

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 201

(Replaces Prior Cumulative Table)

Anderson v. Commissioner of Correction <i>Habeas corpus; claim that trial counsel rendered ineffective assistance to petitioner in failing to present evidence in support of petitioner's claim of self-defense; whether habeas court abused its discretion in denying petitioner's petition for certification to appeal.</i>	1
Bank of New York Mellon v. Mercier (Memorandum Decision)	903
Bevilacqua v. Bevilacqua <i>Dissolution of marriage; whether trial court abused its discretion in denying defendant's request for continuance of trial; whether trial court erred by ordering defendant to pay periodic alimony to plaintiff; whether trial court erred by awarding certain real property to defendant.</i>	261
Brown v. State (Memorandum Decision)	903
C. A. v. G. L. <i>Application for civil protection order pursuant to statute (§ 46b-16a); whether trial court abused its discretion in concluding that defendant's conduct and statements could be interpreted as threats to plaintiff's physical safety; whether § 46b-16a required that there be prior threats or instances of physical violence for party to reasonably fear for her physical safety.</i>	734
Campbell v. Shiloh Baptist Church (Memorandum Decision)	902
Cole v. Commissioner of Correction (Memorandum Decision)	906
Commissioner of Labor v. Walnut Tire Shop, LLC <i>Wage collection statute (§ 31-72); motion for default; motion to open judgment of default; claim that trial court abused its discretion in denying defendants' motion to open.</i>	492
Continental Casualty Co. v. Rohr, Inc. <i>Insurance; declaratory judgment to determine whether plaintiff insurance companies had duty to defend and indemnify defendant manufacturer in underlying actions seeking to recover costs of remediation for environmental contamination; whether trial court properly granted motions for partial summary judgment filed by certain plaintiffs and defendant manufacturer, and motions for summary judgment filed by certain defendant insurance companies; claim that three year policy period endorsements to primary policies were to be treated as annual periods subject to per occurrence limit and that policy period of each multiyear primary policy was defined as three consecutive annual periods; whether trial court erred in determining that defendant manufacturer was required to horizontally exhaust all of its primary insurance before liability of its excess insurers could attach; rule of horizontal exhaustion under California law, discussed; claim by certain plaintiffs on cross appeal that trial court incorrectly determined per policy occurrence limits of certain primary policies.</i>	636
Diaz v. Commissioner of Correction <i>Habeas corpus; claim of ineffective assistance of counsel; claim that habeas court incorrectly concluded that trial counsel's failure to file motion to dismiss home invasion charge, to which petitioner had pleaded guilty pursuant to North Carolina v. Alford (400 U.S. 25), did not constitute ineffective assistance; whether petitioner failed to demonstrate that he was prejudiced by trial counsel's alleged deficient performance.</i>	254
Doe v. Flanigan <i>Negligence; motion for summary judgment; whether genuine issue of material fact existed as to whether defendant city's employee engaged in negligent or wilful misconduct; whether genuine issue of material fact existed that defendant city's employee was acting within scope of employment; whether trial court erred in rendering summary judgment for defendant on basis of arguments not raised in defendant's motion.</i>	411

