

Cumulative Table of Cases
Connecticut Reports
Volume 338

(Replaces Prior Cumulative Table)

A Better Way Wholesale Autos, Inc. v. Saint Paul.	651
<i>Arbitration; certification from Appellate Court; whether trial court properly dismissed plaintiff's application to vacate arbitration award as untimely under state statute (§ 52-420 (b)) that imposed thirty day limitation period within which to file applications to vacate arbitration award; claim that plaintiff's application to vacate was not untimely because arbitration agreement specified that Federal Arbitration Act (9 U.S.C. § 1 et seq.) would apply to any arbitration between parties, and limitation period under applicable provision of that act (9 U.S.C. § 12) was three months; whether § 52-420 (b) implicated trial court's subject matter jurisdiction; whether § 52-420 (b) was preempted by Federal Arbitration Act.</i>	
Banks v. Commissioner of Correction (Order)	907
Bosque v. Commissioner of Correction (Order)	908
Casey v. Lamont	479
<i>Action seeking injunctive and declaratory relief in connection with executive orders issued by defendant governor that limited various commercial activities at bars and restaurants throughout state during civil preparedness emergency that governor declared in response to COVID-19 pandemic pursuant to statute (§ 28-9 (a)); claim that governor exceeded his statutory authority by issuing challenged executive orders; whether governor was statutorily authorized to proclaim civil preparedness emergency; whether COVID-19 pandemic constituted "serious disaster" under § 28-9 (a); claim that, even if challenged executive orders were valid, § 28-9 (b) (1) and (7) was unconstitutional delegation by General Assembly of its legislative powers, in violation of separation of powers provision of Connecticut constitution.</i>	
Charles F. v. Commissioner of Correction (Order)	902
Dobie v. New Haven (Order)	901
Fair v. Commissioner of Correction (Order)	910
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</i>	

	<i>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>	
Gray v. Commissioner of Correction (Order)		911
Goshen Mortgage, LLC v. Androulidakis (Order)		913
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 reasonably 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.</i>	
Ledyard v. WMS Gaming, Inc.		687
	<i>Personal property taxes; attorney's fees; summary judgment; certification from Appellate Court; whether Appellate Court properly reversed trial court's decision to grant motion for summary judgment filed by plaintiff town and to deny motion for summary judgment filed by defendant property owner; claim that plaintiff town was entitled, pursuant to statute (§ 12-161a) that requires property owner to pay attorney's fees of municipality in action brought to collect delinquent personal property taxes when fees are "as a result of and directly related to" collection proceeding, to attorney's fees it incurred in defending federal action that was collateral to state collection action; claim that Appellate Court improperly applied restrictive interpretation of § 12-161a to characterize attorney's fees incurred in federal action as falling outside ambit of fees directly related to present collection proceeding; whether attorney's fees attributable to federal action were directly related to state collection proceeding.</i>	
Lowthert v. Freedom of Information Commission (Order)		907
McCrea v. Cumberland Farms, Inc. (Order)		901
Meriden v. Freedom of Information Commission		310
	<i>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).</i>	

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.

Robb v. Connecticut Board of Veterinary Medicine (Order) 911

Small v. Commissioner of Correction (Order) 902

Smith v. Commissioner of Correction (Order) 903

State v. Armadore 407

Murder; certification from Appellate Court; claim that Appellate Court improperly denied defendant's motion for permission to file supplemental brief to raise claim premised on new constitutional rule established during pendency of appeal; claim that certain records of historical cell site location information could not be considered as part of harmless error analysis; whether denial of motion for permission to file supplemental brief was harmless; whether Appellate Court correctly determined that defendant had not adequately preserved hearsay objection to admission of witness' testimony about phone call witness had received; whether witness' testimony about phone call was properly admitted.

State v. Battle 523

Violation of probation; motion to correct illegal sentence; certification from Appellate Court; whether violation of probation statute (§ 53a-32 (d)) permits trial court to impose sentence for violation of probation that includes term of special parole; adoption of Appellate Court's thorough and well reasoned opinion as proper statement of issue and applicable law concerning that issue.

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

<p><i>§ 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.</i></p>	
State v. Coltherst (Order)	907
State v. Davis.	458
<p><i>Murder; claim that trial court violated defendant's sixth amendment right to effective assistance of counsel by denying his written motion to dismiss defense counsel without adequately inquiring into certain grounds asserted in motion; whether defendant's claims regarding defense counsel were substantial and thus required further inquiry by trial court; claim that trial court violated defendant's sixth amendment right to effective assistance of counsel by failing to conduct any inquiry into defense counsel's alleged conflict of interest; whether record was inadequate to determine whether defendant's allegation of conflict of interest had merit; remand for determination of whether defense counsel had actual conflict of interest that adversely affected her representation of defendant.</i></p>	
State v. Francis	671
<p><i>Motion to correct illegal sentence for murder conviction; certification from Appellate Court; whether Appellate Court correctly concluded that trial court had not abused its discretion in denying defendant's motion to correct; claim that sentencing court relied on materially inaccurate information when imposing defendant's sentence; whether sentencing court relied on inaccurate information concerning defendant's criminal history; claim that sentencing court substantially relied on false recollection of how victim died when imposing sentence.</i></p>	
State v. Fredrik H. (Order).	906
State v. Gonzalez	108
<p><i>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.</i></p>	
State v. Jose R.	375
<p><i>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.</i></p>	
State v. Komisarjevsky	526
<p><i>Capital felony; murder; kidnapping first degree; sexual assault first degree; burglary second degree; arson first degree; assault second degree; whether trial court improperly denied defendant's motion for change of venue from judicial district of New Haven due to pretrial publicity surrounding case, which involved notorious triple murder during home invasion; claim that pretrial publicity created irrebuttable presumption of prejudice that required moving trial from New Haven; claim that pretrial publicity resulted in actual prejudice that deprived defendant of fair trial; whether trial court abused its discretion in denying defendant's challenges for cause with respect to twelve potential jurors, none of whom actually deliberated on case or decided defendant's guilt; whether trial court abused its discretion in denying defendant's motions for continuance, to reopen evidence,</i></p>	

and for mistrial, which were based on claim that state improperly failed to disclose certain letters written by defendant's accomplice; claim that state violated defendant's due process rights under Brady v. Maryland (373 U.S. 83) by failing to disclose recordings of certain communications made by police officers during and after response to home invasion; standard by which defendant must prove existence of purported Brady violation, discussed; whether trial court correctly concluded that defendant had failed to establish by preponderance of evidence existence of purported e-mail and police communications log; whether certain undisclosed communications regarding police department's response during and following home invasion and describing demeanor and appearance of defendant and his accomplice were material under Brady; claim that state violated defendant's due process right to fair trial by presenting evidence that it knew or should have known to be false or misleading; reviewability of claim that statute (§ 18-10b) imposing certain restrictive conditions of confinement on inmates, like defendant, convicted of capital felony or murder with special circumstances constituted ex post facto law, violated equal protection, and resulted in excessive and disproportionate punishment.

State v. Lanier (Order)	910
State v. Lane (Order)	913
State v. Oscar H. (Order)	912
State v. Smith	54
<i>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.</i>	
Stone Key Group, LLC v. Taradash (Orders)	912
Tarasco v. Commissioner of Correction (Order)	902
Towing & Recovery Professionals of Connecticut, Inc. v. Dept. of Motor Vehicles (Order)	910
Vere C. v. Commissioner of Correction (Order)	903
Viking Construction, Inc. v. TMP Construction Group, LLC	361
<i>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.</i>	
Villanueva v. Villanueva (Order)	913
Zachs v. Commissioner of Correction (Order)	909