

CONNECTICUT LAW JOURNAL



Published in Accordance with
General Statutes Section 51-216a

VOL. LXXIX No. 13 September 26, 2017 302 Pages

Table of Contents

CONNECTICUT REPORTS

Arroyo v. Commissioner of Correction (Order), 326 C 921	87
Bruno v. Commissioner of Correction (Order), 326 C 924	90
Burhans v. Guanise (Order), 326 C 924	90
Lee v. Commissioner of Correction (Order), 326 C 924	90
Lund v. Milford Hospital, Inc., 326 C 846	60
<i>Negligence; whether trial court properly sustained defendant hospital's objection to substitute complaint filed by plaintiff police officer; whether allegations in substitute complaint were materially different from those in original complaint so as to preserve plaintiff's right to appeal; firefighter's rule, discussed.</i>	
Rhodes v. Commissioner of Correction (Order), 326 C 922	88
Riley v. Travelers Home & Marine Ins. Co. (Order), 326 C 922	88
Robinson v. Robinson (Order), 326 C 921	87
Sepega v. DeLaura, 326 C 788	2
<i>Negligence; whether trial court properly granted defendant's motion to strike negligence claim asserted by plaintiff police officer; claim that common-law firefighter's rule should be extended beyond context of premises liability claims.</i>	
State v. Joseph R. B. (Order), 326 C 923	89
Suntech of Connecticut, Inc. v. Lawrence Brunoli, Inc. (Order), 326 C 923	89
Volume 326 Cumulative Table of Cases	91

CONNECTICUT APPELLATE REPORTS

Mason v. Ford, 176 CA 658.	44A
<i>Dissolution of marriage; motion for modification of child support; claim that trial court improperly found arrearage; whether trial court's factual finding that defendant had not paid support obligation, and court's implicit finding of when nonpayment began were clearly erroneous; credibility of witnesses; whether trial court, in determining end date of arrearage period, abused discretion by not complying with limitations of statute (§ 46b-86 [a]) that provides court with discretion to modify support order with retroactive effect to date on which motion to modify was served on opposing party; whether factual question existed concerning whether waiver occurred.</i>	
Miller v. Commissioner of Correction, 176 CA 616	2A
<i>Habeas corpus; ineffective assistance of trial counsel; whether habeas court abused discretion in denying petition for certification to appeal; claim that habeas court improperly concluded that trial counsel was not deficient in advising petitioner of immigration consequences of guilty plea; whether trial counsel's performance was deficient where counsel advised petitioner that conviction would render him deportable and did not advise that deportation was certain; failure of habeas court to make findings regarding whether petitioner was prejudiced by trial counsel's deficient performance.</i>	
Pecher v. Distefano, 176 CA 715.	101A
<i>Negligence; reviewability of claim that trial court committed harmful error by improperly admitting certain evidence; failure of plaintiff to provide complete record of trial proceedings.</i>	
Pentland v. Commissioner of Correction, 176 CA 779	165A
<i>Habeas corpus; claim that habeas court improperly dismissed petition for writ of habeas corpus for lack of subject matter jurisdiction; whether petitioner was in</i>	

(continued on next page)

custody at time petition was filed; whether petitioner alleged sufficient facts to establish subject matter jurisdiction; claim that petitioner was in custody because he was serving one continuous stream of sentences; whether habeas court had obligation to grant hearing prior to dismissing petition.

Pereira v. Commissioner of Correction, 176 CA 762 148A
Habeas corpus; claim that petitioner's due process rights were violated as result of kidnapping conviction; whether habeas court abused discretion in denying petition for certification to appeal; reviewability of claim that petitioner was entitled to jury instruction pursuant to State v. Salamon (287 Conn. 509) because restraint was incidental to uncharged assault that occurred inside car in which kidnapping occurred; claim that petitioner was entitled to Salamon instruction because restraint that occurred in car was merely incidental to commission of murder; whether criminal conduct inside car had criminal significance independent of events that occurred after victim escaped from car.

