

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 195

(Replaces Prior Cumulative Table)

Alonso v. Munoz (Memorandum Decision)	901
Argus Funding Solutions, LLC v. REI Holdings, LLC (Memorandum Decision)	904
Bagaloo v. Commissioner of Correction	528
<i>Habeas corpus; ineffective assistance of counsel; presentence confinement credit; claim that defense counsel rendered ineffective assistance because he failed to properly inform petitioner that he would not receive credit for days he spent in presentence confinement from date he was held in custody on conspiracy to commit murder charge to date his sentence for narcotics offense and violation of probation terminated before petitioner pleaded guilty to conspiracy to commit murder; claim that defense counsel provided ineffective assistance by failing to ask trial judge to order Department of Correction to award certain presentence confinement credit, despite fact that petitioner was ineligible for such confinement credit under applicable statute (§ 18-98d [a] [1] [B]).</i>	
Bank of New York Mellon v. Mazzeo	357
<i>Foreclosure; claim that plaintiff bank lacked standing; claim that plaintiff bank failed to establish that it was holder of note at time it commenced present action; whether trial court improperly concluded that plaintiff bank proved its prima facie case; claim that plaintiff bank did not demonstrate that it was owner of debt; claim that plaintiff bank did not prove that all conditions precedent to foreclosure, as established by note and mortgage, had been satisfied; claim that plaintiff bank did not demonstrate that it provided defendants with notice of default, as required by note and mortgage.</i>	
Barnes v. Connecticut Podiatry Group, P.C.	212
<i>Medical malpractice; motion to preclude expert testimony; motion for summary judgment; claim that trial court erred in precluding plaintiff from disclosing additional expert witnesses; claim that trial court erred in adhering to prior order precluding disclosure of additional expert witnesses; whether trial court erred in precluding expert opinions of plaintiff's disclosed expert as to standard of care and causation; whether trial court erred in rendering summary judgment in favor of defendants.</i>	
Barr v. Barr	479
<i>Dissolution of marriage; postjudgment motion for contempt; personal jurisdiction; reviewability of claim that trial court lacked personal jurisdiction; whether trial court improperly granted postjudgment motion for contempt because plaintiff did not properly serve defendant with process.</i>	
Berka v. Middletown	760
<i>Zoning; citation hearing procedures statute (§ 7-152c); appellate review statute (§ 8-8(o)); claim that city's blight ordinance violated plaintiff's due process rights; whether trial court erred in dismissing plaintiff's appeal for lack of subject matter jurisdiction; whether plaintiff failed to exhaust administrative remedies; whether plaintiff failed to timely seek from this court certification for review of judgment of dismissal, pursuant to § 8-8 (o); whether trial court erred in granting motion to dismiss for lack of actual controversy; whether trial court failed to construe self-represented plaintiff's complaint in broad and realistic manner; whether trial court could afford practical relief to plaintiff if he ultimately proves that some or all of provisions of § 7-152c or blight ordinance at issue violated constitutional rights; whether trial court erred in granting defendant's motion to dismiss plaintiff's action as moot.</i>	
Chief Disciplinary Counsel v. Burbank	416
<i>Attorney presentment; appeal from judgment of trial court suspending respondent attorney pursuant to applicable rule of practice (§2-39) for respondent's misconduct in judicial proceedings in Maine; claim that trial court erred in determining that respondent failed to demonstrate by clear and convincing evidence that reciprocal suspension of law license was violation of federal constitutional rights to petition government without fear of reprisal; whether attorney acting as self-</i>	

