* v. *Butler* (348 Conn. 51), in which this court held that trial courts do not have subject matter jurisdiction to open a final judgment that has resulted in the dismissal of all criminal charges, dismissed the plaintiff in error's motion to open for lack of subject matter jurisdiction. *Held*:

Insofar as the plaintiff in error's motion to open sought to challenge, as legally incorrect, the prior order to have her state her actual name at K's trial, and because the trial court lost subject matter jurisdiction over K's criminal case following the judgment of acquittal, the trial court had no authority to adjudicate the plaintiff in error's motion to open, and, accordingly, this court dismissed the writ of error.

Although the legislature has conferred postjudgment jurisdiction to the Superior Court in certain circumstances, those circumstances in criminal cases are limited to convictions rather than acquittals, and, once a court is divested of jurisdiction on the basis of an acquittal, such as in the present case, it may not reconsider prior rulings in the case, including interlocutory rulings.

Moreover, although a trial court, even after being divested of jurisdiction, may take certain actions that do not affect matters of substance, including the correction of clerical errors in a criminal judgment, sentence or record,

*This case originally was argued before a panel of this court consisting of Chief Justice Mullins and Justices McDonald, D'Auria, Ecker, Dannehy and Bright. Thereafter, Judge Clark was added to the panel and has read the briefs and appendices, and listened to a recording of oral argument prior to participating in this decision.

the plaintiff in error's motion to open was not concerned with a clerical error but, rather, sought reconsideration of a judge's prior ruling that the plaintiff in error state her actual name at K's trial.

Furthermore, a trial judge lacks subject matter jurisdiction to reconsider another judge's prior interlocutory ruling once that ruling becomes appealable, such as after a final judgment is rendered in the case, as it would be inconsistent with the hierarchical court system to allow a trial judge to review, and, potentially, to reverse, a coequal judge's appealable prior ruling, and as permitting such review would arrogate appellate jurisdiction to the Superior Court and encourage litigants to seek review by judge shopping within the same court.

When the plaintiff in error filed her motion to open in the trial court after a judgment of acquittal was rendered in K's criminal case, asking one Superior Court judge to review a prior, otherwise appealable, interlocutory ruling by another Superior Court judge, she functionally asked a Superior Court judge to exercise appellate authority over a coequal Superior Court judge's ruling and, instead, could have sought leave to file a late writ of error in the Appellate Court seeking review by that court of the Superior Court judge's prior ruling.

(*Three justices dissenting in one opinion*)

Argued March 4—officially released September 22, 2026

Procedural History

Writ of error from the decision of the Superior Court in the judicial district of New Haven, *Vitale*, *J.*, dismissing the emergency motion filed by the plaintiff in error to open the case involving the defendant in error Saifullah Khan and for an order, brought to the Appellate Court, where the writ was transferred to this court. *Writ of error dismissed*.

Kenneth J. Bartschi, with whom was *Wesley W. Horton*, for the plaintiff in error (Jane Doe).

Benjamin Abrams, assistant attorney general, with whom, on the brief, was *William Tong*, attorney general, for the defendant in error (official court reporter for the judicial district of New Haven).

Alexander T. Taubes, for the defendant in error (Saifullah Khan).

Timothy F. Costello, supervisory assistant state's attorney, with whom, on the brief, were *John P. Doyle*,

Jr., state's attorney, *Adrienne Russo*, supervisory assistant state's attorney, and *Michael Pepper*, former senior assistant state's attorney, for the defendant in error (state).

Opinion

McDONALD, J. In 2018, a jury found the defendant in error Saifullah Khan not guilty of sexually assaulting the plaintiff in error, Jane Doe.[1] The trial court had ordered Doe to use her full name at the trial, notwithstanding the fact that earlier in the case a different judicial authority had issued a pretrial order allowing the use of a pseudonym during pretrial proceedings pursuant to General Statutes § 54-86e, which provides in relevant part that "[t]he name and address of the victim of a sexual assault . . . and such other identifying information pertaining to such victim as determined by the court, shall be confidential and shall be disclosed only upon order of the Superior Court . . . ." More than eighty months after Khan was found not guilty by a jury and the trial court had rendered a judgment of acquittal, Doe filed an "emergency motion" in the trial court to "open the case" for the limited purpose of redacting her name from the official court transcripts, and for an order prohibiting the dissemination of the transcripts until her name is removed (motion to open).[2] Khan objected to Doe's motion