Sabrina C. v. Fortin, 176 CA 730. 116A
Civil protection order; whether trial court abused discretion in denying motion to vacate or modify protection order; claim that trial court erroneously found that motion to vacate was untimely; whether trial court, in articulation, improperly substituted basis for denial of motion to vacate protection order; whether trial court improperly granted request for attorney's fees under bad faith exception to American rule; whether trial court failed to provide required high degree of specificity in factual findings to support determination that motions to vacate and to reargue had been filed in bad faith and were entirely without color; claim that trial court improperly granted motion for one year extension of civil protection order; whether applicable statute (§ 46b-16a) required evidentiary hearing to determine whether need for protection still existed.

State v. Biggs, 176 CA 687 73A
Larceny in second degree; conspiracy to commit larceny in second degree; larceny in third degree as accessory; conspiracy to commit larceny in third degree; engaging police in pursuit; claim that trial court violated defendant's right to impartial jury by failing to conduct adequate investigation into claim of juror misconduct; claim that, pursuant to Remmer v. United States (347 U.S. 227), court improperly failed to accord defendant presumption that juror's communication was prejudicial in determining if defendant met burden of proving he had been prejudiced by juror's communication with third party during trial; whether court abused discretion when, after hearing testimony from third party in course of preliminary inquiry into claim of juror misconduct, it declined to hold further evidentiary hearing to receive testimony from juror; whether court violated defendant's right against double jeopardy by sentencing him on separate charges of conspiracy to commit larceny in second degree and conspiracy to commit larceny in third degree, both of which stemmed from single, unlawful agreement.

State v. Danovan T., 176 CA 637. 23A
Risk of injury to child; prosecutorial improprieties; claim that defendant was deprived of due process right to fair trial; claim that prosecutor made improper

(continued on next page)

CONNECTICUT LAW JOURNAL
 (ISSN 87500973)

Published by the State of Connecticut in accordance with the provisions of General Statutes § 51-216a.

Commission on Official Legal Publications
 Office of Production and Distribution
 111 Phoenix Avenue, Enfield, Connecticut 06082-4453
 Tel. (860) 741-3027, FAX (860) 745-2178
 www.jud.ct.gov

RICHARD J. HEMENWAY, *Publications Director*
 Published Weekly – Available at <http://www.jud.ct.gov/lawjournal>

Syllabuses and Indices of court opinions by
 ERIC M. LEVINE, *Reporter of Judicial Decisions*
 Tel. (860) 757-2250

The deadline for material to be published in the Connecticut Law Journal is Wednesday at noon for publication on the Tuesday six days later. When a holiday falls within the six day period, the deadline will be noon on Tuesday.

golden rule argument when asking jurors to put themselves in defendant's position and to evaluate defendant's statements against claim of innocence; whether minor, isolated misstatements of prosecutor constituted improprieties; claim that prosecutor improperly offered into evidence medical report containing prior misconduct evidence; reviewability of claim that trial court improperly restricted defendant's right to present impeachment evidence against state's witnesses and deprived him of constitutional right to confront witnesses against him; failure to challenge independent basis for trial court's ruling; mootness.

State v. Jeffrey H., 176 CA 666. 52A

Sexual assault in first degree; claim that trial court abused discretion and violated defendant's constitutional right to present defense by precluding certain testimony; whether trial court abused discretion by excluding as irrelevant certain testimony and evidence; consciousness of guilt evidence; claim that trial court abused discretion and deprived defendant of right to due process by admitting into evidence certain out of context interview statements made by defendant following failed polygraph examination; whether statements qualified for exception to rule against hearsay for admission by party opponent pursuant to applicable provision of Code of Evidence (§ 8-3 [1]).

Volume 176 Cumulative Table of Cases 175A

CONNECTICUT CODE OF EVIDENCE

Proposed Revisions to the Commentary to Section 8-6 of the Connecticut Code of Evidence 1B

MISCELLANEOUS

Notice of Application for Reinstatement to the Bar 2C

Notice of Certification as Authorized House Counsel 2C

Small Claims Decentralization 1C