

Cumulative Table of Cases
Connecticut Reports
Volume 326

(Replaces Prior Cumulative Table)

Abreu v. Commissioner of Correction (Order)	901
Anthony A. v. Commissioner of Correction	668
<i>Habeas corpus; certification from Appellate Court; whether Appellate Court properly reversed judgment of habeas court dismissing petition on basis that habeas court lacked subject matter jurisdiction over petitioner's claim that his allegedly erroneous classification as sex offender implicated protected liberty interest; claim by respondent Commissioner of Correction that petitioner's allegations that he was incorrectly classified as sex offender and that he suffered negative consequences as result of that erroneous classification were not sufficient to establish protected liberty interest; stigma plus test used by federal courts, discussed; claim that allegations of habeas petition demonstrated that allegedly improper sex offender classification stigmatized petitioner, and that consequences suffered by petitioner for refusing sex offender treatment were qualitatively different from punishments usually suffered by prisoners, such that they constituted major change in conditions of confinement amounting to grievous loss.</i>	
Antwon W. v. Commissioner of Correction (Order)	909
Arroyo v. Commissioner of Correction (Order)	921
Barton v. Norwalk.	139
<i>Inverse condemnation; certification from Appellate Court; whether defendant city's condemnation of parking lot used by tenants substantially destroyed plaintiff property owner's use and enjoyment of subject property; whether claim of highest and best use in previous direct condemnation proceeding barred claim of inverse condemnation predicated on different use under doctrine of judicial estoppel.</i>	
Brenmor Properties, LLC v. Planning & Zoning Commission	55
<i>Zoning; certification from Appellate Court; whether Appellate Court correctly concluded that trial court properly sustained plaintiff developer's administrative appeal from defendant planning and zoning commission's denial of application for affordable housing subdivision pursuant to statute (§ 8-30g); whether, in light of commission's concession regarding applicable standard of review, trial court abused its discretion by remanding matter with direction to approve plaintiff's application as presented; standard of review applicable to trial court's affordable housing remedy under § 8-30g, discussed.</i>	
Brian S. v. Commissioner of Correction (Order)	904
Brown v. Njoku (Order)	901
Bruno v. Commissioner of Correction (Order)	924
Burhans v. Guanise (Order)	924
Channing Real Estate, LLC v. Gates.	123
<i>Action to recover on promissory notes; motion to preclude certain evidence; claim that, although Appellate Court properly concluded that parol evidence rule barred introduction of extrinsic evidence to vary terms of notes, that court improperly remanded case for new trial rather than directing judgment for plaintiff and restricting proceedings on remand to hearing in damages; parol evidence rule, discussed; claim that defendant lacked standing to pursue claim alleging violation of Connecticut Unfair Trade Practices Act (§ 42-110a et seq.); whether member of limited liability company has standing to bring action on basis of injury allegedly suffered by limited liability company.</i>	
Chief Disciplinary Counsel v. Rozbicki	686
<i>Attorney presentment; appeal from judgment of trial court suspending defendant attorney from practice of law; finding that defendant violated Rules of Professional Conduct by accusing Superior Court judges of bias, prejudice, and partiality in previous civil proceedings; claim that trial court violated defendant's right to due process by admitting certain evidence regarding prior misconduct; whether doctrines of res judicata and collateral estoppel barred allegations in presentment complaint; whether trial court's findings of professional misconduct were sup-</i>	

