

Cumulative Table of Cases
Connecticut Reports
Volume 334

(Replaces Prior Cumulative Table)

Abel v. Johnson (Order)	917
Alpha Beta Capital Partners, L.P. v. Pursuit Investment Management, LLC (Orders)	911
Andrews v. Commissioner of Correction (Order)	907
Asselin & Vieceli Partnership, LLC v. Washburn (Order)	913
Ayres v. Ayres (Orders)	903
Bank of New York Mellon v. Ruttkamp (Order)	916
Birch v. Commissioner of Correction	37
<i>Habeas corpus; claim that state deprived petitioner of due process right to fair trial insofar as it failed to correct trial testimony of former director of state police forensic laboratory that red substance on towel found in victim's home after murder of which petitioner was convicted tested positive for blood when no such test had been conducted and when subsequent testing performed years after petitioner's criminal trial revealed that red substance was not in fact blood; certification to appeal; whether habeas court applied correct standard in determining whether petitioner was entitled to new trial; standard to be applied whenever state fails to correct testimony that it knows or should have known to be false; whether former director of state police forensic laboratory should have known that his testimony was incorrect; whether such testimony is imputed to prosecutor; claim that respondent, Commissioner of Correction, failed to establish beyond reasonable doubt that incorrect testimony was immaterial; strength of state's case against petitioner, discussed.</i>	
Birch v. State	69
<i>Felony murder; petition for new trial based on claim of newly discovered DNA and other evidence; claim that habeas court incorrectly determined that newly discovered DNA evidence did not warrant new trial; whether this court's decision in Birch v. Commissioner of Correction (334 Conn. 37), which addressed petitioner's appeal from denial of habeas petition and in which court determined that petitioner was entitled to new trial, rendered present appeal moot.</i>	
Burke v. Mesniaeff	100
<i>Civil action alleging assault and battery; criminal trespass; certification from Appellate Court; claim that trial court improperly instructed jury with respect to special defense of justification by incorporating charge on criminal trespass; whether jury was misled by trial court's improper instruction on criminal trespass and defense of premises in arriving at its finding on defendant's justification defense; whether trial court's improper instruction affected jury's independent finding with respect to defendant's special defense of defense of others; whether evidence was sufficient to support jury's finding that defendant was acting in defense of others when he forcibly removed plaintiff from house.</i>	
Carolina v. Commissioner of Correction (Order)	909
Crawley v. Commissioner of Correction (Order)	916
Cunningham v. Commissioner of Correction (Order)	920
Gilchrist v. Commissioner of Correction	548
<i>Habeas corpus; claim that habeas court improperly dismissed petition for writ of habeas corpus pursuant to applicable rule of practice (§ 23-29) without first acting on petitioner's request for appointment of counsel or providing petitioner with notice of hearing; certification from Appellate Court; whether dismissal of habeas petition under § 23-29 may precede issuance of writ of habeas corpus under applicable rule of practice (§ 23-24); preliminary consideration of petition for writ of habeas corpus under § 23-24, discussed; differences in procedure for habeas court's preliminary consideration of petition for writ of habeas corpus under § 23-24 and habeas court's dismissal of habeas petition pursuant § 23-29.</i>	
Goldstein v. Hu (Order)	907
Graham v. Friedlander	564
<i>Negligent hiring; negligent supervision; whether trial court improperly granted motion to dismiss on ground that plaintiffs had failed to exhaust administrative</i>	

remedies under provision (20 U.S.C. § 1415 (1)) of Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) when plaintiffs alleged state common-law negligence claims; claim that statutory (§ 10-76h) exhaustion of administrative remedies requirement for state law claims that seek relief for denial of free appropriate public education was applicable to plaintiffs' claims; whether, in light of framework for analyzing claims involving special education services set forth in Fry v. Napoleon Community Schools (137 S. Ct. 743), plaintiffs' complaint alleged denial of free appropriate public education; whether trial court incorrectly concluded that defendant board of education and three board members were not entitled to sovereign immunity; whether defendant board of education and board members acted as agents of state or municipality for purposes of plaintiffs' claims.

