

**Cumulative Table of Cases
Connecticut Reports
Volume 340**

(Replaces Prior Cumulative Table)

Abel v. Johnson	240
<i>Action to enjoin defendant property owner, who was operating landscaping business on her property, from violating restrictive covenant limiting use of property to residential purposes only; certification from Appellate Court; whether Appellate Court incorrectly determined that plaintiff property owners did not have standing to enforce restrictive covenant, which was contained in deed from original grantors to housing developer that subsequently subdivided property; whether language in deeds conveying lots from housing developer to parties' predecessors in title providing that they took title "subject to" earlier deed rendered that restriction enforceable by grantees of housing developer, when residential use restriction in deed from original grantors expressly inured to benefit of their remaining land; whether, in light of deed language and surrounding circumstances, housing developer intended to establish general plan of development limited to residential use.</i>	
Anketell v. Kulldorff (Order)	905
Baldwin v. Commissioner of Correction (Order)	906
Barnes v. Greenwich Hospital (Order)	904
Benjamin F. v. Dept. of Developmental Services (Order)	921
Boardwalk Realty Associates, LLC v. M & S Gateway Associates, LLC	115
<i>Receiver of rents; claim that trial court improperly granted defendants' motion for summary judgment; whether trial court correctly concluded that plaintiff, which was appointed receiver of rents pursuant to statute (§ 12-163a (a)), was not authorized to collect rent or use and occupancy payments from occupants of property, when defendants had no effective lease and owner abandoned property and did not pursue its rights against defendants, which had been using property to operate automobile dealership since property owner abandoned that property.</i>	
Coltherst v. Commissioner of Correction (Order)	920
Commission on Human Rights & Opportunities v. Cantillon (Order)	909
Connolly v. State (Order) (See Menard v. State)	916
Cruz v. Commissioner of Correction (Order)	913
Doe v. Madison	1
<i>Negligence; governmental immunity; summary judgment; action against defendant town, defendant board of education, and defendant high school principal alleging negligence insofar as defendants failed to properly supervise teacher who sexually abused plaintiff students during school hours and failed to train school employees to identify and report such abuse or imminent risk of abuse; whether defendants breached ministerial duty to report reasonable suspicion of child abuse, as imposed by mandatory reporting statute (§ 17a-101a) and board of education reporting policy; whether defendants' employees had reasonable cause to suspect that teacher was sexually abusing plaintiffs or exposing plaintiffs to imminent risk of sexual abuse; whether deposition testimony of high school athletic director established ministerial duty of professionalism; whether imminent harm to identifiable persons exception to governmental immunity applied; whether town was liable for failure of its police officer, who was assigned to school as resource officer, to monitor school's security camera footage; whether there was ministerial duty to monitor security camera footage.</i>	
Gutierrez v. Mosor (Order)	913
Halladay v. Commissioner of Correction	52
<i>Habeas corpus; denial of petition for certification to appeal from habeas court's discovery order; certification from Appellate Court; claim that habeas court improperly granted motion filed by respondent, Commissioner of Correction, for production of materials from petitioner's underlying criminal defense and investigative files, which purportedly were relevant to petitioner's ineffective assistance of counsel claim; whether Appellate Court properly granted respondent's motion to dismiss appeal on ground that habeas court's discovery order</i>	