	<i>ported by clear and convincing evidence; whether trial court abused its discretion by ordering that defendant be suspended from practice of law for period of four years.</i>	
DeEsso v. Litzie (Order)		913
Diaz v. Commissioner of Correction		419
	<i>Habeas corpus; certification from Appellate Court; whether Appellate Court properly determined that it was improper for trial court to dismiss sua sponte habeas petition on ground that petitioner had procedurally defaulted his claims by way of deliberate bypass, thus depriving habeas court of subject matter jurisdiction over petition; appeal dismissed on ground that certification improvidently granted.</i>	
Fairfield Merrittview Ltd. Partnership v. Norwalk (Order)		901
Federal National Mortgage Assn. v. Lawson (Order)		902
Federal National Mortgage Assn. v. Morneau (Order)		913
Ferri v. Powell-Ferri		438
	<i>Declaratory judgment; whether trial court properly concluded that plaintiff trustees lacked authority to decant assets into separate spendthrift trust; whether defendant wife had standing to challenge plaintiffs' actions where defendant husband was designated as sole beneficiary; whether trial court abused its discretion in awarding attorney's fees to defendant wife; whether, in light of counterclaim alleging breach of fiduciary duty, trial court abused its discretion in declining request to remove plaintiff trustee for conflict of interest; whether trial court's judgment could be affirmed on alternative ground that trust was effectively self-settled.</i>	
Giuca v. Commissioner of Correction (Order)		903
Green v. Commissioner of Correction (Order)		907
Hull v. Hull (Order)		909
In re Eliahah T.-T.		614
	<i>Neglect; whether trial court properly granted petitioner Commissioner of Children and Families permission to vaccinate respondent parents' minor children over religious objection; whether petitioner has authority to authorize vaccination of children committed to temporary custody pursuant to statute (§ 17a-10 [c]); doctrine of ejusdem generis, discussed.</i>	
In re Elijah C.		480
	<i>Termination of parental rights; dismissal of appeal by Appellate Court as moot; certification from Appellate Court; whether respondent's challenge in Appellate Court to trial court's finding that respondent was unable to benefit from reunification services offered by Department of Children and Families was inadequately briefed; whether Appellate Court improperly dismissed respondent's appeal as moot; claim that trial court incorrectly determined that respondent was unable to benefit from department's reunification efforts; role that Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) plays in child welfare proceedings, discussed.</i>	
James E. v. Commissioner of Correction		388
	<i>Habeas corpus; assault of elderly person first degree; reckless endangerment first degree; risk of injury to child; whether habeas court properly dismissed writ of habeas corpus for lack of subject matter jurisdiction; claim that amendment to statute (§ 54-125a [b] [2]) that repealed provision advancing certain inmates' parole eligibility dates by earned risk reduction credit violated ex post facto clause of federal constitution; claim that proper comparison for ex post facto analysis is between provision in effect at time of sentencing and subsequently enacted provision; facts of Lynce v. Mathis (519 U.S. 433), distinguished; decision and reasoning in Perez v. Commissioner of Correction (326 Conn. 357), controlling.</i>	
Keller v. Keller (Order)		912
Kellogg v. Middlesex Mutual Assurance Co.		638
	<i>Arbitration; application to vacate arbitration award; property insured under restorationist insurance policy; appeal from trial court's granting of application to vacate award pursuant to governing statute (§ 52-418); whether trial court correctly concluded that appraisal panel's failure to award money for certain losses claimed by plaintiff prejudiced plaintiff's substantial monetary rights and warranted granting of application to vacate under § 52-418 (a) (3); whether trial court correctly concluded that panel's calculation of depreciation in restorationist insurance policy was obvious error, that panel ignored governing law, and that panel's decision evidenced manifest disregard of nature and terms of that policy,</i>	