[1]Doe filed this writ of error using a pseudonym. No party has challenged Doe's use of a pseudonym before this court. Compare Practice Book § 11-20A (h) (delineating procedures for parties to proceed pseudonymously in civil actions) with *State* v. *Eric M.*, 79 Conn. App. 91, 99, 829 A.2d 439 (2003) ("the [trial] court's use of pseudonyms to refer to the victim was proper and a well established method for courts to comport with [General Statutes] § 54-86e" in criminal cases), aff'd, 271 Conn. 641, 858 A.2d 767 (2004).

[2]Although, for convenience, we refer to Doe's motion as a motion to open, Doe did not cite any legal authority, statutory or otherwise, which would permit the filing of such a motion in a criminal case after a judgment of acquittal is rendered. When Doe filed her motion to open, all court records related to the prosecution of Khan, other than the transcripts of the proceedings in the case, had been erased by operation of law. See General Statutes § 54-142a (a) and (*l*). In light of our disposition of this writ of error, there is no need for us to address how Doe

to open, claiming that the trial court lacked subject matter jurisdiction after final judgment was rendered in his criminal case and, alternatively, that Doe lacked standing to seek this relief as a nonparty. The trial court agreed with Khan's first argument and dismissed Doe's motion to open for lack of subject matter jurisdiction. This writ of error followed. We conclude that the trial court lacks subject matter jurisdiction over this criminal case following Khan's acquittal and that it lacks jurisdiction to review another judge's prior order once that order becomes appealable. For these reasons, we dismiss the writ of error.

The following factual and procedural background is relevant for our analysis. In October 2015, a sexual encounter occurred between Khan and Doe. Doe alleged that Khan had raped her; Khan maintained that the sexual encounter was consensual. As a result of Doe's allegations, Khan was charged with four counts of sexual assault.

Prior to trial, Doe moved the trial court, *Clifford*, *J.*, to issue confidentiality orders protecting her right to privacy pursuant to article twenty-nine of the amendments to the constitution of Connecticut, and pursuant to § 54-86e. Among the orders Doe requested was an order "protecting the anonymity of [her] identity in all court proceedings. This order should . . . require that all references to the victim in documents, pleadings, statements in court, or examination and testimony of witnesses refer to the victim only as 'Jane Doe' . . . ." At the hearing on Doe's pretrial motion, defense counsel objected to the motion on the ground that, as a nonparty to the criminal case, Doe lacked standing to seek relief from the trial court. Alternatively, defense counsel argued that Doe should be identified by her initials, instead of a pseudonym, because it would be easier for potential jurors to know whether they have a connection to the

could move to open Khan's criminal case when she both acknowledges that she is not a party to the case and concedes that the case "no longer exists" in the trial court.

parties, witnesses, or facts of the case. Judge Clifford overruled defense counsel's objection on the ground that § 54-86e protects the confidentiality of the names of victims of sexual assault. Judge Clifford explained that he did not "have a problem granting that motion to refer to the alleged victim . . . as 'Jane Doe.' As far as the trial itself . . . [he was] not going to bind the trial judge with that order, and . . . if the trial judge [felt] that 'Jane Doe' [was] not the appropriate way and that it should be some kind of initials . . . [he would] certainly defer to the trial judge . . . ."

At trial, the prosecutor moved the trial court, *B. Fischer*, *J.*, for an order requiring all participants to identify Doe by her first name only. Defense counsel objected, arguing that Khan was "presumed innocent. [Khan's] name has been held out to the world as a rapist, and this is a young woman who had a confrontation in her room. [Counsel did not] see why she's entitled to special solicitude." Judge Fischer asked the prosecutor whether he had "any authority that [Doe's] last name not be used?" Although § 54-86e requires that the names of sexual assault victims be kept confidential in the absence of a court order directing otherwise, the prosecutor responded that he was unaware of any authority that would support his request. Judge Fischer denied the prosecutor's motion, ruling that Doe must "state her full name" for the record but need not provide her "address or anything . . . ." Thereafter, Doe testified at trial using her full name, which was recorded in the official court transcripts.[3]

At the conclusion of Khan's criminal trial, the jury found him not guilty on all charges, and the trial court rendered a judgment of acquittal. In subsequent civil litigation, however, it came to light that Doe's full name was

