

331 Conn.

ORDERS

913

MARGARET E. DAY, COCONSERVATOR (ESTATE
OF SUSAN D. ELIA) *v.* RENEE F.
SEBLATNIGG ET AL.

The petition by the defendant First State Fiduciaries, Inc., for certification to appeal from the Appellate Court, 186 Conn. App. 482 (AC 38734), is granted, limited to the following issue:

“Did the Appellate Court properly uphold the trial court’s conclusion that an irrevocable trust created by a voluntarily conserved person was void ab initio under General Statutes § 45a-655 (e), regardless of whether the conserved person at the time of the transfer had unimpaired testamentary capacity?”

D’AURIA, J., did not participate in the consideration of or decision on this petition.

James G. Green, Jr., Laura W. Ray and Jeffrey A. Dorman, in support of the petition.

Richard E. Castiglioni, in opposition.

914

ORDERS

331 Conn.

STATE OF CONNECTICUT *v.* JOSEPH
A. STEPHENSON

The state's petition for certification to appeal from the Appellate Court, 187 Conn. App. 20 (AC 40250), is granted, limited to the following issues:

"1. Did the Appellate Court improperly raise sua sponte the issue of sufficiency of evidence with respect to the element of intent?

"2. Did the Appellate Court correctly conclude that the evidence was insufficient on the element of the defendant's intent to commit the crime of tampering with physical evidence under General Statutes § 53a-49 (a) (2)?"

Sarah Hanna, assistant state's attorney, in support of the petition.

Vishal K. Garg, assigned counsel, in opposition.

Decided April 3, 2019

STATE OF CONNECTICUT *v.* ROBERT L. WALKER

The defendant's petition for certification to appeal from the Appellate Court, 187 Conn. App. 776 (AC 41114), is denied.

Aimee Lynn Mahon, assigned counsel, in support of the petition.

Rocco A. Chiarenza, assistant state's attorney, in opposition.

Decided April 3, 2019

TAJAH S. MCCLAIN *v.* COMMISSIONER
OF CORRECTION

The petitioner Tajah S. McClain's petition for certification to appeal from the Appellate Court, 188 Conn. App. 70 (AC 40541), is denied.

331 Conn. ORDERS 915

KAHN, J., did not participate in the consideration of or decision on this petition.

Jennifer B. Smith, assigned counsel, in support of the petition.

Rocco A. Chiarenza, assistant state's attorney, in opposition.

Decided April 3, 2019

STATE OF CONNECTICUT *v.* JOSE RUIZ

The defendant's petition for certification to appeal from the Appellate Court, 188 Conn. App. 413 (AC 40668), is granted, limited to the following issue:

"Did the Appellate Court correctly conclude that the one-on-one show up identification was not unnecessarily suggestive?"

Mary Boehlert, assigned counsel, in support of the petition.

Lisa A. Riggione, senior assistant state's attorney, in opposition.

Decided April 3, 2019

MAURICE ROSS *v.* COMMISSIONER
OF CORRECTION

The petitioner Maurice Ross' petition for certification to appeal from the Appellate Court, 188 Conn. App. 251 (AC 41091), is granted, limited to the following issues:

"1. Did the Appellate Court correctly determine that the doctrine of collateral of estoppel precluded the petitioner from litigating the issue of whether defense counsel's failure to object to the prosecutor's improper comments during the petitioner's criminal trial preju-

916

ORDERS

331 Conn.

diced him as part of an ineffective assistance of counsel claim under *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984), because the Appellate Court had previously held in the petitioner's direct appeal from his criminal conviction that those same improper comments did not deprive him of a fair trial?

"2. If the doctrine of collateral estoppel does not preclude the petitioner from litigating the issue of prejudice, can the petitioner prevail under *Strickland v. Washington*, supra, 466 U.S. 668?"

Robert L. O'Brien, assigned counsel, in support of the petition.

Melissa L. Streeto, senior assistant state's attorney, in opposition.

Decided April 3, 2019

EASTERN SAVINGS BANK, FSB *v.*
RASHAD TOOR ET AL.

The defendant Rashad Toor's petition for certification to appeal from the Appellate Court (AC 42371) is denied.

William E. Carter, in support of the petition.

Daniel J. Krisch, in opposition.

Decided April 3, 2019