Henning v. Commissioner of Correction	1
<i>Habeas corpus; claim that state deprived petitioner of due process right to fair trial insofar as it failed to correct trial testimony of former director of state police forensic laboratory that red substance on towel found in victim's home after murder of which petitioner was convicted tested positive for blood when no such test had been conducted and when subsequent testing performed years after petitioner's criminal trial revealed that red substance was not in fact blood; certification to appeal; whether habeas court applied correct standard in determining whether petitioner was entitled to new trial; standard to be applied whenever state fails to correct testimony that it knows or should have known to be false; whether former director of state police forensic laboratory should have known that his testimony was incorrect; whether such testimony is imputed to prosecutor; claim that respondent, Commissioner of Correction, failed to establish beyond reasonable doubt that incorrect testimony was immaterial; strength of state's case against petitioner, discussed.</i>	
Henning v. State	33
<i>Felony murder; petition for new trial based on claim of newly discovered DNA and other evidence; claim that habeas court incorrectly determined that newly discovered DNA evidence did not warrant new trial; whether this court's decision in Henning v. Commissioner of Correction (334 Conn. 1), which addressed petitioner's appeal from denial of habeas petition and in which court determined that petitioner was entitled to new trial, rendered present appeal moot.</i>	
In re Anthony L. (Order)	914
In re Cameron W. (Order)	918
In re F.H. (Order)	914
In re Tresin J.	314
<i>Termination of parental rights; claim that trial court improperly terminated respondent father's parental rights as to his minor child on statutory (§ 17a-112 [j] [3] [D]) ground that respondent had no ongoing parent-child relationship with child; certification from Appellate Court; claim that Appellate Court improperly upheld trial court's termination of respondent's parental rights; claim that virtual infancy exception to lack of ongoing parent-child relationship ground for termination applied when child was less than two years old at time that respondent was incarcerated but six years old at time of termination hearing; claim that interference exception to lack of ongoing parent-child relationship ground for termination applied because child's mother was unable to foster ongoing parent-child relationship between child and respondent during respondent's incarceration.</i>	
Jenzack Partners, LLC v. Stoneridge Associates, LLC	374
<i>Foreclosure; certification from Appellate Court; whether Appellate Court correctly determined that entity that had been assigned promissory note and mortgage that was granted as collateral to secure personal guarantee of that note had standing to foreclose mortgage even though guarantee was not explicitly assigned to foreclosing party; whether Appellate Court incorrectly determined that initial entry in plaintiff's record of debt, provided by entity that sold note to plaintiff, was inadmissible under statutory (§ 52-180) business records exception to hearsay rule.</i>	
Jobe v. Commissioner of Correction	636
<i>Habeas corpus; certification from Appellate Court; whether Appellate Court correctly determined that habeas court lacked subject matter jurisdiction over habeas petition because petitioner was not in custody for conviction being challenged in petition within meaning of statute (§ 52-466) governing applications for writ of habeas corpus; claim that Appellate Court improperly declined to review petitioner's argument made in his reply brief responding to jurisdictional claim</i>	