Gershon v. Back	276
<i>Dissolution of marriage; subject matter jurisdiction; motion to open foreign dissolution judgment; claim that trial court improperly dismissed motion to open for lack of subject matter jurisdiction; whether trial court properly determined that plaintiff was required to bring plenary action to vacate parties' stipulation; improper form of judgment.</i>	
Haydusky's Appeal from Probate	746
<i>Probate appeal; claim that trial court's factual findings were clearly erroneous; claims that trial court made erroneous evidentiary rulings, abused its discretion, and misapplied law.</i>	
In re D'Andre T.	396
<i>Termination of parental rights; jurisdiction; supervisory authority over administration of justice; whether trial court denied respondent fundamentally fair proceeding by treating her motion to transfer guardianship with less regard than petitions to terminate her parental rights; claim that this court should exercise its supervisory authority over administration of justice to require Superior Court to make certain written findings in all cases in which court considers transfer of guardianship motion and petition to terminate parental rights concurrently; claim that this court lacked jurisdiction over appeal because respondent's request for new procedural rule was not tethered to any actual controversy and respondent did not claim that trial court erred in its decisions on termination petitions or motion to transfer guardianship.</i>	
In re Ja'La L.	586
<i>Termination of parental rights; claim that there was insufficient evidence to establish by clear and convincing evidence that termination was in best interests of children.</i>	
In re Ja'Maire M.	498
<i>Termination of parental rights; whether trial court erred in terminating respondent father's parental rights by relying on previous finding that minor child was neglected; whether father's unpreserved claim was impermissible collateral attack on validly rendered final judgment of neglect; whether father was denied due process in termination of his parental rights.</i>	
In re Madison C.	184
<i>Termination of parental rights; claim that trial court deprived respondent of substantive due process rights under United States constitution; whether record was adequate to review respondent's unpreserved constitutional claim under first prong of State v. Golding (213 Conn. 233).</i>	
In re Miracle C.	598
<i>Termination of parental rights; claim that trial court erroneously concluded that Department of Children and Families had made reasonable efforts at reunification pursuant to statute (§ 17a-112 (j) (1)); whether, because respondent mother failed to challenge on appeal trial court's finding that she was unable to benefit from reunification efforts, one of two separate and independent bases for upholding trial court's determination that § 17a-112 (j) (1) had been satisfied, mother's appeal was moot.</i>	
In re Xavier H.	81
<i>Termination of parental rights; whether trial court made clearly erroneous subordinate factual findings and applied such findings in reaching its decision that there was sufficient evidence to terminate respondent father's parental rights; whether trial court employed proper standard in finding that respondent parents had each failed to achieve sufficient degree of personal rehabilitation as would encourage belief that within reasonable time they could assume responsible positions in life of child; whether trial court employed proper standard in finding that termination of respondent father's parental rights was in child's best interest; whether trial court erred in finding that respondent mother had failed to rehabilitate; whether trial court failed to make complete written findings that termination of respondent mother's parental rights was in child's best interest, as required by statute (§ 17a-112 (k)).</i>	
Jeremy D. v. Commissioner of Correction (Memorandum Decision)	905
Kondjoua v. Commissioner of Correction	627
<i>Habeas corpus; claim that habeas court abused its discretion in denying petition for certification to appeal; whether habeas court properly dismissed second petition for writ of habeas corpus as improper successive petition.</i>	

