

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 193

Autumn View, LLC v. Planning & Zoning Commission <i>Zoning; affordable housing statute (§ 8-30g); whether Superior Court erred in concluding that plaintiffs' application for affordable housing development filed following remand was not new application; claim that plaintiffs' remand application was beyond scope of remand order; claim that record supported denial of revised and resubmitted application on ground that application failed to comply with town zoning regulations and was necessary to protect health and safety.</i>	18
Ayres v. Ayres <i>Dissolution of marriage; motion for contempt; alimony; whether trial court improperly interpreted provision in parties' separation agreement governing alimony to conclude that payment of long-term incentives, including restricted stock units and performance stock units, received from employer were to be included within alimony calculation; claim that trial court erred in ordering defendant to include all past and future restricted stock unit payments in calculation of gross income under alimony provision; claim that alimony exclusion for stock excluded only nonperformance based awards of stock; claim that court erred in finding that performance based units are not stock; whether court erred in finding that severance payment to defendant was includable within alimony calculation as base pay or performance based bonus.</i>	224
Barber v. Barber <i>Dissolution of marriage; motion to modify child support; motion for contempt; motion for attorney's fees and costs; claim that trial court improperly rewrote parties' separation agreement by issuing order directing manner in which parties were to proceed to resolve their dispute regarding basic child support, including how to calculate amount of basic child support defendant owed plaintiff; whether trial court's inclusion of term adjusted gross income in its order rewrote agreement; whether plaintiff demonstrated that she was harmed by subject order; reviewability of claim that trial court erred by failing to award plaintiff attorney's fees and costs to defend against defendant's alleged attempt to invalidate agreement with respect to law applicable to motion to modify child support; claim that trial court erred by failing to award plaintiff attorney's fees pursuant to default provision of parties' agreement; whether plaintiff's motion for contempt regarding children's add-on expenses was successful; whether claim on cross appeal that because defendant had registered New York dissolution judgment in Connecticut pursuant to applicable statute (§ 46b-71), trial court improperly concluded that New York law, rather than Connecticut law, applied to defendant's motion to modify was moot; whether there was no practical relief that could be afforded to parties.</i>	190
Boccanfuso v. Daghoghi <i>Summary process; claim that trial court applied incorrect legal standard in determining that defendants failed to prove their special defense of equitable nonforfeiture; whether court abused its discretion in applying doctrine of equitable nonforfeiture; whether trial court erred in finding that plaintiffs were unaware of contamination at property until after July 1, 2014; harmless error; reviewability of claim that trial court abused its discretion in finding that defendants failed to prove their special defenses of unjust enrichment and violation of implied covenant of good faith and fair dealing; whether trial court abused its discretion by not granting defendants' request for continuance so witness could testify.</i>	137
Colon-Collazo v. Cox <i>Property execution; exemption; action to obtain satisfaction of civil dissolution judgment; whether trial court erred in determining that certain property was exempt from execution where no exemption claim form was filed as required by statute (§ 52-361b [d]); whether there was sufficient evidence to determine certain property should be exempt from execution.</i>	251
Daley v. Kashmanian <i>Negligence; claim that conduct of police detective while operating unmarked vehicle violated ministerial duty imposed on him by certain motor vehicle statutes;</i>	171

<p><i>whether trial court improperly granted motion for directed verdict on count alleging recklessness; whether evidence, viewed in light most favorably to plaintiff, was sufficient for jury reasonably to conclude that detective acted recklessly; whether jury reasonably could have concluded that detective consciously disregarded state laws relating to speed limits, reckless driving, following too closely and traveling in correct lane of traffic, and that he was aware of risks and dangers his conduct imposed on others, yet showed little regard for consequences of his actions; whether trial court properly set aside verdict in favor of plaintiff on negligence claim; whether circumstances surrounding conduct of detective demonstrated that he was engaged in discretionary activity for which he was entitled to governmental immunity.</i></p>	
Doan v. Commissioner of Correction	263
<p><i>Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal; claim that petitioner's trial counsel rendered deficient performance by failing to investigate petitioner's mental health and to retain forensic psychologist to aid in mitigating sentence.</i></p>	
Echeverria v. Commissioner of Correction	1
<p><i>Habeas corpus; claim that habeas court improperly denied petition for writ of habeas corpus; whether petitioner met burden to demonstrate prejudice resulting from trial counsel's allegedly deficient performance in failing to advise petitioner properly regarding immigration consequences of guilty plea.</i></p>	
Francini v. Riggione	321
<p><i>Contracts; attorney's fees; claim that trial court abused its discretion in calculating award of attorney's fees; whether trial court abused its discretion by not discounting award of attorney's fees on account of small sum awarded to plaintiffs for breach of contract claims; claim that proper analysis of factors listed in rule 1.5 (a) of Rules of Professional Conduct would compel a significant downward departure from plaintiffs' initial lodestar calculation because damages awarded were insignificant in relation to court's award of attorney's fees; whether plaintiffs had legitimate claim for attorney's fees pursuant to contract; whether trial court abused its discretion in awarding attorney's fees with respect to private nuisance claim on which plaintiffs did not prevail; whether party may recover attorney's fees for unsuccessful claims that are inextricably intertwined and involve common basis in fact or legal theory with successful claims; whether private nuisance and breach of contract claims were factually and legally distinct and were inextricably intertwined or based on common legal theory.</i></p>	
King v. Commissioner of Correction	61
<p><i>Habeas corpus; claim that habeas court improperly concluded that petitioner failed to establish that he had received ineffective assistance from his trial counsel; whether trial counsel provided ineffective assistance by not objecting to trial court's jury instructions or requesting additional jury instruction regarding difference between intent elements of assault charges against petitioner; whether trial counsel provided ineffective assistance by declining to object to admission of police detective's written summary of petitioner's oral account of incident; whether trial counsel's strategic decision to allow written summary into evidence was reasonable; whether there was not reasonable probability that outcome of trial would have been different if written summary had been excluded; whether habeas court reasonably concluded that petitioner failed to prove that he was prejudiced by trial counsel's failure to request trial court to place its rejection of his plea agreement on record; whether there was reasonable probability that outcome of criminal proceedings would have been different if trial counsel had requested trial court to place its rejection of plea on record; claim that habeas court improperly dismissed claim that trial court violated petitioner's right to due process by not stating on record its reasons for rejecting plea agreement; whether petitioner was harmed by absence of record of rejection of plea agreement.</i></p>	
Kirby v. Commissioner of Correction	902
Peek v. Manchester Memorial Hospital	337
<p><i>Negligence; motion for summary judgment; claim that trial court improperly granted motion for summary judgment and determined that action was barred by applicable statute of limitations (§ 52-584); whether statute of limitations was tolled by continuous course of treatment doctrine; whether evidence before trial court demonstrated genuine issue of material fact as to when plaintiff discovered injury as contemplated by § 52-584.</i></p>	