	<i>represented litigant should be held to different standard of professional conduct than that applied to attorney acting on behalf of client; claim that trial court's finding that respondent failed to demonstrate by clear and convincing evidence cognizable defense to Maine disciplinary proceedings was clearly erroneous.</i>	
Cox v. Colon-Collazo (Memorandum Decision)		906
Cunningham v. Commissioner of Correction.		63
	<i>Habeas corpus; claim that habeas court improperly rejected petitioner's claim that his trial counsel rendered ineffective assistance by failing to conduct adequate pretrial investigation into his theory of self-defense; whether petitioner failed to establish that trial counsel's performance was deficient or that he was prejudiced as result of alleged deficient performance; claim that habeas court improperly rejected petitioner's claim that his trial counsel rendered ineffective assistance by referring to petitioner as bully during closing argument; whether trial counsel's use of term bully during closing argument constituted sound trial strategy and, therefore, did not amount to deficient performance or fall below objective standard of reasonableness; whether habeas court properly determined that petitioner had not proven prejudice; whether there was reasonable probability that, but for trial counsel's alleged deficient performance, result of criminal trial would have been different.</i>	
Dunkling v. Lawrence Brunoli, Inc.		513
	<i>Workers' compensation; whether Workers' Compensation Commissioner erred in determining that defendant general contractor was principal employer pursuant to statute (§ 31-291) because general contractor was not in control of worksite when plaintiff suffered his injuries; whether Compensation Review Board's decision was unreasonable because general contractor has no legal right to require subcontractor to maintain workers' compensation coverage indefinitely; whether board improperly affirmed commissioner's ruling denying motion to correct regarding general contractor's communication with state concerning warranty.</i>	
Emmanuelli v. Southwick & Meister, Inc. (Memorandum Decision)		904
Ervin v. Commissioner of Correction.		663
	<i>Habeas corpus; claim that trial counsel rendered ineffective assistance of counsel to petitioner by failing to present expert testimony from independent forensic pathologist to refute testimony of state's chief medical examiner as to cause of victim's death; claim that trial counsel rendered ineffective assistance of counsel at petitioner's criminal trial by presenting inadequate argument in support of his motion for judgment of acquittal; claim that petitioner was prejudiced because properly argued motion for judgment of acquittal would probably have led trial court to grant motion on theory that there was insufficient evidence before jury to prove that he had acted with intent to kill victim.</i>	
First Niagara Bank, N.A. v. Mayfield (Memorandum Decision)		903
Francis v. State (Memorandum Decision)		906
Goguen v. Commissioner of Correction		502
	<i>Habeas corpus; failure of petitioner to address threshold question of whether habeas court abused its discretion in denying petition for certification to appeal.</i>	
HSBC Bank USA, National Assn. v. Karlen.		170
	<i>Foreclosure; summary judgment; claim that trial court improperly granted motion for summary judgment as to liability; whether plaintiff established undisputed prima facie case that it was entitled to foreclosure as matter of law; failure of plaintiff to provide trial court with copy or any evidence of terms of loan modification agreement that affected promissory note; whether defendants' failure to file objection to motion for summary judgment or to raise issue concerning absence of loan modification agreement via special defense or otherwise before trial court had effect on plaintiff's burden to establish prima facie case; whether plaintiff presented evidence that defendants defaulted on loan as modified by loan modification agreement.</i>	
HSBC Bank USA, National Assn. v. Nathan		179
	<i>Foreclosure; special defenses; counterclaims; whether trial court properly granted motion to strike; whether defendants preserved right to appeal nonrepleaded counts of counterclaim; whether defendants preserved right to appeal certain special defense that they specifically had described as abandoned; claim that trial court erred in striking certain nonrepleaded counts of counterclaim, second amended laches defense and second amended counterclaim on the ground that they did not satisfy making, validity or enforcement test; whether allegations of postorigination misconduct by plaintiff satisfied making, validity or enforcement test.</i>	

Hunter v. Shrestha. 393
Third-party petition for visitation; motion to dismiss; subject matter jurisdiction; whether trial court properly dismissed for lack of subject matter jurisdiction plaintiffs' petition for visitation as to defendant's minor child; whether petition satisfied jurisdictional pleading requirements set forth in Roth v. Weston (259 Conn. 202); whether plaintiffs failed to plead requisite level of harm under second element of Roth; whether allegations in petition rose to level of abuse, neglect or abandonment contemplated by Roth.

In re Brian P. (AC 43119). 582
Termination of parental rights; subject matter jurisdiction; motion to intervene; standing; claim that trial court improperly denied paternal grandmother's motion to intervene; whether this court lacked subject matter jurisdiction; whether paternal grandmother had colorable claim to intervention as matter of right in satisfaction of applicable statute (§ 52-263); whether paternal grandmother had standing to appeal.

