Cumulative Table of Cases Connecticut Appellate Reports Volume 186

(Replaces Prior Cumulative Table)

Bonilla v. Commissioner of Correction (Memorandum Decision)	901 332
Bozelko v. D'Amato	278
Legal malpractice; summary judgment; whether trial court properly rendered summary judgment in favor of defendants; whether plaintiff's failure to disclose expert witness to testify that her alleged injury was caused by defendant attorney's allegedly grossly negligent representation of her at sentencing hearing was fatal to legal malpractice claim; whether plaintiff failed to show that defendant attorney's alleged negligence caused plaintiff to be unprepared for sentencing hearing; whether plaintiff failed to demonstrate required components of causation for legal malpractice claim; whether there was unbroken sequence of events that tied plaintiff's injuries to defendant attorney's conduct; whether causal link between alleged negligence and plaintiff's alleged injuries was so obvious as to negate need for expert testimony on that issue.	
Bruno v. Whipple	299
Contracts; hearing in damages; claim that trial court improperly concluded that plaintiff failed to prove actual damages; claim that trial court exceeded scope of remand order; whether trial court's finding that plaintiff did not prove that marital estate was reduced by defendant's breach of contract was clearly erroneous; whether trial court properly determined that plaintiff had not met burden in demonstrating entitlement to claimed damages; whether plaintiff's claims were based on conjecture and speculation; whether failure of trial court to award nominal damages and to render judgment in favor of plaintiff on breach of contract count constituted reversible error; whether general rule that appellate court will not reverse judgment of trial court for mere failure to award nominal damages applied.	
Cannatelli v. Statewide Grievance Committee	135
Citibank, N.A. v. Stein Foreclosure; claim that trial court improperly denied motion to dismiss and found that plaintiff had standing to bring foreclosure action; credibility of witnesses; whether assignee may continue litigation in name of original plaintiff; whether trial court abused its discretion by opening record to take additional evidence to address defendant's jurisdictional claims; reviewability of claims of error that have been induced by party claiming error on appeal; reviewability of claim that trial court abused its discretion by failing to consider certain documents; failure to brief claim adequately; claim that foreclosure action was deficient and false	224

because mortgagor did not default on note; claim that plaintiff failed to meet burden to prove right to bring present action as nonholder in possession of note; whether trial court properly determined that plaintiff met requirements to prosecute foreclosure action.	
Davis v. Commissioner of Correction	366
Day v. Seblatnigg	482
DE Auto Transport, Inc. v. Eurolite, LLC	270
Finney v. Finney (Memorandum Decision). Frondella v. Meriden Fraud; litigation privilege; injunctive relief; declaratory judgment; civil conspiracy; claim that defendants failed to give notice of declaratory judgment action as required by rule of practice (§ 17-56 [b]); claim that defendants conspired and schemed to conceal declaratory judgment action from plaintiffs; whether trial court improperly granted motion to dismiss for lack of subject matter jurisdiction on ground that defendants were shielded by litigation privilege; whether litigation privilege shielded defendants where allegations arose out of intentional conduct of defendants in depriving plaintiffs of notice of declaratory action and concealing that action, and were not based on statements made by defendants in course of	902 552
prior litigation. Forgione v. Forgione	525
Gabriel v. Mount Vernon Fire Ins. Co	163

