

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 179

(Replaces Prior Cumulative Table)

ASPIC, LLC v. Poitier	631
<i>Prejudgment remedy; whether trial court committed clear error in granting application for prejudgment remedy; whether burden shifted to plaintiff to establish probable cause to believe that it would be successful on merits of cause of action and that it had engaged in fair dealing where defendant specifically pleaded breach of fiduciary duty defense and trial court found fiduciary relationship; whether trial court improperly failed to make any finding that plaintiff had met burden to show that there was probable cause that it would prevail in establishing transactions at issue were product of fair dealing; whether plaintiff was required to prove fair dealing by clear and convincing evidence or probable cause; whether trial court's finding that it could not make any prediction regarding fiduciary duty defense, without more, should have led to conclusion that plaintiff failed to meet burden to establish probable cause that it could prove fairness of transactions; whether, by granting prejudgment remedy in absence of any finding that plaintiff had met burden, trial court improperly placed burden of proving unfairness of transactions on defendant.</i>	
Alaimo v. Alaimo	769
<i>Contracts; reviewability of claims that trial court improperly found in favor of defendant on complaint and on special defenses of statute of frauds and statute of limitations; whether plaintiff's recovery was limited to allegations of complaint; failure of trial court to file written memorandum of decision or to sign transcript of oral ruling; failure of plaintiff to seek articulation of basis of trial court's ruling.</i>	
Alston v. Commissioner of Correction (Memorandum Decision)	907
American Eagle Federal Credit Union v. Shivers (Memorandum Decision)	902
Boykin v. State.	175
<i>Personal injury; defective highway; whether trial court improperly granted motion to dismiss for lack of subject matter jurisdiction; sovereign immunity; whether written notice of claim provided pursuant to state highway defect statute (§ 13a-144) was patently defective; whether notice of claim provided sufficient information as to cause of injury.</i>	
Brady v. Bickford	776
<i>Intentional infliction of emotional distress; negligent infliction of emotional distress; defamation; whether trial court abused its discretion in granting motion to modify scheduling order and permitting defendants to file motion for summary judgment; claim that defendants waived litigation privilege during argument on their motion for summary judgment and that defendants' waiver operated throughout entire action; claim that it was improper for trial court to construe defendants' midtrial assertion of litigation privilege as ground to exclude evidence to be motion to amend their pleadings to conform to evidence; claim that defendants failed to plead litigation privilege as defense and failed to file motion in limine to preclude certain evidence as required by trial management order; claim that trial court improperly concluded that plaintiffs' intentional infliction of emotional distress claim was barred by applicable statute of limitations; whether statement made by defendant at hearing before quasi-judicial body was relevant to proceedings and, therefore, was absolutely privileged.</i>	
Brown v. Commissioner of Correction	358
<i>Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal; claim that state violated petitioner's due process rights by suppressing material exculpatory evidence in violation of Brady v. Maryland (373 U.S. 83) when state allegedly failed to disclose to petitioner certain agreements with witnesses to bring their cooperation in petitioner's criminal trial to attention of court in their criminal proceedings; whether habeas court's finding that state disclosed agreements to petitioner prior to criminal trial was clearly erroneous; claim that state failed to disclose alleged agreements with witnesses to give them favorable treatment at bond hearings in exchange for their</i>	

