

**Cumulative Table of Cases**  
**Connecticut Reports**  
**Volume 344**

*(Replaces Prior Cumulative Table)*

Bennetta v. Derby (Order) . . . . .	903
Board of Education v. Commission on Human Rights & Opportunities . . . . .	603
<i>Disability discrimination; whether trial court properly dismissed appeal by plaintiff board of education from decision of human rights referee of defendant Commission on Human Rights and Opportunities; claim that board discriminated against student on basis of mental or intellectual disability, in violation of statute (§ 46a-64); claim of violation of general antidiscrimination statute (§ 46a-58 (a)) and violation of Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), as predicate for claim under § 46a-58 (a); whether trial court correctly determined that commission had subject matter jurisdiction to adjudicate claim pursuant to § 46a-58 (a) that board violated Americans with Disabilities Act; whether student's father was required to exhaust administrative remedies under Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) or state statute (§ 10-76h) prior to filing complaint seeking relief from denial of free and appropriate public education; whether complaint sought relief from denial of free and appropriate public education; reviewability of claim that human rights referee incorrectly determined that public school is place of public accommodation.</i>	
Clinton v. Aspinwall . . . . .	696
<i>Breach of contract; breach of fiduciary duty; certification from Appellate Court; whether Appellate Court lacked subject matter jurisdiction over defendants' appeals to that court; whether defendants appealed from final judgment; whether plaintiff's breach of contract and fiduciary duty claims were legally inconsistent under Delaware law.</i>	
Costanzo v. Plainfield . . . . .	86
<i>Action against defendant town and defendant town employees to recover damages for drowning in pool on private property; allegations that defendants issued building permit for pool prior to inspecting it to ensure that safety features required by state building code were installed; certification from Appellate Court; whether trial court's orders sustaining plaintiff's objections to defendants' apportionment complaint and notice of intent to seek apportionment constituted final judgment permitting interlocutory appellate review; whether Appellate Court correctly concluded that trial court had improperly sustained plaintiff's objections to defendants' apportionment complaint and notice of intent to seek apportionment; whether plaintiff's allegations fell within first exception to municipal immunity in statute (§ 52-557n (b) (8)) that subjects municipality to liability for injuries that occur as result of failure to inspect or inadequate or negligent inspection of property to determine whether property complies with or violates any law or contains health or safety hazard when municipality had notice of such violation of law or such hazard; whether plaintiff's allegations fell within purview of statute (§ 52-572h (o)) permitting liability to be apportioned among parties liable for negligence in any cause of action created by statute based on negligence.</i>	
Daley v. Kashmanian . . . . .	464
<i>Negligence; governmental immunity; certification from Appellate Court; claim that Appellate Court incorrectly concluded that common law and statute (§ 52-557n) conferred governmental immunity from liability for damages arising from personal injuries caused by police officer's negligent operation of motor vehicle while performing surveillance; whether trial court properly granted defendants' motion to set aside verdict in connection with plaintiff's negligence claim; whether operation of unmarked police vehicle, including following statutory rules of road, was ministerial function; whether legislature intended negligence in operation of motor vehicle to be shielded by governmental immunity.</i>	