<i>was not final judgment under State v. Curcio (191 Conn. 27); whether this court should reach merits of petitioner's appellate claims by treating his appeal as direct appeal from interlocutory order on certification by Chief Justice pursuant to statute (§ 52-265a) allowing Chief Justice to certify appeals involving matters of substantial public interest.</i>	
Hartford Police Dept. v. Commission on Human Rights & Opportunities (Orders)	920
High Watch Recovery Center, Inc. v. Dept. of Public Health (Order)	913
Idlibi v. Dept. of Children & Families (Order)	918
In re Neveah D. (Order)	904
In re Omar I. (Order)	912
Jackson v. Commissioner of Correction (Order)	904
Johnson v. Commissioner of Correction (Order)	911
Joyner v. Commissioner of Correction (Order)	906
JPMorgan Chase Bank, National Assn. v. Malick (Order)	912
KeyBank, N.A. v. Yazar (Order)	901
Krahel v. Czoch (Order)	918
Leconte v. Commissioner of Correction (Order)	902
Maghfour v. Waterbury	41
<i>Lien filed on certain settlement proceeds pursuant to public act (P.A. 17-165, § 1); whether P.A. 17-165, § 1, authorized city to file lien when plaintiff's injuries occurred and his action against third-party tortfeasor was commenced before effective date of public act; whether trial court properly granted plaintiff's motion for summary judgment; claim that allowing city to place lien on plaintiff's settlement proceeds would not present retroactive application of statute because plaintiff settled his action against third-party tortfeasor after effective date of P.A. 17-165, § 1.</i>	
Mathews v. Mathews (Order)	912
Medical Device Solutions, LLC v. Aferzon (Order)	911
Menard v. State (Order)	916
Meribear Productions, Inc. v. Frank	711
<i>Action to enforce foreign default judgment; breach of contract; quantum meruit; personal jurisdiction; claim that trial court improperly enforced California judgment against defendant husband; whether defendant husband consented to jurisdiction of California court by virtue of forum selection clause in home staging services agreement that was signed solely by defendant wife, when defendant husband negotiated agreement with plaintiff and signed addendum to agreement; claim that agreement was unenforceable against defendant wife because plaintiff had failed to comply with provisions of Home Solicitation Sales Act (§ 42-134a et seq.); whether home staging services agreement, intended to make defendants' residence more attractive for sale, was exempt from provisions of Home Solicitation Sales Act; whether agreement pertained to sale of real property; claim that trial court improperly awarded double damages to plaintiff; whether court's award of contractual damages was improper insofar as it included damages for conversion of plaintiff's inventory.</i>	
Mobley v. Commissioner of Correction (Order)	914
New Haven v. 20 Gerrish Avenue, LLC (Order)	918
Normandy v. American Medical Systems, Inc.	93
<i>Negligence; recklessness; civil conspiracy; violation of Connecticut Unfair Trade Practices Act (§ 42-110a et seq.); violation of Connecticut Product Liability Act (§ 52-572m et seq.); statutes of limitations; continuing course of conduct doctrine; fraudulent concealment doctrine; summary judgment; claim that defendant was liable for injuries sustained by named plaintiff in connection with surgical implantation of vaginal mesh sling performed at defendant's hospital by obstetrician and gynecologist who was not hospital employee; whether trial court incorrectly determined that defendant was not "product seller," as that term is defined in § 52-572m (a), for purposes of plaintiffs' product liability claim; whether essence of relationship between plaintiff patient and defendant was for provision of medical services or sale of mesh sling product; whether trial court correctly determined that statutes of limitations and repose period were not tolled by continuing course of conduct or fraudulent concealment doctrine.</i>	
North Sails Group, LLC v. Boards & More GMBH	266
<i>Breach of contract; personal jurisdiction; whether trial court properly granted defendants' motion to dismiss for lack of personal jurisdiction when defendant companies' principal places of business were in Germany and Austria; whether trial court correctly determined that exercise of personal jurisdiction would violate</i>	

due process; claim that defendant company had sufficient minimum contacts with Connecticut by virtue of its long-term contractual relationship with plaintiff company, which had principal place of business in Connecticut.

Not Another Power Plant v. Connecticut Siting Council 762
Application for certificate of environmental compatibility and public need pursuant to provision (§ 16-50k (a)) of Public Utility Environmental Standards Act; whether trial court properly dismissed plaintiff's appeal from decision of defendant siting council approving application of defendant energy company to construct electric generating facility; claim that plaintiff nonprofit environmental conservation association lacked standing to appeal from council's decision pursuant to statute (§ 22a-19 (a) (1)) for failure to raise colorable claim of unreasonable impairment or destruction of environment; claim that council's refusal to consider environmental impact of upgrading nonparty's gas pipeline during proceedings on defendant energy company's application for electric generating facility was arbitrary and capricious; claim that council improperly segmented project into two separate components in order to avoid comprehensive review of project's overall impact; whether plaintiff waived its claim regarding council's refusal to consider environmental impact of upgraded pipeline; whether council, in determining whether facility under review will have public benefit, was prohibited under Public Utility Environmental Standards Act from considering facts that facility under review is interdependent with another facility that did not yet exist and that there was significant likelihood that nonexistent facility ultimately might not be approved because its harmful effects, considered together with harmful effects of facility under review, could outweigh public benefit of facilities considered as whole; claim that trial court failed to recognize that upgraded pipeline could evade council's review; claim that trial court's failure to recognize that, under § 16-50k (a), nonparty owner of gas pipeline could file with council petition for declaratory ruling that upgraded pipeline would not have substantial adverse environmental effect rather than apply for certificate of environmental compatibility and public need.

