

336 Conn.

ORDERS

927

DEREK J. DELEO *v.* EQUALE &
CIRONE, LLP, ET AL.

The defendants' petition for certification to appeal from the Appellate Court, 202 Conn. App. 650 (AC 42383), is denied.

Daniel J. Krisch and *Kevin J. Greene*, in support of the petition.

928

ORDERS

336 Conn.

Michael S. Taylor and Brendon P. Levesque, in opposition.

Decided March 30, 2021

STATE OF CONNECTICUT *v.* JULIE A.
FERRAZZANO-MAZZA

The defendant's petition for certification to appeal from the Appellate Court, 202 Conn. App. 411 (AC 42481), is denied.

Vishal K. Garg, assigned counsel, in support of the petition.

Timothy F. Costello, senior assistant state's attorney, in opposition.

Decided March 30, 2021

INTERNATIONAL INVESTORS *v.* TOWN PLAN
AND ZONING COMMISSION OF THE
TOWN OF FAIRFIELD ET AL.

The petition by the defendant Fairfield Commons, LLC, for certification to appeal from the Appellate Court, 202 Conn. App. 582 (AC 43035), is granted, limited to the following issues:

"1. Did the Appellate Court correctly conclude that General Statutes § 8-2 (a) permits a municipal zoning commission to condition approval of a property developer's special permit on the completion of development within a specified time period, subject to extensions?

"2. Did the Appellate Court correctly conclude that the special permit and site plan approval issued in 2006 to the defendant Fairfield Commons, LLC, to construct a 36,000 square foot retail building, which approval

336 Conn.

ORDERS

929

became effective in 2009, had expired in 2011, two years after the effective date, because, as of 2011, construction had not been started or completed, and the extension of the special permit and site plan, granted by the named defendant, the Town Plan and Zoning Commission of the Town of Fairfield, in 2018 under authority of General Statutes § 8-3 (m), was invalid?”

Timothy S. Hollister, in support of the petition.

Ann Marie Willinger, in opposition.

Decided March 30, 2021

STATE OF CONNECTICUT *v.* DWAYNE SAYLES

The defendant’s petition for certification to appeal from the Appellate Court, 202 Conn. App. 736 (AC 43500), is granted, limited to the following issues:

“1. Did the Appellate Court properly uphold the trial court’s denial of the defendant’s motion to suppress the contents of his iPhone in reliance on *United States v. Patane*, 542 U.S. 630, 124 S. Ct. 2620, 159 L. Ed. 2d 667 (2004), and *State v. Mangual*, 311 Conn. 182, 85 A.3d 627 (2014), when the seizure of those contents was the result of questioning after he had invoked his *Miranda* rights, on the basis that a cell phone and its stored data constitute ‘physical’ (i.e., nontestimonial) evidence that need not be suppressed if seized as the result of a *Miranda* violation?”

“2. Did the Appellate Court properly reject the defendant’s claim that the holding in *Patane* does not comport with the broader protections against compelled self-incrimination afforded under article first, § 8, of the Connecticut constitution?”

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

930

ORDERS

336 Conn.

Dina S. Fisher, assigned counsel, in support of the petition.

Timothy J. Sugrue, assistant state's attorney, in opposition.

Decided March 30, 2021

CATALINO MORALES *v.* COMMISSIONER
OF CORRECTION

The petitioner Catalino Morales' petition for certification to appeal from the Appellate Court, 202 Conn. App. 906 (AC 43557), is denied.

Justine F. Miller, assigned counsel, in support of the petition.

Thai Chhay, deputy assistant state's attorney, in opposition.

Decided March 30, 2021