	<i>and, therefore, that plaintiff sustained her burden under § 52-418 (a) (4); whether trial court correctly interpreted decision in Northrop v. Allstate Ins. Co. (247 Conn. 242); manifest disregard of law as ground for vacating arbitration award, discussed.</i>	
Lee v. Commissioner of Correction (Order)		924
Lund v. Milford Hospital, Inc.		846
	<i>Negligence; whether trial court properly sustained defendant hospital's objection to substitute complaint filed by plaintiff police officer; whether allegations in substitute complaint were materially different from those in original complaint so as to preserve plaintiff's right to appeal; firefighter's rule, discussed.</i>	
Machado v. Taylor		396
	<i>Motor vehicle negligence action; statutory provision (§ 52-556) providing injured motorist right of action against state for injuries resulting from negligent operation of state owned and insured motor vehicle by state employee; motion for judgment of dismissal; claim that action should be dismissed for plaintiff's failure to offer evidence at trial to establish vehicle was insured by state, placing claim outside purview of waiver of sovereign immunity; rules of practice (§§ 10-30 [a] [1] and 15-8), distinguished; motion to open evidence; claim that trial court improperly denied motion to dismiss alleging lack of subject matter jurisdiction on basis of delay and doctrine of laches.</i>	
Maio v. New Haven		708
	<i>Indemnification; action by police officer pursuant to statute (§ 53-39a) for indemnification of economic losses sustained in defense of unsuccessful prosecution for crimes allegedly committed in course of duty; claim that trial court improperly relied on workers' compensation principles when it instructed jury on meaning of phrase "in the course of his duty" in § 53-39a; whether defendant's unpreserved claim of instructional impropriety was reviewable; whether trial court improperly excluded prior testimony of complainants from criminal trial offered pursuant to Connecticut Code of Evidence (§ 8-6 [1]) when it determined that complainants were not unavailable witnesses; whether trial court incorrectly required defendant to depose complainants as precondition to admission of prior testimony; whether trial court could properly rely on counsel's representations regarding complainants' unavailability to testify.</i>	
Maturo v. State Employees Retirement Commission		160
	<i>Administrative appeal; whether defendant State Employees Retirement Commission properly interpreted statutory provision (§ 7-438 [b]) of Municipal Employees' Retirement Act (§ 7-425 et seq.) to bar retired member from collecting pension while he was reemployed by municipality in nonparticipating position; statutory framework of act establishing and governing municipal employees retirement system, discussed; claim that position of mayor of East Haven did not constitute employment and mayor was not employee for purposes of act; claim that § 7-438 (b) evidences legislative intent to preclude member from receiving pension only while reemployed in position designated by town as participating in retirement system; whether statute (§ 7-432 [g]) providing for application to medical examining board for reconsideration of eligibility for disability retirement was applicable to plaintiff's claim; claim that legislature acquiesced in defendant's prior interpretation of act; claim that trial court should have deferred to nonbinding opinion letter of attorney general recommending that defendant not deviate from prior interpretation of act, specifically its interpretation of § 7-438 (b), in absence of further legislative direction.</i>	
Micek-Holt v. Papageorge (Order)		915
Middlebury v. Connecticut Siting Council		40
	<i>Administrative appeal; whether trial court properly dismissed plaintiffs' appeal from decision of defendant siting council granting petition to open and modify certificate for operation of electric generating facility; whether trial court improperly determined that council adequately had considered neighborhood concerns as required by statute (§ 16-50p [c] [1]) in granting petition; statutory construction, discussed; claim that trial court improperly concluded that plaintiffs had abandoned their due process and substantial evidence claims due to inadequate briefing; whether plaintiffs' claim that trial court improperly concluded that plaintiffs had abandoned due process and substantial evidence claims due to inadequate briefing was moot because plaintiffs failed to challenge on appeal trial court's alternative conclusions rejecting those claims on merits.</i>	

Munn v. Hotchkiss School 540
Negligence; claim that defendant school had been negligent in failing to warn plaintiff student and her parents of risk of exposure to tick-borne encephalitis in connection with school sponsored educational trip to China, and in failing to ensure that plaintiff took protective measures against insect bites to prevent contracting that disease; certified questions from Second Circuit Court of Appeals as to whether Connecticut public policy supported imposing duty on school to warn about or to protect against foreseeable risk of serious insect-borne disease when it organized trip abroad, and whether damages award warranted remittitur; whether normal expectations of participants in school sponsored trip abroad supported imposition of duty on defendant to warn about and to protect against serious insect-borne diseases; claim that recognizing duty would have chilling effect on educational travel and will lead to increased litigation; claim that rarity of tick-borne encephalitis precluded finding that defendant had duty to warn or to protect.

MYM Realty, LLC v. Doe (Order) 905
Nelson v. Commissioner of Correction 772
Habeas corpus; kidnapping first degree; burglary first degree; conspiracy to commit robbery first degree; assault first degree; claim of ineffective assistance of criminal trial counsel; motion to dismiss habeas petition; claim by respondent Commissioner of Correction that habeas action was barred by terms of stipulated judgment; whether habeas court, in ruling on motion to dismiss, was required to consider petitioner's claim challenging validity of stipulated judgment raised for first time in petitioner's memorandum of law filed with his objection to motion to dismiss; claim that habeas rights not subject to waiver by petitioner.