Diaz v. Commissioner of Correction . . . . .	365
<i>65 Habeas corpus; denial of habeas petition; denial of petition for certification to appeal from habeas court's judgment; certification from Appellate Court; circumstances under which criminal conviction may be reversed on basis of attorney's conflicted loyalties, discussed; claim that it is per se conflict of interest for individual to simultaneously serve as Connecticut police officer and represent criminal defendant, even if alleged crimes were committed, investigated, and prosecuted outside of city or town in which officer serves; whether statute (§ 54-1f (b)) requiring police officers to arrest all suspected felons under all circumstances, regardless of when or where suspected crime was committed, created per se conflict of interest for police officer representing criminal defendant; whether habeas court abused its discretion in denying certification to appeal; claim that defense attorney's undisclosed status as police officer became actual conflict of interest during petitioner's criminal trial insofar as it led attorney to hold back when cross-examining other police officers.</i>	
Garcia v. Cohen . . . . .	84
<i>Negligence; premises liability; whether Appellate Court correctly concluded that trial court had committed reversible error by failing to instruct jury on nondelegable duty doctrine; appeal dismissed on ground that certification was improvidently granted.</i>	
In re Madison C. (Order) . . . . .	903
International Investors v. Town Plan & Zoning Commission . . . . .	46
<i>Zoning; certification from Appellate Court; whether Appellate Court incorrectly concluded that defendant plan and zoning commission was authorized by statute (§ 8-2 (a)) to condition approval of special permit on completion of development within specified time period and that special permit approval expired two years after its effective date because construction had not yet been completed; whether commission lacked authority to condition continuing validity of special permit on completion of development within specified period of time that conflicted with time limitation prescribed by statute (§ 8-3) for satisfying the same condition.</i>	
Pistello-Jones v. Jones (Order) . . . . .	901
Priore v. Haig . . . . .	636
<i>Defamation; certification from Appellate Court; whether public hearing on special permit application before town planning and zoning commission was quasi-judicial proceeding such that statements made during hearing were entitled to absolute immunity; factors that courts may consider in determining whether proceeding is quasi-judicial in nature, discussed; whether Appellate Court incorrectly determined that defendant's statements before planning and zoning commission were entitled to absolute immunity; whether Appellate Court improperly affirmed trial court's judgment dismissing plaintiff's action for lack of subject matter jurisdiction.</i>	
Sakon v. Sakonchick (Order) . . . . .	901
State v. Bowden . . . . .	266
<i>Manslaughter first degree with firearm; felony murder; robbery first degree; carrying pistol without permit; stealing firearm; criminal possession of pistol or revolver; claim that trial court improperly denied defendant's motion to suppress evidence from search of his cell phone in violation of fourth amendment to United States constitution; whether application for warrant authorizing search lacked particular description of things to be seized; whether affidavit supporting application failed to establish probable cause; whether any error in trial court's failure to suppress evidence obtained pursuant to warrant was harmless.</i>	
State v. Council . . . . .	113
<i>Murder; criminal possession of firearm; whether trial court violated defendant's constitutional right to present defense by precluding testimony of certain expert witness; whether trial court improperly excluded testimony of expert witness because witness was qualified as expert under rules of evidence; whether appeal was moot when defendant failed to challenge all independent bases for trial court's adverse ruling.</i>	
State v. Davis. . . . .	122
<i>Murder; claim that trial court incorrectly concluded that defendant had failed to establish that defense counsel was burdened by actual conflict of interest that adversely affected her performance; whether defense counsel's prior representation of victim's son created actual conflict of interest; whether trial court's finding of facts, including that defense counsel's brief representation of victim's son had no effect on course of trial, were clearly erroneous; whether counsel's prior</i>	

*representation of relative of victim in criminal case creates per se conflict of interest; claim that trial court improperly admitted into evidence testimony from three lay witnesses identifying defendant in surveillance video footage; whether, under rule established in State v. Gore (343 Conn. 129), trial court abused its discretion in admitting challenged testimony; whether it was proper for this court to apply rule established in Gore retroactively to present case.*

State v. Flores . . . . . 713

*Home invasion; burglary first degree; attempt to commit robbery first degree; conspiracy to commit home invasion; whether trial court improperly denied defendant's motion to suppress written statement that he had given to police; claim that trial court's finding that defendant offered to make statement unprompted by police was clearly erroneous; claim that failure of police to preserve recording of encounter in which defendant provided police with statement rendered statement inadmissible pursuant to statute (§ 54-1o) governing admissibility of statements made in course of unrecorded custodial interrogation at place of detention; whether state overcame presumption of inadmissibility under § 54-1o by establishing, by preponderance of evidence, that defendant's statement was voluntary and reliable; whether trial court improperly admitted into evidence written cooperation agreement between state and coconspirator; whether provisions of cooperation agreement obligating witness to testify truthfully constituted improper vouching by state, either as evidentiary matter or as matter of prosecutorial impropriety; whether evidence was insufficient to support defendant's conviction of attempt to commit robbery first degree, burglary first degree, and conspiracy to commit home invasion.*

State v. Freeman. . . . . 503

*Robbery first degree; plea of nolo contendere; motion to dismiss; claim that prosecution was barred by applicable five year statute of limitations ((Rev. to 2017) § 54-193 (b)); certification from Appellate Court; whether Appellate Court correctly determined that there was sufficient evidence to establish that state had made reasonable efforts to serve arrest warrant before statute of limitations expired and that delay in service of warrant was reasonable; whether prosecutor's representations of fact to trial court constituted evidence that could serve to satisfy state's obligation to prove reasonableness of efforts to execute warrant.*