Leonova v. Leonov	285
<i>Dissolution of marriage; motion for attorney's fees; whether trial court abused its discretion by improperly basing supplemental alimony awarded to plaintiff on defendant's gross, rather than net, bonus income; whether trial court acted in excess of statutory authority by ordering parties to establish and to contribute to educational savings plans; whether trial court erred in finding defendant in contempt for violating automatic orders in effect, pursuant to relevant rule of practice (§ 25-5), by renting seasonal ski lodge; whether trial court abused its discretion in ordering defendant to reimburse plaintiff for one half of cost defendant incurred in renting ski lodge and to reimburse plaintiff for one half of loss that he incurred as result of cryptocurrency investment he made after imposition of automatic orders; whether trial court has authority to compensate spouse for losses caused by violation of automatic orders by adjusting distribution of marital assets in injured spouse's favor; whether trial court abused its discretion by failing to attribute earning capacity to plaintiff in determining alimony and child support; whether trial court erred in awarding plaintiff attorney's fees.</i>	
Nationstar Mortgage, LLC v. Gabriel	39
<i>Summary process; return of service; whether trial court properly denied motion to dismiss for lack of subject matter jurisdiction; claim that notice to quit was not served on all designated occupants of property, as required by statute (§ 47a-23); whether trial court erred in denying defendants' request for evidentiary hearing despite having raised disputed issue of fact; claim that absence of evidentiary hearing led to clearly erroneous findings by trial court.</i>	
90 Grove Street Loan, LLC v. N.J. Voog Realty, LLC (Memorandum Decision)	905
Northwest Hills Chrysler Jeep, LLC v. Dept. of Motor Vehicles.	128
<i>Administrative appeal; claim that trial court improperly dismissed appeal from decision of Department of Motor Vehicles finding that good cause existed, pursuant to statute (§ 42-133dd (c)), to establish new automobile dealership within relevant market area of plaintiffs; adoption of trial court's memorandum of decision as proper statement of facts and applicable law on issues.</i>	
Osborne-Perrault v. Twin Oaks Condominium Assn. (Memorandum Decision)	904
Panaroni v. Doody (Memorandum Decision)	902
Sosa v. Commissioner of Correction (Memorandum Decision)	906
Stanley v. Commissioner of Correction (Memorandum Decision)	904
Stanley v. Macchiarulo (Memorandum Decision)	902
State v. Anderson	21
<i>Assault in first degree with firearm; assault of peace officer with firearm; self-defense; claim that trial court improperly failed to instruct jury on self-defense.</i>	
State v. Bennett (Memorandum Decision)	901
State v. Buie (Memorandum Decision)	903
State v. Freeman.	555
<i>Robbery in first degree; claim that trial court erred in denying motion to dismiss; whether defendant's prosecution was time barred by applicable five year statute of limitations (§ 54-193 (b)); whether trial court applied correct legal test; whether trial court correctly determined that state made reasonable efforts to serve arrest warrant before statute of limitations had expired and that delay in service of warrant was reasonable.</i>	
State v. Gaston.	225
<i>Murder; subject matter jurisdiction; standing; claim that trial court committed plain error pursuant to applicable rule of practice (§ 60-5) when it permitted witness to testify against defendant instead of accepting witness' invocation of fifth amendment right against self-incrimination.</i>	
State v. Han	568
<i>Sexual assault in fourth degree; accelerated rehabilitation; whether trial court's revocation of defendant's accelerated rehabilitation status constituted final judgment for purposes of appeal; whether trial court improperly terminated defendant's participation in accelerated pretrial rehabilitation program on basis of extrajudicial information; whether trial court had sufficient basis for terminating defendant's participation in accelerated rehabilitation program.</i>	
State v. Hazard.	46
<i>Robbery in first degree; whether there was sufficient evidence from which jury reasonably could have found that defendant was person who robbed storage facility; claim that defendant proved affirmative defense of inoperability of gun used in robbery; whether trial court abused its discretion when it denied motion for mistrial based on claim that police officer gave testimony that constituted</i>	