insurance policy's savings clause, which provided that defendant was not required to provide coverage if insured failed to maintain underlying insurance, was inapplicable because it only contemplated situations in which insured has underlying insurance at requisite level when umbrella policy becomes active and fails to keep up underlying policy; whether trial court properly determined that umbrella automobile insurance policy's business exclusion did not apply because qualifying underlying insurance existed at time of accident; claim that trial court erred in determining damages; claim that trial court improperly denied defendant \$200,000 credit to be charged against sum that defendant owed toward unsatisfied portion of plaintiffs' underlying judgments.	
In re Lilyana L	96
Termination of parental rights; whether trial court properly terminated respondent mother's parental rights pursuant to statute (§ 17a-112 [j] [3] [F]) on ground that she committed assault of minor child through deliberate, nonaccidental act that resulted in serious bodily injury to child; claim that evidence was insufficient for court to have found that mother committed deliberate, nonaccidental assault that resulted in injury to minor child.	
Jolen, Inc. v. Brodie & Stone, PLC	516
Breach of fiduciary duty; motion for summary judgment; claim that in view of trial court's unchallenged determination that agency relationship existed between parties, trial court's subsequent failure to conclude that such relationship was per se fiduciary in nature was incorrect as matter of law; whether trial court's determination that defendant was not plaintiff's fiduciary with respect to matters within scope of its agency was erroneous; whether trial court erred in rendering summary judgment; whether agent is, by definition, fiduciary.	
Krahel v. Czoch	22
Dissolution of marriage; whether trial court properly entered order of sanctions for defendant's violation of discovery order; whether defendant violated discovery order; claim that remedy of preclusion was disproportionate to harm; whether trial court's preclusion adversely affected result of trial; claim that alternative sanction of precluding documents rather than precluding testimony would have been appropriate response to defendant's failure to produce requested documents; whether trial court erred to extent that it failed to reserve final judgment until there was resolution of distribution of remaining items of personal property; whether trial court's mediation order was modification of existing judgment for which it lacked authority; whether trial court abused its discretion in awarding defendant chose in action; claim that trial court erred in awarding defendant uncollectable debt; whether trial court abused its discretion in entering financial order requiring defendant to pay debt to his father-in-law.	
LeSueur v. LeSueur	431
Dissolution of marriage; claim that trial court improperly granted motion to modify child support; whether there was legally proper evidentiary basis before trial court to support determination of plaintiff's gross or net weekly income at time it considered motions for modification; whether trial court may include income from alimony when it calculates income of alimony recipient for purposes of determining child support; claim that error was harmless and had de minimis impact on trial court's order that plaintiff pay weekly child support; whether error was harmful; claim that trial court abused its discretion by terminating defendant's child support obligation retroactively; whether trial court lacked sufficient information to calculate parties' financial circumstances; whether there was evidence in record indicating that plaintiff's financial circumstances had changed; whether plaintiff demonstrated that she required child support in order to provide for necessary expenses of parties' son; claim that trial court misconstrued parties' separation agreement; whether trial court properly determined that provision of agreement regarding cap and tuition limit of four year college degree from Connecticut state university system did not apply because parties and parties' children mutually agreed on postsecondary institutions that children would attend; claim that trial court improperly denied motion to modify unallocated alimony and child support; claim that because trial court determined that reduction in plaintiff's salary constituted substantial change in circumstances, trial court was obligated to consider all statutory (§ 466-82) factors to order alimony in accordance with needs and financial resources of parties; whether trial court needed to make explicit reference to statutory criteria that it considered in making its decision.	431