State v. Herman K. (Order). . . . . 902

State v. Hinds . . . . . 541

*Murder; carrying dangerous weapon; prosecutorial impropriety; claim that defendant was deprived of his due process right to fair trial as result of prosecutorial impropriety during prosecutor's closing and rebuttal arguments; whether prosecutor improperly referred to facts not in evidence and vouched for witness' credibility during closing argument in stating that jury could infer that witness' prior statements to police, which were not before jury, were consistent with his trial testimony; whether prosecutor improperly diluted state's burden of proof by referring to principle of Occam's razor during rebuttal argument; whether alleged improprieties deprived defendant of fair trial.*

State v. Juan F. . . . . 33

*Sexual assault first degree; risk of injury to child; whether trial court improperly denied defendant's pretrial motion to dismiss for failure to prosecute within five year limitation period set forth in applicable statute of limitations ((Rev. to 2001) § 54-193a); whether trial court's finding that defendant was not available for arrest between issuance and execution of arrest warrant was not clearly erroneous.*

State v. Juan J. . . . . 1

*Sexual assault first degree; attempt to commit sexual assault first degree; risk of injury to child; claim that trial court had abused its discretion in admitting evidence of defendant's uncharged misconduct in connection with allegations of sexual abuse; unreserved claim by state that judgment of conviction could be affirmed on alternative ground that uncharged misconduct evidence was admissible to show propensity under applicable provision (§ 4-5 (b)) of Connecticut Code of Evidence; whether trial court abused its discretion in admitting uncharged misconduct evidence under applicable provision (§ 4-5 (c)) of Connecticut Code of Evidence to show intent and absence of mistake or accident on part of defendant; whether admission of uncharged misconduct evidence was harmful.*

State v. Mekoshvili . . . . . 673

*Murder; certification from Appellate Court; whether Appellate Court correctly concluded that trial court properly declined request for specific unanimity instruc-*

	<i>tion on self-defense; whether, in ordinary case, constitutional requirement that jury agree unanimously that state has proven each element of charged crime beyond reasonable doubt applied to defendant's claim of self-defense; whether jury was required to be unanimous as to each component of defendant's claim of self-defense; claim that uncomplicated criminal case, such as defendant's case, warranted specific unanimity instruction on ground that Connecticut's model criminal jury instruction on self-defense was so convoluted that jurors could not readily grasp and apply law of self-defense.</i>	
State v. Patrick M. . . . .		565
	<i>Murder; criminal possession of firearm; claim that evidence was insufficient to support defendant's conviction; claim that prosecutor improperly commented on defendant's invocation of his right to remain silent following advisement of his rights pursuant to Miranda v. Arizona (384 U.S. 436), in violation of his due process right to fair trial; standard applicable to ambiguous prosecutorial remarks that reasonably could be interpreted to refer either to defendant's pre-Miranda or post-Miranda silence, discussed; whether trial court abused its discretion in admitting certain evidence of defendant's uncharged misconduct.</i>	
State v. Patterson . . . . .		281
	<i>Murder; whether trial court abused its discretion in admitting uncharged misconduct evidence; claim that testimony by state's firearms expert was irrelevant to issue of shooter's identity insofar as witness' methodology lacked scientific reliability; claim that prejudicial effect of uncharged misconduct evidence outweighed its probative value; claim that uncharged misconduct evidence was cumulative.</i>	
State v. Peluso . . . . .		404
	<i>Sexual assault first degree; sexual assault fourth degree; risk of injury to child; certification from Appellate Court; whether Appellate Court correctly concluded that trial court did not abuse its discretion in granting state permission to file amended information after start of trial; claim that trial court improperly found that good cause existed for state's late amendment to information after start of trial; whether good cause existed for late amendment of information after start of trial when state became aware between two and four weeks before trial began that information inaccurately listed years of alleged incidents of sexual abuse; whether defendant was prejudiced by state's late amendment to information.</i>	
State v. Qayyum . . . . .		302
	<i>Conspiracy to sell narcotics; possession of narcotics with intent to sell; certification from Appellate Court; reviewability of defendant's claim that Appellate Court incorrectly concluded that trial court had not abused its discretion in permitting expert testimony from police detective on issue of whether defendant intended to sell narcotics; whether trial court's admission of testimony regarding defendant's lack of reportable wages, even if improper, was harmful.</i>	
State v. Rogers . . . . .		343
	<i>Murder; conspiracy to commit murder; assault first degree; certification from Appellate Court; whether this court should exercise its supervisory authority over administration of justice to reverse defendant's conviction despite defendant's failure to preserve objection to state's untimely disclosure of expert witness when defendant's codefendant successfully had his conviction reversed in light of that untimely disclosure; whether defendant and codefendant were similarly situated or similarly harmed by state's untimely disclosure of expert witness; claim that this court should review merits of defendant's unpreserved claim that trial court improperly had failed to conduct hearing pursuant to State v. Porter (241 Conn. 57) prior to allowing witness to testify regarding certain cell site location information; whether defendant was relieved of obligation to preserve his claim regarding Porter hearing in light of this court's decision in State v. Edwards (325 Conn. 97), which was released after defendant's trial but during pendency of his appeal, that Porter hearing is required prior to admission of evidence concerning cell site location information and in light of this court's subsequent determination that rule announced in Edwards applied retroactively.</i>	
State v. Samuolis . . . . .		200
	<i>Murder; assault first degree; attempt to commit assault first degree; claim that trial court improperly denied defendant's motion to suppress certain evidence seized by police officers as result of their warrantless entry into his home; whether officers' warrantless entry into defendant's home was justified under emergency exception to warrant requirement of fourth amendment to United States constitution; whether, under totality of circumstances, it was reasonably objective for</i>	