[3]The official court transcript for February 26, 2018, was edited in April 2025 to omit Doe's last name in some places while retaining it in others. It is not clear from the record before us who edited the transcript, under what authority it was edited, or for what reason the change was made. We note that no changes were made to the official court transcript for February 27, 2018, and Doe's last name still appears in it multiple times.

available to the public in the official court transcripts of Khan's criminal case. For this reason, Doe filed a motion to open Khan's criminal case for the limited purpose of redacting her name from the official court transcripts. Doe also requested that the trial court issue an order precluding the "disseminati[on] [of] the transcript[s] until this issue is decided and [her] name is removed."[4] Doe claimed that "a mistake was made at trial" because Judge Fischer overlooked Judge Clifford's pretrial order granting Doe's motion to proceed pseudonymously, as well as "the clear mandate of . . . § 54-86e" requiring that her name be kept confidential.

The trial court, *Vitale*, *J.*,[5] heard oral argument on Doe's motion to open, during which the court acknowledged that Doe's name should have been protected at the time of trial pursuant to § 54-86e and that "Judge Clifford said as much and just left the mechanism by which that would have occurred to the [judge] who was actually going to [try] the case. For whatever reason, that didn't happen." Even so, the court questioned whether it had subject matter jurisdiction to grant Doe's motion to open after final judgment was rendered in Khan's criminal case. In particular, the court cited *State* v. *Butler*, 348 Conn. 51, 300 A.3d 1145 (2023), which held that trial courts do not have subject matter jurisdiction to open a final judgment that dismisses all criminal charges. See id., 71–74. The court ordered Doe and Khan to file supplemental briefs addressing its subject matter jurisdiction.

In response, Doe submitted a supplemental brief, in which she claimed that the trial court had subject matter jurisdiction to redact her name from the official court transcripts. In support of her argument, Doe cited a civil case, *Rosado* v. *Bridgeport Roman Catholic Diocesan Corp.*, 276 Conn. 168, 884 A.2d 981 (2005), for the proposition that "courts retain supervisory authority over

[4] Doe also filed a motion to seal two exhibits that were attached to her motion to open. Doe's writ of error does not challenge the trial court's dismissal of the motion to seal, and we do not address the issue.

[5] All subsequent references to the trial court or the court are to Judge Vitale, unless otherwise indicated.

documents in their possession . . . [and that authority] does not disappear because jurisdiction over the relevant controversy has been lost." (Citations omitted; internal quotation marks omitted.) Id., 216. In his supplemental brief, Khan claimed that the jurisdictional holding in *Butler*, a criminal case, was dispositive and precluded the trial court from exercising jurisdiction over Doe's motion to open. The court thereafter issued a memorandum of decision, recognizing that Doe "had a statutorily valid interest in the nondisclosure of her full identity both during the proceedings and in the public record" but nonetheless concluding that the jurisdictional limitations set forth in *Butler* were controlling. The trial court therefore dismissed Doe's motion to open for lack of subject matter jurisdiction.

Doe filed a writ of error in the Appellate Court, and we transferred the writ to this court pursuant to General Statutes § 51-199 (c) and Practice Book § 65-1. Doe's writ of error named Khan, the state, and the official court reporter for the judicial district of New Haven (court reporter) as the defendants in error. In her writ of error, Doe claims that the trial court improperly dismissed her motion to open, which requested that the court open the case for the limited purpose of redacting her name from the official court transcripts, because trial courts possess inherent supervisory authority over court records in their possession. In her brief to this court, Doe further claims that *Butler* is distinguishable because she "does not seek to reinstitute the criminal proceedings or [to] otherwise alter the judgment of acquittal." Rather, "[s]he merely seeks to remove her real name from the transcripts, as is her right pursuant to § 54-86e and Judge Clifford's pretrial order," which she contends "is an administrative matter . . . even though the criminal action no longer exists . . . ." In their briefs to this court, Khan and the state both argue that the trial court properly dismissed Doe's motion to open for lack of subject matter jurisdiction because, under *Butler*, a trial court's jurisdiction over a criminal case ends after a final judgment is rendered. See *State* v. *Butler*, supra, 348 Conn. 71–74. The

court reporter takes no position on Doe's writ of error but points out that "Judge Fischer specifically ordered that Doe must state her full name on the record, and [the court reporter] was therefore obligated to provide . . . transcript[s] of the criminal trial that accurately recorded her name."