	<i>testimony; claim that state did not correct false testimony by witnesses at criminal trial; claim that petitioner's trial counsel was ineffective in failing to adequately cross-examine witnesses; whether petitioner demonstrated that he was prejudiced by failure of trial counsel to obtain transcripts of witnesses' bond hearings.</i>	
Brown v. Shehadeh (Memorandum Decision)		906
Bruno v. HSBC Bank USA, N.A. (Memorandum Decision).		902
Castelino v. Fairview Condominium Assn., Inc. (Memorandum Decision).		902
Cinotti v. Bacoulis (Memorandum Decision).		903
Cliff's Auto Body, Inc. v. Grenier		820
	<i>Foreclosure; judgment lien; claim that trial court improperly rendered judgment of foreclosure by sale; whether judgment lien was invalid as matter of law; whether trial court in underlying debt collection action lacked power to determine rate of pre-judgment and postjudgment interest more than fifteen months after judgment in that action had been rendered where plaintiff failed to file timely motion to open.</i>	
CPC Funding SPE 2, LLC v. S & S Properties, LLC (Memorandum Decision).		909
Colon v. Commissioner of Correction		30
	<i>Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal; whether habeas court abused its discretion in denying petition for writ of habeas corpus; claim that trial counsel rendered ineffective assistance by failing to adequately explain state's plea offer and by failing to oversee petitioner's cooperation with law enforcement in effort to reduce sentence; whether petitioner established that he was prejudiced by trial counsel's allegedly deficient performance.</i>	
Dean v. Kahn.		58
	<i>Declaratory judgment; implied easement; whether there was sufficient evidence in record to support trial court's conclusion that implied easement existed over subject property in favor of plaintiff's property; whether trial court, on basis of circumstantial evidence presented, reasonably and logically could have inferred that parties to relevant conveyance intended to create implied easement and that easement was reasonably necessary for use and normal enjoyment of plaintiff's property; whether trial court improperly considered, as matter of law, evidence of use of subject property other than use that existed at or close to time of conveyance; whether fact that parties to relevant conveyance expressly set forth in deed common driveway and mutual boundary easements precluded trial court from finding existence of additional easement by implication.</i>	
DeJesus v. Commissioner of Correction (Memorandum Decision)		902
Deutsche Bank National Trust Co., Trustee v. Savvoulides (Memorandum Decision) . . .		901
Doctor's Associates, Inc. v. Searl		577
	<i>Arbitration; application to confirm arbitration award; whether trial court should have applied federal law in determining timeliness of motion to vacate arbitration award; whether federal law governed procedures used to enforce arbitration clause in parties' franchise agreement and, accordingly, procedure for moving to vacate arbitration award; whether defendants were entitled to hearing to determine whether they timely moved to vacate arbitration award under statutory time limit provided for in federal law.</i>	
Doyle v. Aspen Dental of Southern CT, PC		485
	<i>Dental malpractice; motion to dismiss for lack of personal jurisdiction; whether opinion letter of similar health care provider was legally insufficient under statute (§§ 52-190a [a] and 52-184c) where author of opinion letter was not board certified, trained and experienced in same specialty as defendant oral surgeon; claim that plaintiff could rely solely on website of Department of Public Health to determine dentist's credentials as evidence of good faith effort to attach opinion letter by similar health care provider.</i>	
Doyle v. Universal Underwriters Ins. Co.		9
	<i>Underinsured motorist benefits; whether trial court properly rendered summary judgment and determined that doctrine of collateral estoppel barred relitigation of amount of damages awarded to plaintiff in binding arbitration proceeding; whether issue of total compensatory damages resulting from motor vehicle collision was actually litigated and necessarily determined in prior binding arbitration proceeding.</i>	
Estela v. Bristol Hospital, Inc.		196
	<i>Accidental failure of suit statute (§ 52-592 [a]); whether trial court abused its discretion in determining applicability of § 52-592 (a); whether it was proper for trial court to address applicability of § 52-592 (a) through motion to bifurcate;</i>	

claim that defendant waived right to challenge applicability of § 52-592 (a) by failing to previously raise statute of limitations as special defense; whether trial court applied correct standard in determining applicability of § 52-592 (a) to present action; whether trial court's findings as to conduct that led to judgment of nonsuit in prior action were clearly erroneous; reviewability of claim that § 52-592 (a) applies to any judgment of nonsuit.

Fagan v. Stamford 440
Pensions; whether board acted arbitrarily, capriciously, or in abuse of its discretion in approving 50 percent disability pension to plaintiff pursuant to city's charter; whether record contained substantial evidence to support board's determination that plaintiff did not meet requirements for enhanced disability pension under collective bargaining agreement; whether board acted arbitrarily, capriciously, or in abuse of its discretion in denying request for board to reconsider plaintiff's application for 75 percent disability pension under collective bargaining agreement.

Fields v. Commissioner of Correction 567
Habeas corpus; ineffective assistance of counsel; claim that habeas court erred in concluding that petitioner was not prejudiced by trial counsel's deficient performance; whether habeas court properly found that petitioner did not establish reasonable probability that, had trial counsel conveyed subject plea offer to him, he would have accepted it; credibility determinations; whether habeas court's credibility determination rejecting petitioner's testimony that he would have accepted offer was distinct from its affirmative finding that petitioner would have rejected it.

Finney v. Cameron's Auto Towing Repair 301
Contracts; whether trial court properly determined that defendant was entitled to summary judgment on complaint; whether defendant established that there was no genuine issue of material fact as to its right to prevail on claim that it breached contract to repair plaintiff's vehicle and that unpaid storage fees that accrued resulted from its delay in giving plaintiff estimate of cost to repair vehicle; whether trial court erred in granting motion for summary judgment in favor of defendant on its counterclaim; whether defendant failed to state any basis on which it was entitled to judgment on counterclaim

Frantzen v. Davenport Electric 846
Workers' compensation; subject matter jurisdiction; attorney's fees; claim that Workers' Compensation Commission lacked subject matter jurisdiction to resolve dispute regarding attorney's fees between counsel who serially represent claimant before commission; whether applicable statute (§ 31-327 (b)) authorized commission to adjudicate subject fee dispute; claim that appellant attorney was deprived of his constitutional right to jury trial; whether there is right to jury trial in proceedings before commission.