$McQueeney\ v$. Penny (Memorandum Decision)	$902 \\ 254$
Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal from judgment denying habeas petition; whether petitioner established that trial counsel provided ineffective assistance by failing to inform petitioner of potential total sentence exposure if petitioner succeeded at trial in proving lesser included offense; claim that trial counsel was ineffective in failing	
to further persuade petitioner to accept plea offers; whether trial counsel provided adequate information for petitioner to make informed decision as to whether to accept state's plea offers.	
Nicholson v. Commissioner of Correction	398
Habeas corpus; whether habeas court abused its discretion by denying petition	000
for certification to appeal; whether habeas court improperly determined that	
petitioner's trial counsel did not provide ineffective assistance; claim that trial	
counsel was ineffective by failing to present testimony of expert witness; claim that habeas court abused its discretion by declining to treat witness as expert;	
whether trial counsel's decision not to retain expert constituted reasonable tactical	
decision; whether applicable provision (§ 7-2) of Connecticut Code of Evidence required explicit offer and acceptance of witness as expert in order for witness to	
be treated as expert witness; whether petitioner demonstrated error was harmful;	
claim that habeas court abused its discretion by failing to review certain evidence	
admitted at habeas trial.	903
Owens v. Commissioner of Correction (Memorandum Decision)	905 466
Wrongful death; summary judgment; governmental immunity pursuant to statute	400
(§ 52-557n); claim that trial court improperly concluded that plaintiff failed to establish that genuine issue of material fact existed as to whether death of plain-	
tiff's decedent was caused by defendant's breach of ministerial duty; whether	
certain deposition testimony raised question of fact as to defendant's ministerial	
duties; claim that, on basis of defendant's failure to preserve certain state manual, plaintiff was entitled to adverse inference that defendant violated ministerial	
duty; whether plaintiff failed to adduce any evidence to support existence of	
ministerial duty in conjunction with claim for adverse inference; claim that	
there was genuine issue of material fact as to whether defense of governmental	
immunity applied because decedent was identifiable person subject to imminent risk of harm; whether decedent was individually identifiable to public official	
or among class of identifiable victims.	
Rivera v. Commissioner of Correction	506
Habeas corpus; subject matter jurisdiction; earned risk reduction credit statute	
(§ 18-98e); claim that habeas court improperly dismissed habeas petition on ground that it lacked subject matter jurisdiction over petitioner's ex post facto	
and discrimination claims; whether petitioner had constitutionally protected liberty interest in earning future risk reduction credit; whether there was colorable	
basis for ex post facto claim; whether petitioner alleged cognizable liberty interest	
sufficient to implicate subject matter jurisdiction of habeas court over ex post	
facto claim; reviewability of claim that habeas court's articulation constituted	
improper and untimely modification of judgment.	
Santos v. Commissioner of Correction	107
Habeas corpus; whether habeas court improperly denied petition for writ of habeas corpus; claim that trial counsel rendered ineffective assistance by having failed	
to retain expert witness and to present testimony of certain fact witnesses; adop-	
tion of trial court's memorandum of decision as statement of facts and applicable	
law on issues.	
State v. Adams	84
Hindering prosecution; claim that trial court improperly denied motion to correct illegal sentence and motion for procedural default; reviewability of unpreserved claim of judicial bias; whether defendant waived double jeopardy challenge to	
sentence after entering voluntary guilty plea; claim that trial court should have	
included period of probation as part of calculation of maximum definite sentence	
pursuant to statute (§ 53a-35a); claim that state had duty to file written response	
to defendant's motion to correct illegal sentence. State v . Anderson	73
Assault in second degree; reckless endangerment in second degree; claim that there	10
was insufficient evidence to convict defendant of assault in second degree; whether	

 $light\ of\ defendant's\ claimed\ mental\ disease\ or\ defect,\ defendant\ acted\ with\ requi-$