I

We agree with the trial court that it lost subject matter jurisdiction over Khan's criminal case following the judgment of acquittal. "It is well established that the authority of the Superior Court over criminal cases derives from the presentment of an information, which is essential to initiate a criminal proceeding." (Internal quotation marks omitted.) *State* v. *Butler*, supra, 348 Conn. 72. "When the information, which contains the charges and establishes the jurisdiction of the trial court, is dismissed, the court's jurisdiction is extinguished because there is then no valid charging document pending before the court to confer jurisdiction on it." Id. An acquittal similarly extinguishes a criminal court's jurisdiction because it is "a final disposition of all charges contained in the information" through "an adjudication of the merits . . . ." *State* v. *Butler*, 209 Conn. App. 63, 84, 267 A.3d 256 (2021), aff'd, 348 Conn. 51, 300 A.3d 1145 (2023); see also, e.g., *State* v. *Butler*, supra, 348 Conn. 86 (*D'Auria*, *J.*, concurring in part and concurring in the judgment) ("[a]s the majority correctly notes, the dismissal of criminal charges is a complete and final resolution of all pending charges, and . . . a trial court would lose jurisdiction following that action, *similar to an acquittal*" (emphasis added)). Thus, after an acquittal, a trial court's subject matter jurisdiction over a criminal proceeding ends.

Although "the legislature has granted continuing jurisdiction to the Superior Court in particular circumstances"; *State* v. *Butler*, supra, 348 Conn. 69; the current statutory exceptions in criminal cases apply only after the conviction of a defendant, not an acquittal. See, e.g., id. (trial court has authority to hear petition

for new trial and to modify terms of probation); *State* v. *Butler*, supra, 209 Conn. App. 83 (trial court has authority to reduce sentence, to discharge defendant, and to place defendant on probation); see also, e.g., *State* v. *Waterman*, 264 Conn. 484, 488–89, 825 A.2d 63 (2003) (postconviction sex offender registration is "regulatory requirement"). Furthermore, the civil "four month rule," which allows "a motion to open or set aside [to be] filed within four months following the date on which the notice of judgment or decree was sent"; (internal quotation marks omitted) *State* v. *Butler*, supra, 348 Conn. 69; "does not apply in the criminal context . . . ." Id., 71. "The legislature has not . . . enacted any similar statutory provisions permitting a trial court to retain general jurisdiction over criminal judgments for a designated period of time following a final disposition." Id., 69. There currently is no statutory exception to a criminal court's loss of jurisdiction following an acquittal.

This lack of subject matter jurisdiction limits what actions a criminal court may take, even when invoking its inherent authority. On the one hand, a trial court may not reconsider its prior rulings, including interlocutory rulings, if it did not retain "control of the subject matter and of the parties . . . ." (Internal quotation marks omitted.) *Steele* v. *Stonington*, 225 Conn. 217, 219 n.4, 622 A.2d 551 (1993); see, e.g., *Skakel* v. *Commissioner of Correction*, 329 Conn. 1, 107, 188 A.3d 1 (2018) (*D'Auria*, *J.*, concurring in part), cert. denied, 586 U.S. 1068, 139 S. Ct. 788, 202 L. Ed. 2d 569 (2019); see also, e.g., *Steele* v. *Stonington*, supra, 219 n.4 ("it is the inherent authority of every court, *as long as it retains jurisdiction*, to reconsider a prior ruling" (emphasis added)).

On the other hand, even after losing jurisdiction, a trial court may take certain actions that do not affect "matters of substance . . . ." (Internal quotation marks omitted.) *State* v. *Dayton*, 176 Conn. App. 858, 872, 171 A.3d 482 (2017). For example, a trial court can correct clerical errors in the judgment, sentence, or record at any time. See, e.g., id.; see also, e.g., *State* v. *Grant*, 286