Gamble v. Commissioner of Correction 285
Habeas corpus; claim that appellate counsel provided ineffective assistance by failing to raise claim of insufficient evidence on direct appeal; whether habeas court properly concluded that petitioner failed to prove that he was prejudiced by performance of appellate counsel; whether it was reasonably probable that petitioner would have prevailed on sufficiency of evidence claim on direct appeal; whether there was sufficient evidence to support petitioner's conviction of manslaughter as accessory under concert of action theory; whether there is meaningful distinction between principal and accessorial liability as matter of law; claim that evidence supported only conviction as principal shooter and not as accessory; whether doctrine of collateral estoppel applied to review of sufficiency of evidence; whether petitioner's acquittals on other charges precluded court from examining all evidence presented at trial; inconsistent verdicts.

General Linen Service Co. v. Cedar Park Inn & Whirlpool Suites. 527
Contracts; whether trial court abused its discretion in denying motion to open judgment rendered on default; claim that trial court abused its discretion by failing to hold that it lacked subject matter jurisdiction to render judgment due to failure to join necessary party; whether failure to join indispensable party deprives trial court of subject matter jurisdiction; whether joinder of party was mandated by statute; whether trial court properly determined that no good defense existed at time judgment was rendered as required by statute (§ 52-212 (a)).

Hazel v. Commissioner of Correction. 534
Habeas corpus; claim that trial counsel provided ineffective assistance by failing to present codefendant's testimony; whether habeas court properly concluded that

<i>petitioner failed to prove the he was prejudiced by trial counsel's failure to present testimony of codefendant; whether habeas court correctly determined that there was not reasonable probability that, had petitioner's trial counsel called codefendant to testify, outcome of petitioner's criminal trial would have been different; whether failure of trial counsel to call witness can constitute ineffective assistance without showing that witness' testimony would be helpful.</i>		
Heredia v. Commissioner of Correction (Memorandum Decision)		906
HSBC Bank USA, N.A. v. Bliss (Memorandum Decision)		904
In re Sandy J. M.-M.		772
<i>Probate appeal; whether trial court improperly dismissed appeal from decision of Probate Court dismissing petition by minor child seeking special immigrant juvenile status findings and denying petition for removal of guardian; motion for summary reversal of trial court's dismissal of probate appeal; whether appeal was governed by In re Henry P. B.-P. (327 Conn. 312); whether Probate Court loses authority to make special immigrant juvenile status findings pursuant to statute (§ 54a-608n [b]) where child who is subject of petition reaches age of majority during pendency of petition; whether this court had authority to issue summary disposition of appeal on merits; whether this court could suspend rules of practice in interest of expediting decision or for other good cause shown.</i>		
JPMorgan Chase Bank, N.A. v. Porzio (Memorandum Decision)		903
Kimberly C. v. Anthony C.		856
<i>Dissolution of marriage; whether trial court, in awarding joint legal custody of parties' minor child, improperly failed to apply doctrine of collateral estoppel; claim that under the doctrine of collateral estoppel, trial court in dissolution proceeding was bound by facts found in previous proceeding on second restraining order application that defendant was physically, verbally and sexually abusive to plaintiff; whether trial court properly declined to apply doctrine of collateral estoppel; whether issues involved in dissolution action were actually litigated or necessarily determined in proceeding on second restraining order application; whether issues to be determined in both proceedings were identical; whether trial court improperly denied motions for sexual behavior evaluation and substance abuse evaluation for defendant.</i>		
Lane v. Cashman		394
<i>Zoning; whether trial court improperly struck revised third special defense alleging that defendants had legally protected nonconforming right to use their property as farm; claim that question of whether any constitutionally protected nonconforming use of property existed was beyond scope of zoning board and, thus, constituted exception to exhaustion doctrine that permitted defendants to bypass available administrative relief; claim that trial court improperly granted motions to preclude certain evidence; failure of defendants to adequately analyze how trial court rulings granting motions to preclude certain evidence likely affected result of trial.</i>		
Martin v. Commissioner of Correction		647
<i>Habeas corpus; claim that petitioner was denied due process right to fair trial as result of admission at criminal trial of testimony regarding comparative bullet lead analysis, which has subsequently been discredited; whether this court was left with belief that but for challenged testimony, petitioner most likely would not have been convicted; whether habeas court properly rejected claim that prior habeas counsel was ineffective in handling of claim regarding lead analysis evidence; whether petitioner established that prior habeas counsel's performance was deficient or that he was prejudiced thereby.</i>		
Megos v. Ranta.		546
<i>Personal injury; whether trial court improperly granted motion to dismiss action brought pursuant to accidental failure of suit statute (§ 52-592) due to failure of plaintiff to commence original action prior to expiration of statute of limitations; whether, pursuant to plain language of statute (§ 52-62 [a]), service on Commissioner of Motor Vehicles has same validity as service on nonresident defendant personally; whether, by timely serving original action on commissioner, plaintiff served defendant personally and thereby commenced original action prior to running of statute of limitations; whether requirements of subsection (c) of § 52-62 that process be served both by service on commissioner and by mailing copy to defendant at last known address via certified mail addresses sufficiency of service rather than commencement of civil action.</i>		
Morgan v. Commissioner of Correction (Memorandum Decision)		906
Mundle v. Commissioner of Correction (Memorandum Decision)		908