In re Brian P. (AC 43032). 558
Termination of parental rights; whether trial court improperly concluded that respondent parents failed to achieve sufficient degree of personal rehabilitation required by applicable statute (§ 17a-112); claim that trial court erred in terminating parents' parental rights solely on basis of parents' drug use and addiction; claim that trial court failed to determine needs of minor child before deciding whether parents had failed to rehabilitate; whether trial court properly found that termination of parents' parental rights was in best interest of minor child.

In re Siddiqui. 594
Motion for cancellation of arrest warrant; subject matter jurisdiction; motions to reargue; whether this court had jurisdiction over petitioner's appeal; whether trial court's denial of motion for cancellation of arrest warrant terminated separate and distinct proceeding and, therefore, satisfied first prong of test set forth in State v. Curcio (191 Conn. 27); whether trial court properly determined that it lacked jurisdiction to consider motion for cancellation of arrest warrant; improper form of judgment.

In re Walker C. 604
Termination of parental rights; claim that trial court erroneously found that child's attorney argued in favor of termination of mother's parental rights and that such error was not harmless; claim that trial court erred by not ordering permanent transfer of guardianship of child to foster mother.

In re Yolanda V. 334
Termination of parental rights; claim that trial court improperly concluded that respondent mother failed to achieve requisite degree of personal rehabilitation required by applicable statute (§ 17a-112); claim that trial court improperly concluded that termination of mother's parental rights was in best interests of children; whether record contained sufficient evidence for trial court to conclude that mother had not corrected several factors that led to initial commitment of minor children; whether mother remained unable to serve as safe, nurturing, and responsible parent capable of assuming care of three minor children.

Jacques v. Jacques. 59
Contracts; breach of parties' marital separation agreement; mootness; claim that trial court erred by concluding that action was barred by applicable statute of limitations (§ 52-576 [a]) and determining that it lacked continuing jurisdiction to enforce parties' separation agreement; whether claim that plaintiff's breach of contract action was not barred by statute of limitations was moot where plaintiff failed to challenge independent ground for court's adverse ruling.

Jason B. v. Commissioner of Correction (Memorandum Decision). 905

JPMorgan Chase Bank, National Assn. v. Miao (Memorandum Decision) 903

Kolashuk v. Hatch. 131
Writ of error; claim that this court lacked subject matter jurisdiction; claim that writ of error should be dismissed because it was not taken from final judgment; claim that sanctions and attorney's fees issued against plaintiff in error did not terminate distinct and separate proceeding because relevant orders were issued during discovery phase of underlying personal injury case, requested cell phone records were necessary to resolve defendant in error's case, and those records were inextricably intertwined with defendant in error's case; claim that interlocutory order requiring witness to submit to discovery is not final judgment and, therefore, is not immediately appealable; claim that imposition of sanctions and attorney's fees against plaintiff in error did not terminate distinct and separate