	<i>first raised by respondent after petitioner had filed his initial appellate brief; claim that detention in federal immigration facility pending deportation based on expired state conviction satisfied custody requirement of § 52-466.</i>	
John B. v. Commissioner of Correction (Order)		919
JPMorgan Chase Bank, National Assn. v. Shack (Order)		908
Klein v. Quinnipiac University (Order)		903
Kondjoua v. Commissioner of Correction (Order)		915
Lazar v. Ganim		73
	<i>Elections; primaries; action brought by electors pursuant to statute (§ 9-329a) to challenge, inter alia, improprieties in handling of absentee ballots during primary election and seeking order directing new primary election; expedited appeal pursuant to statute (§ 9-325); whether appeal challenging results of primary and seeking new primary election was moot when general election has already occurred; whether trial court correctly determined that plaintiffs lacked standing to bring claims pursuant to § 9-329a (a) (1); whether trial court applied proper standard in determining whether plaintiff was entitled to new primary election.</i>	
Ledyard v. WMS Gaming, Inc. (Order)		904
Lyme Land Conservation Trust, Inc. v. Platner		279
	<i>Motion to disqualify after remand; motion to open judgment; motion to allow new evidence; calculation of damages award pursuant to statute (§ 52-560a [d]) for violation of conservation easement; whether trial judge incorrectly concluded that he was not required by statute (§ 51-183c) to disqualify himself from presiding over proceedings after remand by this court; whether § 51-183c was applicable when trial court's judgment was reversed in part and case was remanded for reconsideration on fewer than all issues in case; whether § 51-183c was applicable when trial court's judgment was reversed as to damages award and case was remanded to trial court to take evidence and to recalculate damages; whether this court should address defendant's remaining claims that trial court improperly denied her motions to open and to allow new evidence and improperly awarded plaintiff \$350,000 in punitive damages pursuant to § 52-560a (d) on remand.</i>	
Mahoney v. Commissioner of Correction (Order)		910
Michael D. v. Commissioner of Correction (Order)		920
Nationstar Mortgage, LLC v. Gabriel (Orders)		907, 908
NetScout Systems, Inc. v. Gartner, Inc.		396
	<i>Defamation; Connecticut Unfair Trade Practices Act (§ 42-110a et seq.); claim that defendant engaged in deceptive business practice by conducting pay to play scheme in which it rated vendors in its market research reports in biased manner, on basis of amount of consulting services that vendors purchased from defendant; whether trial court properly granted defendant's motion for summary judgment on ground that allegedly false statements made by defendant in market research report constituted protected speech under first amendment to United States constitution; whether allegedly defamatory statements constituted expressions of opinion or were factual or implied undisclosed facts.</i>	
Office of Chief Disciplinary Counsel v. Savitt (Order)		914
Peek v. Manchester Memorial Hospital (Order)		906
Perez v. Commissioner of Correction (Order)		910
Puff v. Puff		341
	<i>Dissolution of marriage; postjudgment motion for modification of alimony; motion for contempt and for sanctions; certification from Appellate Court; whether Appellate Court properly reversed trial court's contempt order; civil contempt, discussed; whether trial court failed to make specific findings that plaintiff acted in bad faith and did not advance colorable claims in support of its award of, inter alia, attorney's fees to defendant for plaintiff's purported litigation misconduct; remand for further proceedings on defendant's motion for sanctions.</i>	
Reale v. Rhode Island (Order)		901
Robbins Eye Center, P.C. v. Commerce Park Associates, LLC (Orders)		912
Robert S. v. Commissioner of Correction (Order)		913
Rutter v. Janis		722
	<i>Negligence; summary judgment; claim that trial court improperly granted defendant motor vehicle dealer's motions for summary judgment; whether Appellate Court correctly concluded that trial court had properly excluded date of loan of dealer license plate in computing thirty day period under statute (§ 14-60 (a) (3)) that permits motor vehicle dealer to loan dealer license plate to purchaser of vehicle</i>	