Northeast Family Federal Credit Union v. Jean (Memorandum Decision)	904
Omar v. Commissioner of Correction.	696
<i>Habeas corpus; claim that trial counsel was ineffective by exposing petitioner's criminal history to jury; whether habeas court properly determined that petitioner failed to prove that he was prejudiced by allegedly deficient performance of trial counsel; whether result of petitioner's criminal trial would have been different but for trial counsel's decision to expose petitioner's criminal history to jury.</i>	
PHH Mortgage Corp. v. Stock (Memorandum Decision)	905
Papagiannis v. Papagiannis (Memorandum Decision)	909
Pettiford v. State.	246
<i>Negligence; comparative negligence; claim that plaintiff was entitled to new trial because trial court's comparative negligence calculus rested on its erroneous determination that unmarked crosswalk did not exist in area where plaintiff was struck by defendant's vehicle; construction of statutory (§ 14-297 [2]) definition of crosswalk; whether plaintiff failed to demonstrate how claimed error regarding unmarked crosswalk would have altered court's judgment; whether trial court should have rendered judgment on merits rather than dismissed action.</i>	
Recycling, Inc. v. Commissioner of Energy & Environmental Protection	127
<i>Administrative appeal; whether trial court improperly dismissed administrative appeal from decision by defendant Commissioner of Energy and Environmental Protection denying application for individual recycling permit and revoking general permit to operate recycling facility; whether substantial evidence supported hearing officer's finding of pattern or practice of noncompliance by plaintiff with permit requirements, in violation of statute (§ 22a-6m [a]), so as to warrant revocation of general permit registration and denial of application for individual permit; claim that denial of permit application was not warranted even if plaintiff's compliance history demonstrated pattern of noncompliance; whether it was abuse of discretion to deny permit application and revoke general permit registration; claim that trial court improperly upheld defendant's decision because hearing officer failed to apply correct standard of review; claim that hearing officer abused discretion by excluding evidence of prior enforcement actions by Department of Energy and Environmental Protection against other waste facilities; whether trial court's finding that there was no bias on part of administrative adjudicators was clearly erroneous; whether plaintiff overcame presumption that administrative agents acting in adjudicative capacity are not biased.</i>	
Rancourt v. Perkins (Memorandum Decision)	910
Rivera v. Commissioner of Correction (Memorandum Decision)	910
Smith v. Commissioner of Correction.	160
<i>Habeas corpus; ineffective assistance of counsel; pretrial confinement credit; claim that habeas court abused its discretion in denying petition for certification to appeal; whether petitioner failed to meet his burden of proving that there was reasonable probability that, but for trial counsel's allegedly deficient performance during plea proceeding, he would not have accepted plea offer and instead would have gone to trial.</i>	
Stack v. Hartford Distributors, Inc.	22
<i>Arbitration; whether trial court properly rendered judgment granting application for order to proceed to arbitration regarding termination of plaintiff's employment; claim that termination of plaintiff's employment did not involve dispute arising out of interpretation or enforcement of parties' employment agreement and, therefore, that arbitration provision contained in that agreement was not applicable; claim that employment contract was void and unenforceable; whether issue of validity of employment contract should be considered by arbitrator in first instance where party did not challenge arbitration clause in employment agreement.</i>	
Stackpole v. Stamford (Memorandum Decision)	908
Stanley v. State's Attorney (Memorandum Decision)	901
State v. Andrews (Memorandum Decision)	903
State v. Anthony L.	512
<i>Sexual assault in first degree; risk of injury to child; sexual assault in third degree; whether trial court abused its discretion in permitting state to introduce evidence of defendant's alleged prior uncharged sexual misconduct against victim; whether trial court abused its discretion in determining that probative value of prior uncharged sexual misconduct evidence outweighed prejudicial effect; whether evidence was insufficient to support conviction; whether victim testified with</i>	