<i>proceeding because trial court did not find plaintiff in error to be in contempt; whether trial court erred as matter of law by ordering plaintiff in error to produce cell phone records that neither he nor his client, who was defendant in underlying action, owned or possessed, and by issuing sanctions against plaintiff in error and awarding attorney's fees to counsel for defendant in error.</i>		
Krausman v. Liberty Mutual Ins. Co.		682
<i>Underinsured motorist coverage; claim that trial court's denial of motion for order of compliance with postjudgment interrogatories constituted final judgment for purposes of appeal; whether judgment on one part of three part complaint constituted final judgment; whether postjudgment discovery motion relating to one count of complaint was separate and distinct proceeding from pending remaining counts.</i>		
La Morte v. Darien (Memorandum Decision)		901
Lenti v. Commissioner of Correction		505
<i>Habeas corpus; claim that habeas court erred in determining that guilty plea was made knowingly, intelligently and voluntarily; whether habeas court abused its discretion in denying petition for certification to appeal regarding petitioner's ineffective assistance of counsel claim; whether habeas court erred in concluding that petitioner was not impaired by his prescribed medications to extent that he could not understand plea agreement and plea proceedings; whether petitioner received ineffective assistance of counsel.</i>		
Licari v. Commissioner of Correction (Memorandum Decision)		902
Lopez v. Commissioner of Correction (Memorandum Decision)		904
Matrix Financial Services Corp. v. Onofrio (Memorandum Decision)		906
Michael D. v. Commissioner of Correction.		6
<i>Habeas corpus; claim that petitioner's trial counsel provided ineffective assistance in failing to challenge admission of pornographic magazine into evidence; whether habeas court properly determined that trial counsel's conduct in attempting to preclude magazine did not constitute deficient performance; claim that trial counsel provided ineffective assistance by failing to request instruction that jury must unanimously agree on factual basis for each guilty verdict; whether habeas court properly determined that petitioner failed to establish prejudice resulting from trial counsel's failure to request specific unanimity instruction.</i>		
Olowosoye v. Bridgeport (Memorandum Decision).		905
Piccolo v. American Auto Sales, LLC		486
<i>Unjust enrichment; breach of contract; fraud; motion to strike; whether trial court erred by striking unjust enrichment counts of complaint; whether trial court improperly concluded that plaintiff had incorporated allegations of breach of express contract in unjust enrichment counts.</i>		
Pierce v. State (Memorandum Decision)		903
Raczkowski v. McFarlane		402
<i>Negligence; summary judgment; claim that trial court improperly rendered summary judgment in favor of defendant landlord; whether lease agreement between defendant landlord and tenant, whose dog bit plaintiff on leased property, imposed duty of care on landlord; whether there was genuine issue of material fact as to whether plain language of lease required defendant landlord to investigate behavioral propensities of tenant's dog and whether lease created duty on part of landlord to third persons who might encounter dog on subject property; whether obligations under lease were limited to its signatories and did not extend to third persons; claim that relevant language of lease created genuine issue of material fact as to whether defendant landlord retained control over property and, therefore, whether lease imposed duty of care on landlord to keep in reasonably safe condition those portions of property over which she reserved control; whether plaintiff's reliance on Giacalone v. Housing Authority (306 Conn. 399) was misplaced.</i>		
Romeo v. Bazow.		378
<i>Third-party petition for visitation; motion to dismiss; subject matter jurisdiction; whether trial court properly dismissed for lack of subject matter jurisdiction plaintiffs' petition for visitation rights as to defendant's minor children; claim that that trial court improperly failed to consider plaintiffs' expert witness disclosure in ruling on motion to dismiss; whether trial court properly limited its consideration to allegations contained in petition and attached affidavit; whether petition satisfied jurisdictional pleading requirements set forth in Roth v. Weston (259 Conn. 202); whether plaintiffs failed to plead requisite level of harm under second jurisdictional element of Roth; whether allegations in petition rose to</i>		

level of abuse, neglect or abandonment contemplated by Roth or specified type of harm that children would suffer if plaintiffs were denied visitation.

Rossell v. Rossell (Memorandum Decision) 902

Semac Electric Co. v. Skanska USA Building, Inc. 695

Breach of contract; fraud; claim that trial court improperly rejected plaintiff subcontractor's claim that there had been cardinal change in contract terms; claim that trial court improperly concluded that plaintiff breached contract by abandoning project; whether trial court properly concluded that defendant general contractor materially breached contract with subcontractor by failing to provide subcontractor with forty-eight hour cure period before terminating contract; whether trial court's award of damages was erroneous; whether trial court erred in finding that individual third-party defendants did not commit fraud.

Starboard Fairfield Development, LLC v. Grempe 21

Vexatious litigation; breach of contract; slander of title; intentional interference with contract; breach of fiduciary duty; claim that trial court improperly determined that defendants breached general release by pursuing civil action against plaintiffs; failure to brief claim adequately; claim that trial court improperly found that defendants slandered plaintiff's title to certain property by filing his pendants and affidavit of fact pertaining to property on certain land records; whether trial court, as trier of fact, was free to discredit evidence provided at trial; whether this court was persuaded that trial court's finding of slander of title was either legally incorrect or factually unsupported; claim that trial court improperly found that defendants intentionally interfered with plaintiff's contract to sell certain property to third party; claim that trial court improperly awarded interest on amount held in escrow; whether defendants failed to brief argument beyond mere abstract assertion; claim that there was insufficient evidence for trial court to find that interference caused any actual loss; claim that trial court improperly awarded punitive damages without providing defendants adequate notice of hearing in accordance with rules of practice; whether defendants demonstrated that due process rights were violated or that trial court committed reversible error in calculating amount of punitive damages; whether record demonstrated that defendants had ample notice of hearing on punitive damages.