Conn. 499, 502 n.1, 944 A.2d 947 ("a clerical error in a judgment may be corrected at any time"), cert. denied, 555 U.S. 916, 129 S. Ct. 271, 172 L. Ed. 2d 200 (2008). These corrections fall within a trial court's inherent authority because "[a] clerical error does not challenge the court's ability to reach the conclusion that it did reach, but involves the failure to preserve or correctly represent in the record the actual decision of the court." (Internal quotation marks omitted.) *State* v. *Dayton*, supra, 872. This inherent authority is "separate and distinct" from the trial court's jurisdiction because "the record is a history of the court proceedings, [and] the power to make it speak truthfully is one of necessity belonging to every court of record, and may be exercised" at any time, even after judgment is rendered, so long as "notice [is provided] to the adverse party." *Tyler* v. *Aspinwall*, 73 Conn. 493, 496–97, 47 A. 755 (1901). A trial court maintains its inherent authority to correct a clerical error if the correction does not affect a prior judgment.

Because Doe claims that Judge Fischer made "mistakes" when ordering her to state her full name at trial, jurisdiction is necessary to review her claim. She does not claim that there was a "failure to preserve or correctly represent in the record the actual decision of the court"; (internal quotation marks omitted) *State* v. *Dayton*, supra, 176 Conn. App. 872; but that Judge Fischer's decision was legally incorrect because he "overlook[ed] § 54-86e and [Judge Clifford's] pretrial order." We agree with the trial court that Doe's motion to open "concern[ed] not merely correcting an insubstantial clerical error but, rather, an effort to modify what was an *order of the court* at trial." (Emphasis in original.) In fact, in her motion to open, Doe did not seek to merely "modify" an order of the court at trial but, instead, to *reverse* Judge Fischer's specific order. As such, Doe sought reconsideration of a previous ruling, which is necessarily a "matter of substance"; *State* v. *Dayton*, supra, 874; that is beyond a trial court's inherent authority to correct clerical errors. The trial court needed to have jurisdiction to consider Doe's motion to open; see, e.g.,

Steele v. *Stonington*, supra, 225 Conn. 219 n.4; and it correctly determined that it had none. See, e.g., *State* v. *Butler*, supra, 348 Conn. 71–74; id., 86 (*D'Auria*, *J.*, concurring in part and concurring in the judgment); *State* v. *Butler*, supra, 209 Conn. App. 83–84. But cf. *State* v. *Gault*, 304 Conn. 330, 333–36, 337 n.10, 338 n.11, 39 A.3d 1105 (2012) (motion was filed by nonparty before final judgment was rendered in defendant's criminal case).[6]

Accordingly, we dismiss the writ of error.[7]

II

A trial judge also lacks jurisdiction to reconsider another judge's prior order once that order becomes appealable, such as after a final judgment is rendered. It would be inconsistent with our hierarchical court system to allow a Superior Court judge to review, and, potentially, to reverse, another judge's appealable prior order. If this court were to permit such a review, it would arrogate appellate jurisdiction to the Superior Court and encourage litigants to seek review by "[j]udge shopping" within the same court, which "is not to be encouraged

[6] *Gault* is distinguishable because there was an ongoing criminal proceeding in that case, conferring statutory standing on a nonparty under General Statutes § 46a-13c (5). See *State* v. *Gault*, supra, 304 Conn. 337 n.10, 338 n.11, 343–44 and n.15, 347. In the present case, we cannot say that there was any "preexisting criminal prosecution"; id., 337 n.10; following Khan's acquittal and the trial court's loss of jurisdiction with no statutory exception, even if Doe filed her motion to open in the same docket. See footnote 2 of this opinion. Indeed, Doe concedes that "the criminal action no longer exists . . . ." Doe's right to "[f]ile a limited special appearance in any court proceeding" under § 46a-13c (5) does not confer standing to appear in a case that "no longer exists . . . ."

[7] Although we conclude in part I of this opinion that the trial court lacked jurisdiction to reconsider Judge Fischer's order following final judgment, the dissent does not focus on Judge Fischer's order in its responsive analysis. Instead, it considers whether a trial court may *ever* apply § 54-86e following a final judgment and misconstrues this opinion as considering the same question. See part II of the dissenting opinion. Because this question is not presented, we reach no conclusion regarding "nonpunitive civil, administrative, or regulatory statutes," as the dissent contends we do. Id.

. . . .” *Breen* v. *Phelps*, 186 Conn. 86, 99, 439 A.2d 1066 (1982).