	<i>sufficient specificity so as to permit jury to determine that unlawful conduct defendant engaged in was digital penetration.</i>	
State v. Antwon W.		668
	<i>Sexual assault in first degree in violation of statute (§ 53a-70 [a] [1] and [2]); sexual assault in third degree; risk of injury to child; motion to correct illegal sentence; claim that sentencing court improperly relied on inaccurate and unreliable information in sentencing defendant on three counts of sexual assault in first degree under § 53a-70 (a) (1) because sentences were imposed before vacatur, on grounds of double jeopardy, of defendant's conviction of three parallel counts of and associated concurrent sentences for sexual assault in first degree under § 53a-70 (a) (2); whether trial court abused its discretion in denying motion to correct illegal sentence; whether trial court considered conviction of counts under different subdivisions of sexual assault statute separately and distinctly; whether trial court improperly dismissed motion to correct instead of denying motion to correct; whether claim that sentencing court relied on inaccurate information in imposing sentence fell within common-law jurisdiction of court.</i>	
State v. Blaine		499
	<i>Conspiracy to commit robbery in first degree; claim that trial court committed plain error in failing to instruct jury that to find defendant guilty of conspiracy to commit robbery in first degree, it had to find that he intended and specifically agreed that participant in robbery would be armed with deadly weapon; whether record supported claim of plain error; whether it was fairly debatable whether court's instruction as to requisite intent was erroneous; whether any alleged error amounted to manifest injustice and affected fairness and integrity of and public confidence in judicial proceedings so as to necessitate reversal.</i>	
State v. Bobe		878
	<i>Sexual assault in second degree; risk of injury to child; claim that trial court improperly admitted evidence of defendant's alleged out-of-court statement to victim's mother through testimony of victim; whether admission of challenged statement was harmful.</i>	
State v. Brown		337
	<i>Possession of more than four ounces of marijuana; subject matter jurisdiction; whether trial court lacked jurisdiction to consider merits of petition for writ of error coram nobis; whether trial court improperly denied petition and, instead, should have rendered judgment dismissing petition; whether defendant had prior alternative legal remedies available to him regarding ineffective assistance of counsel claim.</i>	
State v. Bush		108
	<i>Sale of narcotics; sale of narcotics within 1500 feet of school; conspiracy to sell narcotics; whether trial court abused its discretion when it failed to grant defendant's request to represent himself and suggested that his trial counsel continue to represent him through voir dire; claim that jury was misled by trial court's instructions on conspiracy charge; claim that trial court failed to instruct jury on elements of possession of narcotics and possession of narcotics with intent to sell; claim that trial court failed to instruct jury to determine which of underlying charged crimes defendant had conspired to commit; whether trial court improperly sentenced defendant to twenty years incarceration on conspiracy conviction, where most serious crime of which he was convicted that was proved to have been object of conspiracy carried maximum possible prison sentence of fifteen years; vacation of sentence on conspiracy conviction.</i>	
State v. Esquilin		461
	<i>Violation of probation; reviewability of unpreserved claim that trial court violated defendant's right to due process by admitting drug test reports into evidence without requiring state to introduce results through testimony of analysts who performed testing; whether defendant provided adequate record for review of unpreserved claim where record was silent as to state's reasons for not producing drug test analysts as witnesses at probation revocation hearing; whether state had notice of due process claim not raised at trial.</i>	
State v. Fernandez (Memorandum Decision)		905
State v. Fulcher (Memorandum Decision)		905
State v. Grant		81
	<i>Manlaughter in first degree with firearm; assault in first degree; harmless error; claim that trial court abused its discretion in admitting certain witness' testimony and portions of defendant's statements to police indicating that defendant was involved in sale of drugs; whether admission of subject evidence was harm-</i>	

less; whether defendant demonstrated that admission of subject evidence had significant impact on jury's verdict; claim that trial court abused its discretion in permitting state to elicit testimony from witness that he had observed defendant carrying firearm on prior occasion; whether any alleged error in admission of witness' statement was harmless.