State v. Bradley 36

Sale of controlled substance; violation of probation; claim that trial court erred in denying motions to dismiss charges; whether defendant, who is Caucasian, lacked standing to raise claim that his prosecution under Connecticut's statutes criminalizing possession and sale of marijuana violated his rights under equal protection clause of United States constitution because such statutes were enacted for illicit purpose of discriminating against persons of African-American and Mexican descent; whether trial court misapplied rule set forth in State v. Long (268 Conn. 508); whether defendant demonstrated that he had personal interest that had been or could be injuriously affected by alleged discrimination in enactment of relevant statute (§ 21a-277 [b]); whether defendant's claim alleged specific injury to himself beyond that of general interest of all marijuana sellers facing conviction under § 21a-277 (b); whether balancing of factors set forth in Powers v. Ohio (499 U.S. 400) pertaining to third-party standing weighed against defendant having standing to raise equal protection claim on behalf of racial and ethnic minorities who possessed constitutional rights that were allegedly violated; whether relationship between defendant and subject minority groups was close; whether there existed hindrance to ability of criminal defendant who is member of racial or ethnic minority group charged under § 21a-277 (b) from asserting his or her own constitutional rights in his or her own criminal prosecution.

State v. Brown 244

Breach of peace in second degree; criminal violation of protective order; assault in third degree; claim that trial court improperly granted motion for joinder of cases; claim that trial court improperly allowed jury to consider prejudicial evidence of two different crimes; claim that trial court improperly allowed state to use prejudicial language during voir dire questioning; whether joinder resulted in substantial prejudice to defendant; whether two incidents leading to charges against defendant were discrete and easily distinguishable; whether assaults were so brutal or shocking as to interfere with jury's ability to consider each offense fairly and objectively; unpreserved claim that defendant's federal right to fair trial was violated when trial court allowed state to use prejudicial language during state's voir dire questioning of potential jurors; whether trial court

	<i>improperly allowed facts of case to be introduced in effort to remedy use of prejudicial language; whether introduction of phrases by state, such as “domestic violence,” “family violence,” and “dispute between roommates” during voir dire was improper; whether trial court abused its discretion in denying defendant’s request for continuance at start of trial to accommodate presence of witness.</i>	
State v. Colon (Memorandum Decision)		902
State v. Corprew.		539
	<i>Motion to correct illegal sentence; claim that sentences were illegal because they included period of special parole, which is not definite sentence; whether trial court properly denied defendant’s motions to correct illegal sentence; whether combination of defendant’s period of incarceration for each case of five years followed by period of seven years of special parole, which totaled twelve years, exceeded maximum sentence of incarceration of twenty years for defendant’s conviction of sale of narcotic substance pursuant to statute ([Rev. to 2013] § 21a-278 [b]).</i>	
State v. Douglas C.		728
	<i>Risk of injury to child; claim that trial court improperly denied defendant’s motion for judgment of acquittal because there was insufficient evidence; three factor test used by Supreme Court in State v. Stephen J. R. (309 Conn. 586) to determine whether child victim’s general or nonspecific testimony was sufficient to sustain conviction in sexual abuse case, discussed; claim that trial court improperly denied defendant’s request for specific unanimity instruction as to certain counts, depriving him of his constitutional right to unanimous jury verdict in violation of his rights under federal and state constitutions.</i>	
State v. Earley (Memorandum Decision)		539
State v. Francis		113
	<i>Murder; claim that trial court improperly denied motion for judgment of acquittal; whether there was sufficient evidence for jury to have found defendant guilty of murder beyond reasonable doubt; claim that there was insufficient evidence to establish that defendant caused death of victim or that he had specific intent to cause victim’s death; consciousness of guilt evidence; request for this court to change its long-standing standard of review with respect to sufficiency of evidence claims to more rigorous standard that would require this court to determine if there was reasonable view of evidence that would support hypothesis of innocence; whether, as intermediate appellate court, this court could overrule Supreme Court authority.</i>	
State v. Jarmon		262
	<i>Home invasion; burglary in first degree; robbery in first degree; stealing firearm; claim that state presented insufficient evidence to prove beyond reasonable doubt operability of each stolen firearm; whether cumulative effect of evidence supported jury’s ultimate conclusion that state demonstrated operability beyond reasonable doubt; claim that trial court erroneously admitted into evidence defendant’s letter written while incarcerated, which was intercepted by correction officer and forwarded to law enforcement; whether defendant’s claim that trial court erred in determining that correction officer followed department regulation was ever distinctly raised at trial; whether defendant proved that he had objectively reasonable expectation of privacy such that fourth amendment rights were violated; whether department regulation at issue was void for vagueness as applied to defendant; claim that defendant’s conviction of home invasion and burglary violated constitutional protection against double jeopardy; whether defendant showed that two charges arose out of same act or transaction; whether evidence allowed defendant’s crimes to be separated into parts, each of which constituted completed offense.</i>	
State v. Mekoshvili		154
	<i>Murder; self-defense; claim that testimony regarding statements made by victim was irrelevant as to whether defendant killed victim or whether he acted with criminal intent; whether testimony demonstrated that defendant had financial motive in killing victim; claim that victim’s statements to wife were self-serving and backward looking, and did not satisfy state of mind exception to hearsay rule; whether trial court improperly allowed, pursuant to habit exception of hearsay rule, testimony regarding victim’s customary habit of leaving portion of taxi fee in glove compartment of taxi; whether testimony was relevant to issue of motive for defendant to kill victim; claim that state failed to provide adequate foundation for admission of testimony regarding habit evidence; whether trial court properly instructed jury with general unanimity charge and did not err</i>	