New Haven Parking Authority v. Long Wharf Realty Corp. (Order) 912
O'Brien v. O'Brien 81
Marital dissolution; motion for contempt for plaintiff's purported violation of court's automatic orders effective during pendency of dissolution proceeding and appeal from judgment of dissolution on basis of certain stock transactions that plaintiff executed without defendant's consent or court order; certification from Appellate Court; whether Appellate Court incorrectly concluded that trial court improperly had considered, in making its financial orders, plaintiff's violations of automatic orders stemming from his decision to conduct certain stock transactions; whether court may remedy harm caused by another party's violation of court order, even without finding of contempt; claim that trial court's financial award was erroneous because it was excessive and based on improper method for valuing loss to marital estate; whether court had discretion to consider value that stocks and options would have had at time of remand trial; claim, as alternative ground for affirming Appellate Court's judgment, that plaintiff's stock transactions did not violate automatic orders because those transactions were made in usual course of business; whether trial court's conclusion that stock options plaintiff exercised were marital property subject to distribution between parties was clearly erroneous; claim, as alternative ground for affirming Appellate Court's judgment, that trial court's award of retroactive alimony was improper because it purportedly required plaintiff to pay arrearage out his share of marital assets, thereby effectively reducing his share of property distribution.

Perez v. Commissioner of Correction. 357
Habeas corpus; manslaughter first degree with firearm; carrying pistol without permit; whether 2013 amendments (P.A. 13-3 and P.A. 13-247) to statute ([Rev. to 2013] § 54-125a) eliminating earned risk reduction credit from calculation of violent offender's parole eligibility date, when such credit was not allowed at time that offense was committed, and eliminating requirement of parole hearing, violated petitioner's right to due process under federal and state constitutions and right to personal liberty pursuant to state constitution; whether retroactive application to petitioner of 2013 amendments, when he committed offense and was sentenced prior to amendments' effective date, violated ex post facto clause of federal constitution; claim that, in conducting ex post facto inquiry, habeas court was not limited to comparing challenged statute with statute in effect at time that offense was committed but may consider statute in effect at time of plea and sentencing; claim that application of 2013 amendment to parole eligibility provision of § 54-125a (b) (2) by Board of Pardons and Paroles violated doctrine of separation of powers in that it converted legislatively determined parole eligible offense into offense which, by virtue of executive action, was rendered parole ineligible; claim that 2013 amendment, as applied to petitioner, violated equal protection clause of federal constitution; claim that statute (§ 18-98e), pursuant