State v. Jackson 40

Assault in first degree; tampering with witness; claim that evidence was insufficient to prove defendant's identity as perpetrator of stabbing to support conviction of assault in first degree; claim that evidence was insufficient to support conviction of tampering with witness; whether trial court reasonably could have found that defendant attempted to induce witness to testify falsely; claim that trial court improperly denied motion to dismiss tampering with witness charges; claim that state violated separation of powers doctrine when it added witness tampering charges to substitute information without judicial determination as to whether probable cause existed for added offenses; reviewability of unpreserved claim that trial court violated defendant's sixth amendment right to confrontation and abused its discretion when it prevented him from asking witness certain questions on recross-examination.

State v. Jin 185

Conspiracy to commit burglary in third degree; whether trial court lacked jurisdiction to consider motion to open judgment of conviction following imposition of sentence; reviewability of claims that trial court improperly denied application for accelerated rehabilitation program and that trial court erred in determining that defendant received effective assistance of counsel; reviewability of unpreserved claim that trial court had jurisdiction to correct imposition of illegal sentence pursuant to applicable rule of practice (§ 43-22) where defendant did not file motion to correct illegal sentence.

State v. Juarez 588

Conspiracy to commit murder; attempt to commit murder; whether evidence was sufficient to support conviction; whether defendant's offer to pay coconspirator to kill person was sufficient to prove defendant's intent to enter into agreement with coconspirator to have person killed; whether jury reasonably could have inferred that defendant intended to cause person's death; whether it was reasonable to infer that defendant had solicited, requested, commanded, importuned or intentionally aided coconspirator to engage in attempt to murder person; whether coconspirator, by soliciting and ultimately hiring police officer to kill person, took substantial steps in course of conduct planned to culminate in murder; claim that state did not prove defendant committed offenses substantially in manner described in information; claim that there was no evidence defendant engaged in criminal conduct on dates alleged in information.

State v. Latour (Memorandum Decision) 907

State v. Lebrick 221

Felony murder; home invasion; conspiracy to commit home invasion; burglary in first degree; attempt to commit robbery in first degree; assault in first degree; claim that former testimony of witness was inadmissible hearsay because it did not fall within exception to hearsay rule set forth in § 8-6 (1) of Connecticut Code of Evidence; claim that state failed to establish that witness was unavailable; whether state demonstrated that it made good faith effort to locate witness; claim that admission of witness' former testimony violated defendant's rights under confrontation clause of sixth amendment to United States constitution; claim that trial court improperly admitted testimony of firearm and tool mark expert in violation of § 4-1 of Connecticut Code of Evidence because state failed to establish relevancy of his testimony by providing sufficient evidentiary foundation that photographs, report, and notes relied on by expert were associated with crimes at issue in present case; claim that defendant's right to confrontation was implicated by admission of expert's opinion testimony where expert's opinion was formulated in part on basis of his review of ballistic report prepared by former employee of state's forensic laboratory who was not available to testify at trial.

State v. Lopez (Memorandum Decision) 909

State v. Manousos 310

Arson in first degree; whether trial court improperly denied motions to suppress statements defendant made to police and items police seized during investigatory stop and patdown for weapons; claim that police lacked reasonable and articulable suspicion that defendant was involved in criminal activity; claim that patdown