in failing to grant defendant's request for specific unanimity charge as to claim of self-defense.

State v. Mitchell 199
Motion to correct illegal sentence; claim that sentence was imposed in illegal manner in violation of Santobello v. New York because defendant was sentenced after nine month period of Garvin agreement had ended; claim that sentence was imposed in illegal manner because defendant was not given adequate notice of sentencing hearing; claim that defendant was denied opportunity to make statement or to present evidence at sentencing hearing; claim that imposition of sentence violated applicable rule of practice (§ 43-29); whether trial court properly determined that defendant confused notice for violation hearing with notice for sentencing hearing.

State v. Mitchell 543
Attempt to commit murder; conspiracy to commit murder; kidnapping in first degree; conspiracy to commit kidnapping in first degree; sexual assault in first degree; conspiracy to commit sexual assault in first degree; assault in first degree; conspiracy to commit assault in first degree; criminal possession of firearm; motion to correct illegal sentence; claim that trial court improperly concluded that defendant's convictions for sexual assault in first degree and assault in first degree, predicated on liability under Pinkerton v. United States (328 U.S. 640), did not violate prohibition against double jeopardy when considered in light of conviction for conspiracy to commit kidnapping in first degree; whether certain crimes required proof of fact that others did not; whether statutes in question evinced clear legislative intent to prohibit defendant from being punished for offenses when offenses arise from same transaction; whether commission of substantive offense and conspiracy to commit substantive offense are separate and distinct offenses.

State v. Mukhtaar 1
Murder; whether trial court improperly dismissed motion for second sentence review hearing and determined that it lacked subject matter jurisdiction to consider motion; whether defendant had right to second sentence review hearing.

State v. Randy G. 467
Violation of probation; claim that trial court abused its discretion by admitting into evidence police report concerning defendant's prior arrest related to underlying conviction; whether trial court properly admitted police report as reliable hearsay; claim that trial court abused its discretion in refusing to admit into evidence police report that was related to victim's criminal complaint against her previous boyfriend; whether report would have impeached victim's credibility; whether police report failed to show any bias or prejudice on victim's part against defendant; claim that exclusion of police report violated defendant's due process right to confront witnesses against him.