NRT New England, LLC v. Longo (Order) 906
 People's United Bank v. Brown (Order) 905
 Pietraka v. Rogowski (Order) 903
 Rainbow Housing Corp. v. Cromwell 501
Tax appeals; application for tax exemption pursuant to statute (§ 12-81 (7)) for property used for, inter alia, charitable purposes and for "housing for . . . persons with a mental health disorder"; whether property on which plaintiff charitable organizations operated supervised apartment program for individuals with severe mental illness qualified for property tax exemption under § 12-81 (7); claim that plaintiffs were not aggrieved by denial of application for property tax exemption; whether housing provided by plaintiffs constituted "temporary housing," as that term is used in § 12-81 (7) (B).

Raspberry Junction Holding, LLC v. Southeastern Connecticut Water Authority 200
Negligence; summary judgment; whether trial court correctly determined that defendant municipal water authority owed plaintiff no legal duty of care; economic loss doctrine; whether trial court correctly determined that, although plaintiff's economic losses were reasonably foreseeable, imposing duty on defendant was inconsistent with public policy under circumstances of case; whether factors in test first articulated in Jaworski v. Kiernan (241 Conn. 399) militated against imposition of duty, as matter of public policy.

Robinson v. Tindill (Order) 917
 Santana v. Commissioner of Correction (Order) 920
 Shaheer v. Commissioner of Correction (Order) 903
 State v. Correa 619
Conspiracy to possess controlled substance with intent to sell; conspiracy to possess narcotics with intent to sell by person who is not drug-dependent; conspiracy to operate drug factory; whether canine sniff of exterior door to defendant's motel room was search for purposes of article first, § 7, of Connecticut constitution; claim that, even if canine sniff of motel room door was search, such search could be conducted without warrant, as long as search was based on reasonable and articulable suspicion that there were illicit drugs in room; claim that, even if canine sniff violated defendant's rights under state constitution, evidence seized from defendant's motel room was admissible under independent source or inevitable discovery doctrine; whether Appellate Court and trial court correctly deter-

	<i>mined that visual sweep of defendant's motel room was justified by exigent circumstances; claim that any impropriety with respect to visual sweep was obviated by independent source doctrine.</i>	
State v. Cowan (Order)		919
State v. Culbreath		167
	<i>Manslaughter first degree with firearm; criminal possession of firearm; carrying pistol without permit; claim that statements defendant made during custodial interrogation were improperly admitted into evidence because they were elicited by detective after defendant invoked his right to counsel under Miranda v. Arizona (384 U.S. 436), in violation of his state and federal constitutional rights; whether defense counsel waived defendant's unpreserved claim under federal constitution that his Miranda rights were violated when counsel stated that he had no objection to admission of defendant's written statement to police and video recording of interrogation; whether defense counsel's waiver of defendant's state constitutional claim was knowing and intelligent when, after jury returned verdict, this court adopted more protective standard for Miranda rights under state constitution (art. I, § 8); claim that defendant invoked his right to counsel, before signing written form waiving Miranda rights, by asking detective why form stated "that I'm wavering . . . how I don't want the presence of an attorney"; claim that defendant's question regarding whether "there [was] anybody [he could] talk to . . . [l]ike an attorney" was conditional and equivocal inquiry that reasonably could be construed as request for counsel under article first, § 8; whether state satisfied its burden of establishing that improper admission of defendant's out-of-court statements was harmless beyond reasonable doubt.</i>	
State v. Dawson		136
	<i>Criminal possession of pistol or revolver; criminal trespass third degree; certification from Appellate Court; whether Appellate Court incorrectly concluded that state had adduced sufficient evidence at trial to support defendant's conviction of criminal possession of pistol or revolver; whether there was sufficient evidence to establish beyond reasonable doubt that defendant had knowledge of gun and intent to exercise dominion or control over it; whether jury could have reasonably found that defendant constructively possessed gun; whether DNA evidence presented by state, standing alone or in combination with other evidence, was insufficient to support defendant's conviction.</i>	
State v. Dionne (Order)		910
State v. Espinal (Order)		916
State v. Fields (Order)		901
State v. Gibson		407
	<i>Felony murder; robbery first degree; conspiracy to commit robbery first degree; criminal possession of firearm; whether trial court properly admitted portions of written statement of state's witness; whether admission of that evidence, even if improper, was harmless; claim that trial court violated defendant's constitutional right to confront witnesses against him by precluding defense counsel from cross-examining state's witness about pending criminal charges; whether limitations placed on defense counsel's cross-examination, even if in violation of defendant's right to confrontation, was harmless beyond reasonable doubt.</i>	
State v. Glen S. (Order)		909
State v. Green (Order)		905
State v. Heriberto B. (Order)		903
State v. Jodi D.		463
	<i>Assault of disabled person second degree; claim that statute (§ 53a-60b (a) (1)) delineating crime of assault of disabled person in second degree was unconstitutionally vague as applied to defendant's conduct; whether § 53a-60b (a) (1) was unconstitutionally overinclusive.</i>	
State v. LeRoya M.		590
	<i>Murder; affirmative defense of mental disease or defect; whether trial court reasonably rejected defendant's defense of mental disease or defect and opinions of defendant's expert relating to that defense.</i>	
State v. Luna (Order)		917
State v. Massaro (Order)		908
State v. Paschal (Order)		902
State v. Robert R.		69
	<i>Sexual assault first degree; whether trial court improperly precluded defense counsel from arguing to jury defendant's theory that victim had planted physical evidence in effort to substantiate her false allegations against defendant, in violation</i>	