	<i>of defendant for weapons was improper because totality of circumstances did not support trial court's finding that police reasonably believed that defendant may have been armed and dangerous; whether propriety of investigatory stop and subsequent patdown made it reasonable for police to enlarge scope of search by seizing items defendant was carrying; whether trial court abused its discretion by compelling defendant to disclose to state prior to trial substance of opinions of expert witness; claim that court's actions impaired defendant's ability to present defense and diluted right to assistance of counsel.</i>	
State v. Montana		261
	<i>Sexual assault in first degree; risk of injury to child; whether state presented sufficient evidence to support conviction of sexual assault in first degree and risk of injury to child; credibility of witnesses; whether trial court abused its discretion in excluding third-party culpability evidence proffered by defendant.</i>	
State v. Mukhtaar		1
	<i>Murder; claim that trial court abused its discretion in denying motions to correct illegal sentence and to allow expert witness to testify; claim that defendant's chronological age at time of crime was not representative of mental age; claim that trial court should have applied rationale of Miller v. Alabama (567 U.S. 460) and its progeny to adult defendant whose mental age, at time of crime, was not substantially different from that of juvenile; whether trial court was required under Miller necessarily and expressly to take defendant's mental state into consideration at sentencing where defendant was twenty years old at time of crime; whether defendant set forth colorable claim for relief under Miller; whether trial court lacked subject matter jurisdiction over motion to correct illegal sentence; whether trial court properly denied motion to allow expert testimony.</i>	
State v. Outlaw		345
	<i>Assault of public safety personnel; plain error; whether defendant explicitly waived claim that trial court failed to give detailed instruction concerning whether correction officer was acting in performance of duties in alleged use of unnecessary or unreasonable force; whether defendant demonstrated that trial court committed plain error by failing to instruct jury that unwarranted or excessive force by correction officer was not within performance of officer's duties.</i>	
State v. Pecor		864
	<i>Robbery in second degree; whether trial court improperly dismissed defendant's motion to correct illegal sentence for lack of subject matter jurisdiction; whether there was relief that could be afforded to defendant; mootness; whether defendant's claims were barred by doctrine of res judicata; whether defendant's claim that he was deprived of his liberty unconstitutionally was of such import that it should be heard on its merits; whether record was inadequate for this court to review constitutional claims raised in defendant's motion to correct illegal sentence.</i>	
State v. Richard P.		676
	<i>Sexual assault in fourth degree; risk of injury to child; whether trial court properly granted motion to dismiss charges following entry of nolle prosequi as to charges after material child witnesses relocated with their mother to London, England, and would not be returning to United States and were beyond reach of state's power to compel their attendance at trial; claim that minor children had "become disabled" within meaning of statute (§ 54-56b); claim that § 54-56b should be interpreted to apply in circumstances where material witness is "unavailable"; claim that statutory phrase "has . . . become disabled" should be interpreted to include circumstances in which witness cannot be compelled to testify for reasons that extend beyond physical or mental disability of witness; claim that term "disappeared" in § 54-56b should be defined to mean absence from jurisdiction.</i>	
State v. Robert S.		831
	<i>Criminal violation of protective order; sufficiency of evidence; claim that evidence was insufficient to prove that defendant intended to call home in which victim resided in violation of protective order; unpreserved claim that trial court denied defendant due process at sentencing by relying on unreliable information from victim; claim that trial court improperly denied defendant opportunity to present mitigating evidence at sentencing.</i>	
State v. Salmond		605
	<i>Murder; criminal possession of pistol or revolver; whether trial court abused its discretion by allowing witness to make in-court identification of defendant; whether trial court's finding that state had proven reliability of in-court identification by clear and convincing evidence was supported by record; whether any</i>	

alleged evidentiary error as to in-court identification by witness was harmless; reviewability of unreserved claim that trial court should have granted request to charge and charged jury that out-of-court identification procedure was not substantive evidence of guilt due to its suggestiveness; whether trial court abused its discretion in denying request for special credibility instruction regarding testimony of witness; whether evidence supported finding that witness was involved in murder so as to warrant accomplice instruction; claim that trial court was required to give special credibility instruction with respect to testimony of witness because witness was akin to jailhouse informant.

State v. Smith 734

Operating motor vehicle while under influence of intoxicating liquor or drugs; tampering with witness; whether evidence was sufficient to support conviction of operating motor vehicle while under influence of intoxicating liquor or drugs; whether there was ample evidence to support finding that defendant operated vehicle just prior to point in time that he encountered state police trooper; whether trial court improperly admitted copy of Facebook message that defendant had sent to witness to persuade her to take part in plan to show that he had not operated motor vehicle; claim that state failed to properly authenticate evidence; harmless error.

State v. Stanley (Memorandum Decision) 901

State v. Stevenson (Memorandum Decision). 908

State v. Tucker. 270

Probation; assault in third degree; claim that trial court erred in admitting 911 recording into evidence; claim that trial court erroneously found that defendant violated probation; claim that trial court abused its discretion in imposing sentence of three years incarceration; whether trial court properly overruled objection to admission of 911 recording that was based on lack of foundation for recording; whether trial court properly authenticated 911 recording; whether defendant sustained burden of providing adequate record to review claim of due process violation; whether admission of recording constituted plain error; whether trial court properly found that defendant violated probation; whether trial court abused its discretion in revoking defendant's probation.

State v. Vivo (Memorandum Decision) 906

Stratek Plastics, Ltd. v. Ibar 721

Foreclosure; attorney's fees; claim that trial court erred in awarding attorney's fees pursuant to statute (§ 52-249 [a]) because it did not conduct hearing as to form of judgment or limitation of time for redemption; whether court had authority to award attorney's fees under § 52-249 (a); whether certain proceeding before trial court constituted hearing within meaning of § 52-249 (a) and satisfied statute's requirement that hearing be held as to form of judgment; whether defendant waived claim that trial court erred in awarding attorney's fees because, at time of proceeding, plaintiff failed to present statement of fees requested and description of services rendered.