	<i>improper lay opinion under applicable provision of Connecticut Code of Evidence (§ 7-1) and improperly gave opinion on ultimate issue of identity in violation of applicable provision of Connecticut Code of Evidence (§ 7-3); claim that trial court erred in failing to give jury defendant's requested instruction on identity.</i>	
State v. Jones (Memorandum Decision)		901
State v. Knox	<i>Criminal possession of firearm; tampering with physical evidence; motion for judgment of acquittal; right to counsel; whether state presented sufficient evidence that defendant intended to impair availability of gun in subsequent police investigation; whether defendant made ambiguous request for counsel during police interview, requiring police to clarify request pursuant to State v. Purcell (331 Conn. 318); whether trial court abused its discretion in violation of applicable rule of evidence (§ 1-5) by admitting and excluding certain of defendant's statements made during police interview; whether trial court's evidentiary rulings violated defendant's rights to due process and to present defense.</i>	457
State v. Lemanski	<i>Operating motor vehicle while under influence of intoxicating liquor; plain error doctrine; unpreserved claim that defendant's constitutional right to confrontation was violated when trial court improperly admitted certain testimonial hearsay into evidence; unpreserved claim that trial court improperly instructed jury regarding defendant's alleged refusal to submit to breath test.</i>	360
State v. Parker	<i>Probation; whether trial court erred in revoking probation without first finding that defendant's failure to pay restitution was wilful; whether trial court applied correct legal standard in making implicit finding of wilfulness; whether trial court was required to make explicit findings on record as to whether defendant had ability to pay and, if so, whether failure to pay was wilful, and, if not, whether defendant made sufficient bona fide efforts legally to acquire resources to pay.</i>	435
State v. Schimanski	<i>Operating motor vehicle while license was under suspension in violation of statute (§ 14-215); claim that trial court erred in denying motion to dismiss charge of operating motor vehicle while license was under suspension for violation of statute (§ 14-227b) where forty-five day suspension period referenced in § 14-227b had elapsed; claim that interpretation of statute (§ 14-227k) requiring installation of ignition interlock device violated equal protection clause of United States constitution by imposing undue burdens on indigent individuals; whether claim that trial court erred in denying motion to dismiss charge of operating motor vehicle not equipped with functioning ignition interlock device was justiciable.</i>	164
State v. Sebben	<i>Reimbursement for costs of incarceration; summary judgment; claim that assessed cost of defendant's incarceration was based on unreliable calculation; claim that defendant's right to equal protection was violated because state had not sought reimbursement for incarceration costs from other inmates; adoption of trial court's memorandum of decision as proper statement of relevant facts and applicable law on issues.</i>	376
Tunick v. Tunick	<i>Breach of fiduciary duty; trusts; subject matter jurisdiction; continuing course of conduct doctrine; fraudulent concealment; dismissal of portion of appeal that challenged partial summary judgment rendered by trial court where count of complaint that alleged unjust enrichment as to certain defendant remained to be adjudicated; whether trial court properly granted motion to strike count of complaint that alleged breach of contract against trustee of trust; claim that plaintiff's causes of action as remainder beneficiary did not become ripe until death of certain trustee; whether trial court properly concluded that defendants satisfied burden of demonstrating applicability of statute (§ 52-577) that barred plaintiff's tort claims; whether genuine issues of material fact existed as to claim that limitation period of § 52-577 was tolled in 2013 by pendency of final accounting in Probate Court, continuing course of conduct doctrine and fraudulent concealment; mootness; dismissal of portion of appeal that challenged propriety of trial court's denial of motion to open judgment.</i>	512
Turner v. Commissioner of Correction	<i>Habeas corpus; whether habeas court abused its discretion in denying petitioner's petition for certification to appeal; claim that petitioner was deprived of fair</i>	196

trial because respondent elicited perjured testimony from petitioner’s criminal trial counsel during first habeas trial; claim that state suppressed exculpatory evidence; claim that police department failed to preserve exculpatory evidence; whether habeas court abused its discretion in denying petitioner’s postjudgment motion to open judgment and disqualify judicial authority.

Vaccaro v. Loscalzo 606

Wrongful death; motion to dismiss; motion to withdraw; claim that trial court abused its discretion in dismissing plaintiffs’ complaint for failure to prosecute with due diligence; whether trial court’s sanction of dismissal was proportional to plaintiffs’ misconduct under factors articulated in Ridgeway v. Mount Vernon Fire Ins. Co. (328 Conn. 60).

Wells Fargo Bank, N.A. v. Brown (Memorandum Decision) 901

Wilmington Trust Co. v. Kamal (Memorandum Decision) 904

Wright v. Commissioner of Correction 339

Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal; claim that petitioner’s due process rights were violated when he was denied deportation parole eligibility hearing; whether petitioner had cognizable liberty interest in deportation parole eligibility or eligibility hearing.

Wright v. Giles 353

Action pursuant to federal statute (42 U.S.C. § 1983) alleging deprivation of federal and state constitutional rights to due process; whether plaintiff was entitled to deportation parole eligibility hearing pursuant to statute (§ 54-125d); whether trial court properly dismissed plaintiff’s action for lack of subject matter jurisdiction; whether plaintiff lacked standing.

Young v. Commissioner of Correction (Memorandum Decision) 905