

Cumulative Table of Cases
Connecticut Reports
Volume 338

(Replaces Prior Cumulative Table)

Charles F. v. Commissioner of Correction (Order)	902
Dobie v. New Haven (Order).	901
Fay v. Merrill.	1
<i>Congressional elections; action brought pursuant to statute (§ 9-329a) by Republican Party candidates in primary election for office of United States representative for Connecticut's First and Second Congressional Districts, challenging as unconstitutional application for absentee ballot adding COVID-19 as reason for absentee voting; challenge to application for absentee ballot as based on erroneous interpretation of governor's executive order; whether plaintiffs, as candidates in primary election affected by executive order, were aggrieved by that order and therefore had standing; claim that action was untimely and therefore barred by equitable defense of laches; claim that executive order was unconstitutional because it violated article sixth, § 7, of Connecticut constitution; whether executive order violated separation of powers and was void as matter of law because article sixth, § 7, commits authority over absentee voting solely to General Assembly; whether "unable to appear . . . because of sickness," as used in article sixth, § 7, encompasses specific disease or is limited to illness personally suffered by individual voter that renders him or her physically incapable of travelling to polling place.</i>	
Francis v. Board of Pardons & Paroles.	347
<i>Declaratory judgment action; certification from Appellate Court; whether Appellate Court properly affirmed judgment of trial court dismissing as unripe action brought by plaintiff, an inmate convicted of murder; claim that statute (§ 54-125g) concerning parole of prisoners nearing end of maximum sentence applies to persons convicted of murder; claim that defendant Commissioner of Correction must consider plaintiff's eligibility for parole under § 54-125g in calculating his estimated release date; whether term "definite sentence," as used in § 54-125g, refers to full sentence imposed by sentencing court or to sentence inmate will actually serve, as reduced by various statutory credits; whether plaintiff had specific, personal and legal interest in applicability of § 54-125g to persons convicted of murder when plaintiff would, with virtual certainty, never serve 95 percent of his definite sentence, as required by § 54-125g.</i>	
In re Annessa J. (Orders).	904
In re Naomi W. (Order).	906
In re Sequoia G. (Order)	904
Kent Literary Club of Wesleyan University v. Wesleyan University.	189
<i>Termination of agreement by defendant university to allow fraternity to house its members in on-campus fraternity house; promissory estoppel; negligent misrepresentation; tortious interference with business expectancies; alleged violations of Connecticut Unfair Trade Practices Act (CUTPA); whether trial court improperly declined to instruct jury, in accordance with defendants' request, that party cannot prevail on claim of promissory estoppel based on alleged promises that contradict terms of written contract; whether trial court was required to instruct jury, in accordance with defendants' request, that principle of promissory estoppel applies only when there is no enforceable contract between parties; whether trial court should have instructed jury as to legal implications of parties' agreement in connection with plaintiffs' CUTPA claim; claim that trial court improperly failed to instruct jury that, in light of parties' agreement, plaintiffs could not reasonably have relied on any perceived extracontractual promise or representation by university that fraternity could continue to house its members; whether trial court failed to properly instruct jury as to correct method of calculating damages and law governing damages that may be recovered for tortious interference with business expectancies; whether trial court failed to instruct jury as to proper measure of losses in connection with plaintiffs' negligent misrepresentation claim; whether there was sufficient evidence for jury to find that university intentionally misled plaintiffs during negotiations, leading plaintiffs to reason-</i>	

ably rely on university's representations that fraternity could continue to house its members; claim that trial court improperly instructed jury that it should find that university committed unfair trade practice or practices under CUTPA if its conduct violated cigarette rule, rather than federal standard applied by Federal Trade Commission and federal courts under Federal Trade Commission Act; whether trial court abused its discretion in granting plaintiffs injunctive relief.

McCrea v. Cumberland Farms, Inc. (Order) 901

Meriden v. Freedom of Information Commission 310

Alleged violation of Freedom of Information Act (§ 1-200 et seq.); administrative appeal; dismissal of administrative appeal on ground that plaintiff city and city council did not violate open meeting requirements of applicable provision (§ 1-225 (a)) of Freedom of Information Act; certification from Appellate Court; claim that Appellate Court incorrectly determined that phrase "hearing or other proceeding," as used in Freedom of Information Act (§ 1-200 (2)), referred to process of adjudication; claim that there was sufficient evidence in record to conclude that gathering constituting less than quorum of city council members was "hearing or other proceeding" of public agency within meaning of § 1-200 (2) and that plaintiffs had failed to comply with open meeting requirements of § 1-225 (a).