site recklessness and had capacity to be aware of and to disregard substantial risk of serious physical injury to victim by defendant's flinging of metal cart; claim that there was insufficient evidence to convict defendant of four counts of reckless endangerment in second degree; whether there was sufficient evidence for trial court to find beyond reasonable doubt that certain hospital staff members were at risk of physical injury from duffel bags that defendant threw, their contents, or items knocked off the shelf as a result of defendant throwing bags in small room full of people and furniture.	
State v. Armadore	140
Murder; unpreserved claim that trial court committed plain error in granting state's motion to join defendant's case and that of another defendant for trial; claim that trial court violated defendant's right to confrontation when it permitted state's firearms examiner to testify about firearms evidence that had been examined by examiner who had died and was unavailable for cross-examination; unpreserved claim that trial court improperly permitted witness to make incourt identification of defendant in absence of showing that witness previously had made nonsuggestive out-of-court identification of defendant, in contravention of Supreme Court's requirement in State v. Dickson (322 Conn. 410) that	
first time in-court identifications must be prescreened by trial court; whether witness' in-court identification of defendant was harmless beyond reasonable doubt; claim that trial court improperly admitted as prior consistent statement certain testimony about defendant's alleged confession to his girlfriend.	
State v. Barjon	320
Robbery in first degree; conspiracy to commit robbery in first degree; robbery in second degree; conspiracy to commit robbery in second degree; whether trial court violated defendant's right to conflict free representation by not inquiring into potential conflict prior to defendant's plea canvass; claim that once pretrial discussion of plea being accepted by defendant broke down and case was placed on trial list, trial court should have known of conflict of interest and inquired about it on record; claim that trial court erred in assuming that potential conflict issues had been resolved; claim that fact that defendant was prepared to make statement to his detriment and to benefit of codefendant indicated conflict requiring reversal; reviewability of claim that when pretrial counsel withdrew from representation, subsequent counsel did not have adequate time to interview witnesses and to conduct investigation of case.	7.40
State v. Brett B	563
Murder; violation of standing criminal protective order; whether prosecutor misstated or exaggerated significance of DNA evidence from plastic bag, checkbook and cell phone charger; whether prosecutor implied to jury that he had knowledge outside record with respect to bloody foot impressions; whether trial court abused its discretion when it admitted testimony about bloodstain on tissue; whether trial court abused its discretion when it denied motion to strike expert's testimony about how blood was transferred to tissue; claim that trial court committed plain error when it permitted certain testimony by expert regarding blood spatter analysis when expert had not previously been disclosed or qualified as an expert in that area.	205
Violation of probation; motion to dismiss; motion for continuance; claim that trial court improperly denied motion to dismiss for lack of jurisdiction due to allegedly improper transfer of case to Superior Court in Bridgeport; whether claim that Bridgeport Superior Court lacked jurisdiction over probation revocation proceeding was essentially objection to venue rather than to jurisdiction; whether claim of improper venue is procedural in nature; whether trial court abused its discretion in granting public defender's transfer request; claim that trial court violated defendant's constitutional right to be present at critical stage of probation revocation proceeding; whether state demonstrated harmlessness of any claimed error beyond reasonable doubt; claim that trial court improperly denied request for continuance of dispositional phase of probation revocation proceeding until all pending criminal matters were resolved to protect defendant's right of allocution; State v. Blake (289 Conn. 586) discussed.	385 220
Motion to correct illegal sentence; claim that trial court improperly denied motion to	
correct illegal sentence; whether defendant's sentence of seven years incarceration followed by eight years of special parole was prohibited by statute (§ 53a-35a)	

that requires that defendant be sentenced to definite term of imprisonment; whether applicable statutes (§§ 53a-28 [b] [9] and 54-128 [c]) explicitly authorized defendant to be sentenced to term of imprisonment followed by period of special parole.	
State v. Greene	534
State v. Hooks (Memorandum Decision). State v. Manuel T. Sexual assault in first degree; risk of injury to child; sexual assault in second degree; sexual assault in fourth degree; whether trial court properly determined that minor victim's statements made during diagnostic interview fell within medical diagnosis or treatment exception to hearsay rule; whether trial court abused its discretion in admitting video recording of diagnostic interview into evidence; whether trial court abused its discretion by excluding from evidence cell phone screenshots of certain text messages; whether defendant failed to satisfy his burden of authenticating screenshots at issue; whether defendant failed to present sufficient evidence to make prima facie showing that minor victim was author of text messages.	901 51
State v. Mark T	285
State v. Marsala	1
State v. Ortega (Memorandum Decision). State v. Spring	901 197
State v. Washington	176

had agreed with coconspirators to engage in conduct constituting home invasion; whether jury was entitled to credit and rely on coconspirator's testimony as basis for conviction, even if it was only evidence offered to establish one or more essential elements of charged offense; whether jury reasonably could have found that defendant intentionally took substantial step in course of conduct planned to culminate in crime of home invasion; unpreserved claim that trial court improperly instructed jury on common essential element of conspiracy to commit home invasion and attempt to commit home invasion by substituting term "dwelling" with word "building" in its oral jury instructions; whether defendant failed to demonstrate existence of constitutional violation that deprived him of fair trial pursuant to third prong of test set forth in State v. Golding (231 Conn. 233); whether defendant was entitled to reversal of judgment pursuant to plain error doctrine.

U.S. Bank National Assn. v. Wolf (Memorandum Decision)	902
U.S. Equities Corp. v . Ceraldi (Memorandum Decision)	903