Thomas v. Thomas (Memorandum Decision) 907

Tirado v. Torrington. 95

Allegedly improper tax assessment of plaintiff's motor vehicle; subject matter jurisdiction; whether trial court properly dismissed plaintiff's action for lack of subject matter jurisdiction; whether trial court incorrectly determined that statute (§ 12-119) governing applications for relief when property has been wrongfully assessed applied to plaintiff's claim; whether trial court correctly determined that statute (§ 12-117a) governing appeals to Superior Court from municipal boards of assessment appeals applied to plaintiff's claim; whether plaintiff failed to exhaust her available administrative remedies before appealing to Superior Court; claim that plaintiff did not receive notice of defendant's certificate of change and tax assessment in time to challenge assessment.

Toland v. Toland. 800

Dissolution of marriage; arbitration; whether trial court properly construed parties' arbitration agreement as unrestricted with regard to alimony and property division; whether trial court correctly declined to engage in more searching review of alimony and property division issues where arbitration submission was unrestricted; whether arbitration agreement expanded scope of judicial review to include factual determinations; claim that arbitrator's award violated public policy and should have been vacated because arbitrator failed to properly apply statutory (§§ 46b-81 and 46b-82) factors regarding how alimony is awarded and property is divided; claim that trial court improperly failed to vacate arbitrator's

	<i>award pursuant to statute (§ 52-418 [a] [2]) due to evident partiality; claim that arbitrator's admonishments and warnings to plaintiff as to imposition of sanctions demonstrated evident partiality; claim that evident partiality existed because arbitrator failed to inquire into plaintiff's ability to proceed with hearing; claim that arbitrator's award and denial of plaintiff's request for recess amounted to evidence of bias; claim that arbitration award was not mutual, final and definite upon subject matter submitted within meaning of § 52-418 (a) (4) because arbitrator failed to properly apply facts or consider all criteria within §§ 46b-81 and 46b-82; reviewability of inadequately briefed claim that trial court committed plain error by not vacating arbitration award; claim that arbitrator improperly awarded defendant attorney's fees pursuant to statute (§§ 46b-62 and 46b-82).</i>	
U.S. Bank National Assn. v. Christophersen		378
	<i>Foreclosure; standing; whether plaintiff had standing to commence foreclosure action; whether plaintiff was holder of subject note and entitled to enforce it at time action was commenced; claim that trial court denied defendant's right to due process and abused its discretion by relying on plaintiff's affidavit of debt in rendering modified judgment of strict foreclosure; whether court failed to consider defendant's concerns over amount of debt; claim that trial court abused its discretion in denying motion for continuance; whether court erred in failing to rule on request for judgment of foreclosure by sale; whether court improperly concluded that it lacked authority pursuant to statute (§ 49-15 [b]) to modify judgment; whether § 49-15 (a) (1) conferred authority on court to modify judgment.</i>	
United Amusements & Vending Co. v. Sabia.		555
	<i>Contracts; whether judgment on merits of breach of contract action was final judgment for purposes of appeal, even though issue of contractual attorney's fees remained outstanding; reviewability of claim that trial court improperly failed to find that contract was unenforceable based on defendant's special defenses of mistake and duress; reviewability of claim that trial court incorrectly awarded damages based on unconscionable provisions of contract; whether trial court's determination of damages was clearly erroneous and not supported by record.</i>	
Valley National Bank v. Private Transerve, LLC		479
	<i>Foreclosure; breach of personal guarantees; claim that plaintiff bank did not have standing; claim that genuine issue of material fact existed as to whether plaintiff owned debt when action was commenced; unpreserved claim that action was initiated under improper corporate name; whether defendants established that certain evidentiary rulings at hearing in damages relied on clearly erroneous factual findings or that trial court abused its discretion in granting plaintiff permission to file amended complaint.</i>	
Victor C. v. Commissioner of Correction.		706
	<i>Habeas corpus; whether habeas court properly denied petition for writ of habeas corpus; whether habeas court properly determined that trial counsel's decision not to present certain testimony did not constitute deficient performance; claim that habeas court improperly found that petitioner was not prejudiced by failure of trial counsel to advise him fully of right to testify and by counsel's having dissuaded him from testifying; claim that habeas court improperly determined that trial counsel did not render ineffective assistance by failing to consult expert on child sexual abuse or to present expert testimony in that regard.</i>	
Walsh Fence, LLC v. Dolceaqua (Memorandum Decision).		904