To illustrate why the trial court lacked jurisdiction to review another judge’s prior order in this case, we first distinguish the present circumstances from those under which the law of the case doctrine would be applicable. “The law of the case doctrine provides that when a matter has previously been ruled upon *interlocutorily*, the court in a subsequent proceeding in the case *may* treat that decision as the law of the case . . . .” (Emphasis added; internal quotation marks omitted.) *Wagner* v. *Clark Equipment Co.*, 259 Conn. 114, 130 n.21, 788 A.2d 83 (2002), quoting *Breen* v. *Phelps*, supra, 186 Conn. 99. “[A] decision of one trial judge that declares the law of the case is not a limitation on the power of the second judge in the case to decide otherwise, under appropriate circumstances.” (Internal quotation marks omitted.) *Brown* v. *Soh*, 280 Conn. 494, 508 n.9, 909 A.2d 43 (2006). In part, we have limited these “appropriate circumstances”; (internal quotation marks omitted) id.; to interlocutory rulings because they are not appealable judgments issued by another judge. See, e.g., id.; *Wagner* v. *Clark Equipment Co.*, supra, 130 n.21; see also, e.g., *CFM of Connecticut, Inc.* v. *Chowdhury*, 239 Conn. 375, 403, 685 A.2d 1108 (1996) (“If the first decision was final, in the res judicata sense, it cannot be disregarded under the doctrine of the law of the case. If, however, the first decision was not final, but was merely interlocutory, it falls within the doctrine of the law of the case.”), overruled in part on other grounds by *State* v. *Salmon*, 250 Conn. 147, 735 A.2d 333 (1999); *State* v. *Aillon*, 189 Conn. 416, 425, 456 A.2d 279 (“[a] judgment may be final in a res judicata sense as to a part of an action although litigation continues as to the rest”), cert. denied, 464 U.S. 837, 104 S. Ct. 124, 78 L. Ed. 2d 122 (1983); cf. *State* v. *Curcio*, 191 Conn. 27, 31–34, 463 A.2d 566 (1983) (establishing “test[s] for finality”).

After final judgment, however, even another judge’s prior interlocutory rulings become appealable. A party

may appeal "an error in an interlocutory [ruling] . . . as upon the final judgment, on the ground that such [ruling] is rendered erroneous by the errors in the interlocutory proceedings." *Wallace* v. *Middlebrook*, 28 Conn. 464, 465 (1859). In other words, when an "appeal is from a final judgment . . . an interlocutory ruling may form the basis of such an appeal." *Balestiere* v. *Cersosimo*, 102 Conn. 702, 702, 130 A. 238 (1925); see, e.g., *Blue Cross/Blue Shield of Connecticut, Inc.* v. *Gurski*, 49 Conn. App. 731, 734, 715 A.2d 819 ("interlocutory orders that were adverse to the appellant can be assigned as error and reviewed in an appeal taken from the final judgment in the case"), cert. denied, 247 Conn. 920, 722 A.2d 809 (1998); see also, e.g., Practice Book § 61-5. The rationale for the law of the case doctrine no longer applies once a final judgment renders prior interlocutory rulings appealable.

Thus, the law of the case doctrine does not apply in this case because Doe, a nonparty to the original prosecution against Khan, filed her motion to open after final judgment was rendered in the criminal case. She could have sought appellate review of Judge Fischer's order by seeking leave to file a late writ of error in the Appellate Court, instead of seeking a second Superior Court judge's review in a prosecution that had been terminated by acquittal.[8] See Practice Book §§ 60-2 (5) and 72-4. "[W]rits of error fill a gap left by appeals by allowing nonparties aggrieved by a final judgment to obtain review." *Redding Life Care, LLC* v. *Redding*, 331 Conn. 711, 726, 207 A.3d 493 (2019). "A writ of error is *the means* by which a nonparty may seek review of a final judgment," just as "[a]n appeal is *the means* by which a party may seek review of a final judgment." (Emphasis added.) Id. Because Doe could have filed a writ of error

[8]We need not decide whether Doe also could have filed a writ of error at the time of Judge Fischer's ruling. See, e.g., *State* v. *Curcio*, supra, 191 Conn. 31; see also, e.g., *Redding Life Care, LLC* v. *Redding*, 331 Conn. 711, 714, 730, 744, 207 A.3d 493 (2019) (considering, on appeal from Appellate Court's judgment granting writ of error, whether challenged interlocutory ruling "satisf[ied] either prong of *Curcio*" and, thus, "constitute[d] an appealable final judgment").

instead of filing her motion to open, the law of the case doctrine does not apply.