State v. Tanner (Memorandum Decision) 901

State v. Watson 441
Murder; sale of narcotics; claim that state presented insufficient evidence to disprove defenses of self-defense and defense of premises beyond reasonable doubt; whether trial court was required to find defendant's claims credible; claim that trial court improperly precluded testimony of expert witness; whether proffered expert testimony involved knowledge that was common to average person; whether trial court improperly subjected expert testimony to test for admissibility set forth in State v. Porter (241 Conn. 57); whether expert testimony was premised on scientific studies.

State v. White 618
Home invasion; robbery in first degree; conspiracy to commit burglary in first degree; tampering with witness; claim that prosecutorial impropriety that occurred during state's examination of witness and closing argument deprived defendant of fair trial; claim that trial court improperly denied defendant's motion to suppress evidence that was seized pursuant to search warrant; whether search warrant was supported by probable cause; claim that facts set forth in search warrant affidavit did not provide probable cause to believe that items sought to be seized would be found in defendant's residence four months after home invasion; claim that facts set forth in affidavit were insufficient to demonstrate that defendant was participant in home invasion.

Streifel v. Bulkley 294
Negligence; duty of care; summary judgment; claim that trial court improperly rendered summary judgment in favor of defendant; whether plaintiff waived

*any claim that trial court improperly failed to treat motion for summary judgment, which effectively challenged legal sufficiency of complaint, as motion to strike; claim that trial court improperly granted motion for summary judgment because question of whether defendant owed plaintiff duty of care involved question of fact reserved for jury; whether determination of whether duty of care existed under circumstances of this case was question of law; whether trial court was permitted to decide that no duty existed solely on public policy grounds; claim that applying test articulated in *Murillo v. Seymour Ambulance Assn., Inc.* (264 Conn. 474) to determine whether recognizing duty of care is inconsistent with public policy conflicts with state's abolition of doctrine of assumption of risk as complete bar to recovery; whether plaintiff's reliance on *Sepega v. DeLaura* (326 Conn. 788) to support claim was misplaced; claim that trial court incorrectly determined that imposing duty of care on defendant while plaintiff was furnishing medical care to him was inconsistent with public policy; whether this court should recognize, as matter of law, that patient owes duty of care to avoid negligent conduct that causes harm to medical care provider while patient is receiving medical care from that provider; whether application of relevant public policy considerations articulated in test in *Murillo* weighed against recognizing duty of care.*

- U.S. Bank, National Assn. v. Bennett* 96
Foreclosure; special defenses; counterclaims; whether trial court properly rendered summary judgment as to vexatious litigation counterclaim; whether vexatious litigation counterclaim was premature; whether trial court properly rendered summary judgment as to abuse of process counterclaim; claim that genuine issues of material fact existed regarding trial court's previous dismissal of foreclosure action for failure to establish proper chain of custody; whether trial court properly determined that no genuine issues of material fact existed that plaintiff's primary purpose in filing present action was to prosecute foreclosure and that plaintiff was owner of note and mortgage; whether abuse of power counterclaim was premature; claim that trial court improperly relied on plaintiff's uncontested evidence of debt without holding evidentiary hearing.
- Zillo v. Commissioner of Correction* 71
*Habeas corpus; sexual assault in first degree; risk of injury to child; ineffective assistance of trial counsel; whether habeas court abused its discretion when it denied petitioner's request to reinstate claim that had been withdrawn that trial counsel was deficient in failing to present certain medical testimony; claim that habeas court should have allowed into evidence documents that related to petitioner's medical condition; claim that trial counsel was ineffective in failing to pursue motion to dismiss based on statute of limitations in (§ 54-193a); whether there was any credible evidence to show actual commencement of statute of limitations in March, 1999; claim that trial counsel was ineffective in failing to object to allegedly harmful, inflammatory language in substitute information that was read by court clerk to jury; claim that trial counsel was ineffective by failing to assist petitioner in freely choosing whether to testify in own defense; claim that trial counsel was deficient in failing to pursue hearing pursuant to *Franks v. Delaware* (438 U.S. 154) in pretrial stage of criminal proceedings; claim that trial counsel was ineffective in failing to obtain victim's education records in order to undermine allegations; whether petitioner demonstrated any harm that was caused by absence of education records; claim that trial counsel provided ineffective assistance by failing to file motion to suppress evidence concerning photographs taken of petitioner's apartment during allegedly illegal search.*