of defendant's constitutional right to assistance of counsel; whether there was sufficient evidence in record to support defendant's theory of case; claim that evidence presented at trial was insufficient to support his conviction of first degree sexual assault; claim that trial court had abused its discretion in admitting testimony of expert in field of child and adolescent sexual abuse when victim was eighteen years old at time of alleged sexual assault.

State v. Shawn G. (Order) 907

State v. Tomlinson. 533

Murder; carrying pistol without permit; whether trial court improperly admitted expert testimony from police officer about gangs; reviewability of evidentiary claim that police officer's testimony about gangs was irrelevant when there was no direct evidence that defendant was in gang or that shooting of victim was gang related; unpreserved claim that police officer's expert testimony violated defendant's right to confrontation because it was conduit for inadmissible, testimonial hearsay from community contacts and informants who were not subject to cross-examination; claim that admission into evidence of rap music video featuring defendant and two other gang members handling firearm deprived defendant of his constitutional right to fair trial; whether trial court abused its discretion in admitting photographs of writing found on mirror in bedroom in defendant's residence under hearsay exception for statements of party opponent; whether evidence was sufficient for jury to reasonably infer that defendant had authored writing on mirror; whether trial court abused its discretion in admitting portions of witness' recorded phone conversation, in which she identified defendant as shooter, under spontaneous utterance exception to hearsay rule.

State v. Tinsley. 425

Motion to correct illegal sentence; manslaughter first degree; risk of injury to child; claim that defendant's sentence for both manslaughter in first degree and risk of injury to child violated constitutional prohibition against double jeopardy; certification from Appellate Court; claim that Appellate Court improperly reversed trial court's denial of defendant's motion to correct; whether Appellate Court incorrectly concluded that, although offenses of manslaughter in first degree and risk of injury to child were not same offense under Blockburger v. United States (284 U.S. 299) insofar as each contained statutory element that other offense lacked, they were nevertheless same offense, as charged by state in information, for double jeopardy purposes.

State v. Turner 447

Robbery first degree; felony murder; certification from Appellate Court; claim that trial court, by referring to larceny by false pretenses in its instructions, improperly presented jury with legally invalid but factually supported basis for finding defendant guilty of robbery and felony murder; whether trial court's instructions, although improper, presented jury with legally valid and factually supported alternative basis for finding defendant guilty of charged crimes; whether inclusion of factually unsupported theory of conviction was harmless.

State v. Yury G. (Order) 909

State v. Yusef L. (Order) 910

Strazza Building & Construction, Inc. v. Harris (Order) 915

Swain v. Commissioner of Correction (Order) 916

2772 BPR, LLC v. Planning & Zoning Commission (Order) 908

Talton v. Commissioner of Correction (Order) 907

Torres v. Commissioner of Correction (Order) 921

Watson Real Estate, LLC v. Woodland Ridge, LLC (Order) 911