	<i>officers to conclude that there was emergency justifying their initial entry into defendant's home; applicability of emergency exception in light of United States Supreme Court's decision in Caniglia v. Strom (141 S. Ct. 1596), discussed.</i>	
State v. Schimanski . . . . .	<i>Operating motor vehicle with suspended license; conditional plea of nolo contendere; certification from Appellate Court; whether Appellate Court improperly upheld trial court's denial of defendant's motion to dismiss charge of operating motor vehicle with suspended license; claim that Appellate Court incorrectly interpreted relevant statute (§ 14-227b (i) (1)) as extending suspension of person's license under statute beyond specified forty-five day period until motor vehicle operator subject to suspension has installed ignition interlock device; whether Appellate Court incorrectly determined that analysis and rationale of State v. Jacobson (31 Conn. App. 797), and State v. Cook (36 Conn. App. 710), were inapplicable to present case; whether defendant's interpretation of § 14-227b (i) (1) would yield absurd result.</i>	435
State v. Smith . . . . .	<i>Robbery first degree; conspiracy to commit robbery first degree; assault first degree; arson second degree; conspiracy to commit arson second degree; attempt to commit murder; conspiracy to commit murder; larceny third degree; interfering with officer; claim that trial court improperly denied defendant's motion to suppress evidence discovered during search of his cell phone and evidence obtained from his cell phone provider; whether warrants authorizing searches were supported by probable cause; whether warrants were sufficiently particular to comport with fourth amendment to United States constitution; whether any error in denial of defendant's motion to suppress was harmless beyond reasonable doubt.</i>	229
Willis W. v. Office of Adult Probation (Order). . . . .		902
Wind Colebrook South, LLC v. Colebrook . . . . .	<i>Tax appeal; appeal from assessment of real property taxes on basis that property was overvalued and overassessed; claim that assessor of defendant town improperly classified plaintiff's wind turbines and associated equipment as real property pursuant to statute (§ 12-64 (a)) rather than as personal property pursuant to statute (§ 12-41 (c)); whether trial court correctly concluded that wind turbines constitute "buildings" or "structures" pursuant to § 12-64 (a); whether wind turbines and their associated equipment were taxable under "fixtures of . . . electric . . . companies" provision of § 12-41 (c); whether trial court correctly concluded that plaintiff did not establish its allegations of overvaluation and over-assessment.</i>	150
Vogue v. Administrator, Unemployment Compensation Act . . . . .	<i>Unemployment compensation; certification from Appellate Court; appeal from trial court's judgment dismissing appeal from decision of Employment Security Board of Review; whether Appellate Court correctly concluded that plaintiff was liable for unpaid unemployment compensation contributions under Unemployment Compensation Act (§ 31-222 et seq.) on ground that tattoo artist who worked on plaintiff's premises was employee rather than independent contractor; whether tattoo artist was plaintiff's employee under part B of ABC test under § 31-222 (a) (1) (B) (ii) (II) insofar as record contained substantial evidence that provision of tattoo services was within plaintiff's usual course of business.</i>	321