<i>to which respondent Commissioner of Correction was vested with discretion to award risk reduction credit toward reduction of inmate's sentence, facially violated equal protection clause; claim that proper interpretation of 2013 amendments would limit application of those provisions to those inmates who began serving sentences after effective date of provisions.</i>	
PMG Land Associates, L.P. v. Harbour Landing Condominium Assn. (Order)	911
Powell-Ferri v. Ferri.	457
<i>Dissolution; whether trial court properly determined that plaintiff did not contribute to value of trust established for benefit of defendant; claim that husband violated automatic orders imposed by rule of practice (§ 25-5) by declining to commence separate civil action against trustees for breach of fiduciary duty; whether defendant possessed chose of action against trustees amounting to intangible property interest subject to distribution; claim that structure of trial court's award of attorney's fees constituted abuse of discretion.</i>	
Reese v. Commissioner of Correction (Order).	907
Rhodes v. Commissioner of Correction (Order).	922
Riley v. Travelers Home & Marine Ins. Co. (Order).	922
Robinson v. Robinson (Order).	921
Rosa v. Commissioner of Correction (Order)	905
Sepega v. DeLaura.	788
<i>Negligence; whether trial court properly granted defendant's motion to strike negligence claim asserted by plaintiff police officer; claim that common-law firefighter's rule should be extended beyond context of premises liability claims.</i>	
St. Pierre v. Plainfield.	420
<i>Negligence; whether municipal immunity of defendant town had been abrogated by exception under statute (§ 52-577n [a] [1] [B]) providing that municipality can be held liable for damages caused by negligence in performance of proprietary function from which it derived special corporate profit or pecuniary benefit; whether identifiable person, imminent harm exception to municipal immunity applied; claim that trial court incorrectly concluded that town was immune from liability; whether town's operation of municipal pool constituted governmental function from which it derived special corporate profit or pecuniary benefit.</i>	
Shipman v. Commissioner of Correction (Order)	908
Spioiti v. Wolcott	190
<i>Employment discrimination; whether plaintiff's claims previously decided adversely to her by State Board of Mediation and Arbitration pursuant to collective bargaining agreement barred by doctrine of collateral estoppel; whether this court should overrule Genovese v. Gallo Wine Merchants, Inc. (226 Conn. 475); claim that Genovese should be overruled because it relied on legislative history to interpret statute (§ 31-51bb) pertaining to right of employee covered by collective bargaining agreement to pursue cause of action, and legislature subsequently enacted statute (§ 1-2z) requiring courts to interpret statutes pursuant to plain meaning rule; claim that this court should depart from principles of stare decisis and overrule Genovese.</i>	
State v. Acosta	405
<i>Sexual assault first degree; risk of injury to child; certification from Appellate Court; whether Appellate Court correctly concluded that trial court had not abused its discretion in admitting twelve year old uncharged sexual misconduct evidence; whether uncharged sexual misconduct evidence was too remote and insufficiently similar to be admissible pursuant to State v. DeJesus (288 Conn. 418); public policy concerns justifying admission of prior uncharged sexual misconduct, discussed.</i>	
State v. Baccala	232
<i>Breach of peace second degree; claim that, because evidence was insufficient to support conviction of breach of peace second degree on basis of words that did not fall within narrow category of unprotected fighting words, conviction constituted violation of first amendment to federal constitution; scope and application of fighting words exception to protections of first amendment, discussed; whether words spoken by defendant under circumstances in which they were uttered were likely to provoke violent response.</i>	
State v. Bonds (Order)	907
State v. Caballero (Order)	903
State v. Chankar (Order)	914

State v. Crenshaw (Order)	911
State v. Fay	742
<i>Manslaughter second degree with firearm; claim that trial court violated defendant's constitutional rights to present defense and to compulsory process when it declined to examine homicide victim's privileged psychiatric records, which were protected by statutory (§§ 52-146d and 52-146e) psychiatrist-patient privilege, or to consider testimony by victim's psychiatrist in camera; claim that record was inadequate for review, under State v. Golding (213 Conn. 233), of defendant's unpreserved claims of constitutional error; whether and, if so, when defendant in homicide case who raises claim of self-defense is entitled to in camera review of victim's psychiatric records; psychiatrist-patient privilege, discussed; standard for in camera review of witness' psychiatric records in State v. Esposito (192 Conn. 166), discussed.</i>	
State v. Henderson (Order)	914
State v. Henry D. (Order)	912
State v. Houghtaling	330
<i>Possession of marijuana with intent to sell; possession of more than four ounces of marijuana; motion to suppress; conditional plea of nolo contendere; certification from Appellate Court; whether Appellate Court correctly concluded that defendant lacked standing to challenge warrantless search of property because he lacked subjective expectation of privacy; proper standard for determining whether defendant has subjective expectation of privacy in property subject to warrantless search, discussed; claim that defendant's confession to police was fruit of unlawful stop of defendant in his vehicle and his subsequent warrantless arrest; whether police had reasonable and articulable suspicion that defendant was involved in marijuana grow operation on property; whether police had probable cause to arrest defendant after stop of his vehicle; State v. Boyd (57 Conn. App. 176), to extent that it requires defendant, in order to establish subjective expectation of privacy, to show certain facts pertaining to his relationship with property and that he maintained property in private manner, overruled.</i>	
State v. Jerzy G.	206
<i>Application for pretrial program of accelerated rehabilitation pursuant to statute (§ 54-56e); sexual assault fourth degree; motion to dismiss; certification from Appellate Court; mootness; whether Appellate Court properly dismissed deported defendant's appeal as moot; State v. Aquino (279 Conn. 293), distinguished; collateral consequences doctrine, discussed; whether there was reasonable possibility of prejudicial collateral consequences resulting from trial court's orders terminating accelerated rehabilitation and ordering rearrest; claim that defendant must evince intention to reenter country in order to raise existence of collateral consequences above mere speculation.</i>	
State v. Joseph R. B. (Order)	923
State v. Kallberg	1
<i>Larceny third degree as accessory; conspiracy to commit larceny third degree; motion to dismiss; certification to appeal; whether Appellate Court correctly concluded that trial court improperly denied defendant's motion to dismiss charges; whether Appellate Court improperly concluded that trial court's factual finding as to parties' intent was clearly erroneous; whether Appellate Court properly reversed judgment of conviction on ground that prosecution of defendant was barred because nolle prosequi that had been entered on larceny charges had been part of global disposition agreement supported by consideration; unilateral entry of nolle prosequi and bilateral agreement involving entry of nolle prosequi, distinguished; claim that ambiguity in agreement between state and defendant must be construed against state.</i>	
State v. Kelley	731
<i>Violation of probation; probation revocation; certification from Appellate Court; claim that trial court lacked subject matter jurisdiction to revoke defendant's probation because court did not resolve probation violation charge until after defendant's original probation term was scheduled to expire; whether Appellate Court correctly determined that trial court had subject matter jurisdiction when it revoked defendant's probation; whether, under probation statute (§ 53a-31 [b]), issuance of warrant for defendant's arrest for his probation violation interrupted running of his probation term until trial court resolved probation violation charge.</i>	
State v. Killiebrew (Order)	909
State v. Linder (Order)	902