	<i>for period of not more than thirty days while registration of vehicle is pending; whether genuine issue of material fact existed as to whether parties intended day of loan to be counted in thirty day calculation under § 14-60 (a).</i>	
Saunders v. Briner		135
	<i>Limited liability companies; standing; subject matter jurisdiction; whether, in absence of authorization in limited liability company's operating agreement, members or managers lack standing to bring derivative claims in action brought under Connecticut Limited Liability Company Act ([Rev. to 2017] § 34-100 et seq.) or under common law; whether trial court may exempt single-member limited liability company from direct and separate injury requirement necessary to bring direct action; policy considerations applicable in determining whether to treat action raising derivative claims as direct action, discussed; under what circumstances, if any, trial court may apportion award of attorney's fees under Connecticut Unfair Trade Practices Act (§ 42-110a et seq.); claim that trial court abused its discretion in declining to order defendants to reimburse limited liability company for fees incurred by joint, court-appointed fiduciary retained to wind up limited liability companies.</i>	
Saunders v. Commissioner of Correction (Order)		917
Seminole Realty, LLC v. Sekretsev (Order)		905
State v. Alexis (Order)		904
State v. Blaine		298
	<i>Conspiracy to commit robbery first degree; certification from Appellate Court; claim that trial court's failure to instruct jury on requisite intent necessary to find defendant guilty of conspiracy to commit robbery in first degree constituted plain error; whether Appellate Court correctly concluded that trial court did not commit plain error by failing to instruct jury that, to find defendant guilty of conspiracy to commit first degree robbery, it had to find that he intended and specifically agreed that he or another participant in robbery would be armed with deadly weapon.</i>	
State v. Bryan (Order)		906
State v. Cane (Order)		901
State v. Cecil (Order)		915
State v. Collymore		431
	<i>Felony murder; attempt to commit robbery first degree; conspiracy to commit robbery first degree; criminal possession of firearm; prior inconsistent statements; statutory (§ 54-47a) immunity from prosecution in exchange for testimony during state's case-in-chief; fifth amendment right against self-incrimination; motion for reconsideration in light of this court's decision in State v. Dickson (322 Conn. 410), pursuant to which in-court identification that has not been preceded by successful identification during nonsuggestive identification procedure must be prescreened by trial court; certification from Appellate Court; claim that defendant's rights to due process and to compulsory process were violated when state declined to extend immunity that it had granted under § 54-47a to certain witnesses during state's case-in-chief to their testimony during defendant's case-in-chief; whether state's alleged violation of § 54-47a was constitutional in nature; defendant's failure to establish that testimony that he was prevented from offering owing to state's decision not to extend immunity beyond its case-in-chief was not cumulative; whether state's purported revocation of immunity or trial court's warnings to witnesses regarding lack of clarity of law regarding whether immunity extended to their testimony as defense witnesses was so threatening or coercive as to drive those witnesses from witness stand; claim that defendant's right to due process was violated, pursuant to Dickson, when two witnesses purportedly gave first time in-court identification testimony about him; scope of rule announced in Dickson, discussed; whether defendant's identity as shooter was at issue with respect to criminal charges against him for purposes of determining whether purported first time in-court testimony of two witnesses violated defendant's right to due process; whether admission of such testimony was harmless beyond reasonable doubt.</i>	
State v. Crewe (Order)		901
State v. DeJesus (Order)		909
State v. Edwards		688
	<i>Murder; conspiracy to commit murder; assault first degree; conspiracy to commit assault first degree; claim that trial court improperly admitted, in violation of hearsay rule, out-of-court statements of two witnesses identifying defendant as shooter; whether defendant properly preserved his hearsay claim; claim that</i>	

admission of out-of-court statement of witness who did not testify at trial violated defendant's right to confrontation; whether any error in admission of witness' out-of-court statement was harmless; claim that trial court improperly instructed jury on third-party culpability by omitting names of alleged third-party culprits.

State v. Gomes (Order) 902

State v. Holmes 202

Felony murder; home invasion, conspiracy to commit home invasion; criminal possession of firearm; claim that trial court improperly overruled defendant's objection, pursuant to Batson v. Kentucky (476 U.S. 79), to prosecutor's use of peremptory challenge to excuse prospective African-American juror; certification from Appellate Court; whether Appellate Court incorrectly concluded that trial court had properly overruled defendant's Batson objection; whether prosecutor's explanation for exercising challenge was race neutral; claim that this court should overrule State v. King (249 Conn. 645) and its progeny, holding that distrust of police and concern regarding fairness of criminal justice system constitute race neutral reasons for exercising peremptory challenge; shortcomings of Batson in addressing implicit bias and disparate impact that certain race neutral explanations for peremptory challenges have on minority jurors, discussed; Batson reform in Connecticut, including convening of Jury Selection Task Force to study issue of racial discrimination in selection of juries and to propose necessary changes, discussed.

State v. Joseph (Order) 915

State v. Lebrick 492

Felony murder; home invasion; conspiracy to commit home invasion; burglary first degree; attempt to commit robbery first degree; assault first degree; certification from Appellate Court; claim that Appellate Court incorrectly concluded that defendant's constitutional right to confrontation was not violated; claim that admission of witness' former testimony violated defendant's right to confrontation; standard of review for determination of whether witness was unavailable to testify for purposes of confrontation clause, discussed; whether state demonstrated that it undertook reasonable, diligent and good faith effort to procure attendance of unavailable witness at defendant's trial; whether defendant's right to confrontation was violated by admission of expert witness' testimony about ballistic evidence that was based in part on ballistic report prepared and photographs generated by former employee of state's forensic laboratory who was unavailable to testify because he had died before defendant's trial.