This distinction from the law of the case doctrine illustrates why a second judge presented with a similar motion lacks jurisdiction to decide it under these circumstances. When Doe sought a ruling that Judge Fischer's order was legally incorrect, as previously discussed, she functionally asked Judge Vitale to exercise appellate authority over Judge Fischer's appealable order. See part I of this opinion. "[I]f either party is aggrieved by the decision of the court or judge . . . he may appeal to *the court* having jurisdiction from the final judgment of the court or of such judge . . . ." (Emphasis added.) General Statutes § 52-263; see, e.g., General Statutes § 52-264 (discussing "appeals and writs of error"); see also, e.g., Black's Law Dictionary (12th Ed. 2024) p. 120 (defining "appeal" as "[a] proceeding undertaken to have a decision reconsidered by *a higher authority*" (emphasis added)). When Doe filed a motion to open asking another Superior Court judge to review an otherwise appealable order, without filing a writ of error in the Appellate Court, she sought the type of relief available only from courts of higher authority—but did not use "the means" to do so. *Redding Life Care, LLC* v. *Redding*, supra, 331 Conn. 726. Even when a newly assigned judge has jurisdiction over a case generally, the judge cannot exercise what is functionally appellate jurisdiction over a coequal judge's appealable prior order.[9]

Although more than eight years have passed since Judge Fischer rendered the judgment of acquittal in Khan's criminal case, Doe could have sought leave to

[9]If the prior order of the other judge is ultimately inappropriate for appellate review because, for example, the judge retired without issuing "either a memorandum of decision or [an] articulation of the basis of [his or her] ruling"; *Claude* v. *Claude*, 143 Conn. App. 307, 311, 68 A.3d 1204 (2013); that determination is still one for the Appellate Court or this court to make. See, e.g., id., 308, 310–12 (plaintiff appealed from retired trial judge's one word orders addressing plaintiff's motion to open judgment of nonsuit, and Appellate Court reversed judge's denial of motion to open and remanded case "for a new hearing on the plaintiff's motion").

file a late writ of error in the Appellate Court instead of attempting to invoke the claimed authority of a coequal Superior Court judge in our hierarchical court system. She still could follow that path today, as she could have at any point after final judgment was rendered. Were Doe to follow this prescribed path, the Appellate Court would consider whether she has demonstrated good cause to permit the late filing of the writ of error. If the court were to determine that Doe has shown good cause, it would then review Judge Fischer's order.[10] That is how our hierarchical court system is supposed to work. To hold otherwise would encourage litigants to engage in seemingly limitless "[j]udge shopping" within the Superior Court; *Breen* v. *Phelps*, supra, 186 Conn. 99; contravening the jurisdiction of the Appellate Court and this court.[11]

The writ of error is dismissed.

In this opinion MULLINS, C. J., and BRIGHT and CLARK, Js., concurred.

[10]We take no position on the merits of any such writ of error, including whether Judge Fischer abused his discretion in exercising his authority under § 54-86e to order Doe to identify herself by name during the trial or whether Doe could demonstrate good cause for filing a writ of error so many years later.

[11]The dissent responds to part II of this opinion by contending that Doe sought a modification of Judge Fischer's order based on "a change in circumstances . . . ." She did not. Instead, Doe argued in her motion to open that a mistake was made at Khan's criminal trial, stating, for example, that the trial court "should correct the mistake [that Judge Fischer] made during trial . . . ." The only legal argument in Doe's motion to open invoking changed circumstances was a "policy" argument against "allow[ing] . . . Khan to exploit the mistaken inclusion of [Doe's] name in the trial transcripts." This argument still presupposes that Judge Fischer made a "mistake" or error that needed to be reversed. Even if Doe did not make this assumption, Doe's briefing makes no reference to any postjudgment developments as a basis for relief, including the developments discussed in the dissent. See part III of the dissenting opinion. Instead, in her brief to this court, she maintains that the motion to open was filed "for the limited purpose of correcting [Judge Fischer's] error," noting that "Judge Fischer made two mistakes . . . ." That request is not grounded in "a change in circumstances," as the dissent suggests. Rather, it is a request to reverse Judge Fischer's order on its original merits.