State v. Morel (Order)	911
State v. Navarro (Orders)	910
State v. Perez (Order)	908
State v. Petion (Order)	906
State v. Schovanec	310
<i>Identity theft third degree; illegal use of credit card; credit card theft; larceny sixth degree; whether trial court improperly denied defendant's request for jury instruction on third-party culpability and excluded references to third-party culpability from argument; unreserved claim that certain of defendant's convictions violated constitutional prohibition against double jeopardy.</i>	
State v. Seeley	65
<i>Forgery second degree; supervisory authority over administration of justice; claim that waiver rule should be abandoned in context of bench trials; whether state presented sufficient evidence that defendant forged signature during purchase of automobile; whether state presented sufficient evidence that defendant acted with intent to deceive.</i>	
State v. Sinclair (Order)	904
State v. Skipwith.	512
<i>Writ of error; certification from Appellate Court; claim that trial court improperly dismissed plaintiff in error's motion to correct illegal sentence based on violation of her rights under victim's rights amendment in state constitution; claim that this court lacked jurisdiction over writ of error because no express constitutional or statutory provision granted jurisdiction over writ of error seeking to enforce victim's rights amendment; claim that this court was deprived of jurisdiction under clauses in victim's rights amendment providing that legislature shall provide by law for enforcement of amendment and it shall not be construed as creating basis for vacating conviction or ground for appellate relief.</i>	
State v. Snowden (Order)	903
State v. Williams (Order)	913
State v. Williams-Bey (Order)	920
Suntech of Connecticut, Inc. v. Lawrence Brunoli, Inc. (Order)	923
U.S. Bank National Assn. v. Nelson (Order)	908
U.S. Bank, National Assn. v. Walbert (Order)	902
Wells Fargo Bank v. Braca (Order)	914
Wells Fargo Bank, N.A. v. Monaco (Order)	905
William Raveis Real Estate, Inc. v. Zajackowski (Order)	906
Williams v. General Nutrition Centers, Inc.	651
<i>Wage laws and regulations; calculation of overtime pay for employees who receive commissions in addition to base pay; certified question from United States District Court for District of Connecticut; whether defendants could use fluctuating workweek method to calculate overtime pay under state wage laws and regulations; interpretation of state wage law (§ 31-76c) and state wage regulation (§ 31-62-D4).</i>	