Mirlis v. Yeshiva of New Haven, Inc. (Order) 903

Mitchell v. State 66

Petition for new trial based on newly discovered evidence; certification from Appellate Court; whether Appellate Court incorrectly concluded that trial court had not abused its discretion in denying petitioner's request for leave to file late petition for certification to appeal, as required by statute (§ 54-95 (a)); claim that trial court abused its discretion by improperly failing to consider reasons for petitioner's untimely filing of petition for certification to appeal and, instead, denied his request on basis of merits of his appeal; whether trial court abused its discretion by alternatively concluding that claims raised in petition for new trial did not warrant appellate review; whether technologically enhanced security camera footage that had been shown to jury depicting petitioner's coconspirator exiting car to approach victim's body would probably produce a different result at new trial; whether evidence that lead detective investigating petitioner's criminal case had been arrested and convicted of fraud in second degree following petitioner's criminal trial would have led to different result at new trial; whether trial court abused its discretion in concluding that evidence on which petitioner relied to demonstrate prosecutorial improprieties would be material at new trial.

Moore v. Commissioner of Correction 330

Habeas corpus; robbery first degree; commission of class B felony with firearm; ineffective assistance of counsel; denial of certification to appeal from habeas court's denial of habeas petition; certification from Appellate Court; claim that trial counsel rendered ineffective assistance by failing to correct material misunderstanding of law that was expressed by petitioner and that was relevant to petitioner's decision whether to accept plea offer; whether petitioner established that trial counsel provided ineffective assistance by failing to advise petitioner that potential sentence exposure if petitioner succeeded at trial in proving lesser included offense was as severe as period of incarceration in state's plea offers; whether Appellate Court properly dismissed petitioner's appeal.

New Haven v. AFSCME, Council 4, Local 3144 154

Arbitration; termination of employment; application to vacate arbitration award; application to confirm arbitration award; whether trial court properly confirmed arbitration award; claim that trial court incorrectly concluded that arbitration award reinstating grievant did not violate public policy; whether defendant city failed to meet its burden of demonstrating that reinstatement of grievant's employment violated public policy; factors reviewing court should consider when determining whether termination of employment is sole means to vindicate public policy, set forth and discussed; claim that public sector employer should not have to countenance conduct by executive level employee in fiscally sensitive position that has negative impact on public accountability and public confidence.

Small v. Commissioner of Correction (Order) 902

Smith v. Commissioner of Correction (Order) 903

State v. Christopher S. 255

Strangulation second degree; assault third degree; whether Appellate Court improperly upheld trial court's decision to admit defendant's unrecorded, written confession into evidence on ground that state had failed to meet its burden of proving,

in accordance with statute (§ 54-1o (h)), that confession was voluntarily given and reliable under totality of circumstances; whether defendant's claim regarding § 54-1o (h) was constitutional or evidentiary; whether record supported trial court's determination that there was no violation of Miranda v. Arizona (384 U.S. 436); whether totality of circumstances surrounding defendant's interrogation supported trial court's determination that defendant's confession was voluntarily given and was reliable; request that this court exercise its supervisory authority over administration of justice to require trial courts to give special instruction in all cases in which police fail to record custodial interrogation.

State v. Gonzalez 108

Sexual assault first degree; home invasion; risk of injury to child; certification from Appellate Court; claim that defendant was denied his constitutional rights to present closing argument and to fair trial by virtue of prosecutor's cursory review of evidence during her initial closing summation followed by more detailed discussion of evidence during rebuttal argument; claim that defendant was denied his constitutional rights to present closing argument and to fair trial by virtue of prosecutor's mischaracterization of certain evidence.

State v. Jose R. 375

Sexual assault first degree; risk of injury to child; prosecutorial impropriety; whether trial court improperly imposed sentence that included period of probation for convictions of sexual assault first degree, in violation of statutes (§ 53a-29 (a) and (Rev. to. 2013) § 53a-70 (b) (3)); whether certain improper remarks made by prosecutor during closing and rebuttal arguments violated defendant's due process right to fair trial and right against self-incrimination; request to overrule State v. Payne (303 Conn. 538); claim that prosecutor improperly commented on defendant's failure to testify by contrasting victim's in-court testimony with defendant's out-of-court statements, by asking jurors whether there was any reasonable explanation why they should not find victim credible, and by remarking that credibility of party is best determined by how that party performs on cross-examination, when defendant did not testify at trial; claim that certain remarks by prosecutor constituted improper expression of personal opinion regarding victim's credibility and defendant's guilt when remarks were predicated on ambiguous testimony and reasonable inferences drawn from that testimony.

State v. Smith 54

Felony murder; manslaughter first degree; double jeopardy; whether Appellate Court properly affirmed trial court's denial of defendant's motion to correct illegal sentence; claim that trial court incorrectly concluded that constitutional prohibition against double jeopardy was not violated when sentencing court merged felony murder and manslaughter convictions instead of vacating manslaughter conviction; whether trial court had subject matter jurisdiction over motion to correct when defendant did not allege that purported double jeopardy violation had any impact on his sentence.

Tarasco v. Commissioner of Correction (Order) 902

Vere C. v. Commissioner of Correction (Order). 903

Viking Construction, Inc. v. TMP Construction Group, LLC 361

Breach of contract; whether trial court improperly denied defendant subcontractor's motion to set aside jury verdict; whether provisions of contract between plaintiff general contractor and defendant subcontractor precluded award of money damages; whether defendant presented adequate record on appeal.