State v. Mekoshvili (Order) 923

State v. Moon (Order) 918

State v. Moore 275

Murder; certification from Appellate Court; claim that trial court improperly denied defendant's motion to strike venire panel; whether Appellate Court correctly concluded that data pertaining to entire African-American population in Connecticut and New London county did not constitute probative evidence of underrepresentation of African-American males in jury pool; claim that Appellate Court should have exercised its supervisory authority over administration of justice to require jury administrator to collect and maintain prospective jurors' racial and demographic data in accordance with statute (§ 51-232 [c]) concerning the issuance of questionnaires to prospective jurors; certification improvidently granted.

State v. Ortega (Order) 922

State v. Palumbo (Order) 909

State v. Patel (Order) 921

State v. Pernell (Order) 910

State v. Ramos (Order) 923

State v. Raynor 264

Assault first degree as accessory; conspiracy to commit assault first degree; certification from Appellate Court; whether Appellate Court correctly concluded that record was inadequate to review defendant's challenge under Batson v. Kentucky (476 U.S. 79) to prosecutor's exercise of peremptory challenge to strike prospective juror; adoption of Appellate Court's well reasoned opinion as proper statement of certified issue and applicable law concerning that issue.

State v. Salters (Order) 913

State v. Sentementes (Order) 902

State v. Turner 660

Felony murder; robbery first degree; conspiracy to commit robbery first degree; certification from Appellate Court; claim that Appellate Court incorrectly deter-

<i>mined that defendant was not entitled to review under State v. Golding (213 Conn. 233), as modified by In re Yasiel R. (317 Conn. 773), of his unreserved claim, based on this court's recent decision in State v. Edwards (325 Conn. 97) that trial court violated his federal due process right to fair trial by admitting testimonial and documentary evidence concerning location of defendant's cell phone without first conducting hearing pursuant to State v. Porter (241 Conn. 57); whether unreserved claim regarding trial court's failure to hold Porter hearing was constitutional in nature; claim that trial court's failure to conduct Porter hearing constituted plain error; claim that this court should adopt federal plain error standard under which determination of whether error was clear is made on basis of law existing at time of appeal rather than time of trial; request that this court exercise its supervisory authority over administration of justice to review defendant's unreserved claim.</i>		
State v. Ward (Order)		911
State v. Vasquez (Order)		922
Stevens v. Khalily (Order)		918
Summit Saugatuck, LLC v. Water Pollution Control Authority (Order)		916
Tatoian v. Tyler (Order)		919
Wachovia Mortgage, FSB v. Toczek (Order)		921
Watts v. Commissioner of Correction (Order)		919
Wells Fargo Bank, N.A. v. Caldrello (Order)		905
Wells Fargo Bank, N.A. v. Magana (Order)		904
Wells Fargo Bank, N.A. v. Magana (Order)		920
Wiederman v. Halpert		199
<i>Limited liability companies; breach of fiduciary duty; motion to open; claim that trial court improperly exercised subject matter jurisdiction over plaintiff's claims because her alleged injuries were derivative of harm suffered by limited liability companies of which she and certain defendants were members; certification from Appellate Court; whether Appellate Court properly upheld determination of trial court that plaintiff had standing to sue; certification improvidently granted.</i>		
Wozniak v. Colchester (Order)		906
Zhou v. Zhang		601
<i>Dissolution of marriage; postnuptial agreements; purported agreement to revoke prior postnuptial agreement during divorce mediation; whether trial court correctly concluded that parties' written agreement purporting to revoke their postnuptial agreement was unenforceable; whether party seeking to have court declare revocation agreement unenforceable understood that that agreement was binding only if parties reached full and final settlement of disputed issues during mediation; whether trial court properly considered parol evidence in evaluating defendant's claim that revocation agreement was not binding without final settlement of disputed issues during mediation; claim that trial court had incorrectly determined that parties' postnuptial agreement was enforceable because it was fair and equitable at time of execution and not unconscionable at time of dissolution; whether plaintiff's decision to enter into postnuptial agreement was voluntary and not product of duress; whether trial court abused its discretion when it granted defendant final decision-making authority with respect to parties' children; claim that trial court improperly based its custody orders on testimony of guardian ad litem on ground that she testified that she had not seen children in two years.</i>		