Putnam Park Apartments, Inc. v. Planning & Zoning Commission 42
Zoning; whether trial court improperly determined that zoning regulations permitted building to be located less than 100 feet from property line; whether trial court improperly determined that building proposal was consistent with zoning regulations; whether certain zoning regulation applied to special permit application.

R & P Realty Co. v. Peerless Indemnity Ins. Co. 374
Contracts; reviewability of claim that trial court erroneously concluded that defendant did not breach insurance policy by declining to cover increased demolition costs resulting from presence of asbestos and lead in building; reviewability of claim that trial court improperly found that increased demolition costs constituted replacement costs, rather than being component of actual cash value of plaintiffs' loss, and that plaintiffs failed to provide reasonable notice to defendant of claim seeking recovery for increased demolition costs; failure of plaintiffs to provide adequate record for review.

Simms v. Commissioner of Correction 901

Soto v. Christians Alliance, Inc. 901

State v. Bryan 285
Murder; conspiracy to commit murder; whether trial court abused its discretion by admitting into evidence as dual inculpatory statements under applicable rule of evidence (§ 8-6 [4]), statements that defendant's accomplice made to friend of accomplice about victim's murder; claim that accomplice's statements to friend of accomplice were inadmissible as dual inculpatory statements because they sought to shift blame for victim's murder to defendant; claim that accomplice's statements to friend of accomplice were not against accomplice's penal interest; whether trial court correctly concluded that accomplice's statements to friend of accomplice were trustworthy; unpreserved claim that state failed to disclose to defendant, in violation of Brady v. Maryland (373 U.S. 83), certain police internal affairs records that concerned allegations of prior misconduct by detective who investigated murder; whether police internal affairs records were material to outcome of defendant's trial.

State v. Cane 95
Criminal possession of firearm; criminal possession of ammunition; possession of controlled substance with intent to sell; whether trial court erroneously denied motion to suppress evidence police seized from defendant's home and car; claim that trial court improperly found that warrantless search of defendant's home by police after he was arrested and in police custody constituted justifiable, protective sweep of defendant's home; reviewability of unpreserved claims that defendant was constructively seized by police and that they lacked probable cause to search his car; whether information in affidavit of police officer in support of warrant application provided basis for determination that probable cause existed to search defendant's vehicle; unpreserved claim that trial court committed plain error when it granted state's motion for joinder, where defendant, personally and through counsel, expressly stated that he had no objection to joinder; unpreserved claim of judicial bias; whether reversal of judgment was warranted under plain error doctrine where defendant claimed that trial court, in pretrial memorandum of decision on motion to suppress, had found him guilty of kidnapping and assault charges as to certain individuals it referred to as victims and then considered those charges in sentencing him.

State v. Gomes 79
Assault in second degree; whether trial court deprived defendant of right to present defense of investigative inadequacy when it omitted from its jury instructions certain language in defendant's written request to charge that pertained to alleged inadequacy of police investigation as it might relate to weaknesses in state's case.

State v. Shin 348
Interfering with officer; disorderly conduct; reviewability of claim that defendant's arrest and seizure by police was illegal, where claim was raised for first time in reply brief, defendant never moved to suppress evidence, and trial court did not make any factual findings or legal conclusions regarding whether any evidence was illegally seized; claim that evidence was insufficient to support conviction because police officers' testimony was fabricated; reviewability of claim that trial court improperly admitted testimony from police officers about statements defendant made in Internet video he had posted; whether defendant failed to secure finalized, specific ruling as to testimony of officers; whether trial court abused its discretion when it denied defendant's request to excuse prospective juror for cause during voir dire; unpreserved claim that trial court violated

defendant's state constitutional right to compulsory process when it denied request to issue subpoena to rabbi from out of state; reviewability of claim that trial court improperly found defendant incompetent to stand trial before it later determined that he was competent to stand trial; whether claim that trial court violated defendant's constitutional right to travel when it imposed as term of conditional discharge special condition that he stay out of Connecticut for two years was moot; whether claim that trial court violated defendant's constitutional right to travel was not moot because it fell within collateral consequences exception to mootness doctrine.

Water Pollution Control Authority v. McKinley 901