

CONNECTICUT LAW JOURNAL



Published in Accordance with
General Statutes Section 51-216a

VOL. LXXIX No. 32 February 6, 2018 134 Pages

Table of Contents

CONNECTICUT REPORTS

Burke v. Mesniaeff (Order), 328 C 901	3
In re Damian G. (Order), 328 C 902.	4
In re Jacob W. (Order), 328 C 902.	4
Rockwell v. Rockwell (Order), 328 C 902	4
State v. Neary (Order), 328 C 901	3
Volume 328 Cumulative Table of Cases	7

CONNECTICUT APPELLATE REPORTS

Doctor's Associates, Inc. v. Searl, 179 CA 577	81A
<i>Arbitration; application to confirm arbitration award; whether trial court should have applied federal law in determining timeliness of motion to vacate arbitration award; whether federal law governed procedures used to enforce arbitration clause in parties' franchise agreement and, accordingly, procedure for moving to vacate arbitration award; whether defendants were entitled to hearing to determine whether they timely moved to vacate arbitration award under statutory time limit provided for in federal law.</i>	
Fields v. Commissioner of Correction, 179 CA 567	71A
<i>Habeas corpus; ineffective assistance of counsel; claim that habeas court erred in concluding that petitioner was not prejudiced by trial counsel's deficient performance; whether habeas court properly found that petitioner did not establish reasonable probability that, had trial counsel conveyed subject plea offer to him, he would have accepted it; credibility determinations; whether habeas court's credibility determination rejecting petitioner's testimony that he would have accepted offer was distinct from its affirmative finding that petitioner would have rejected it.</i>	
General Linen Service Co. v. Cedar Park Inn & Whirlpool Suites, 179 CA 527	31A
<i>Contracts; whether trial court abused its discretion in denying motion to open judgment rendered on default; claim that trial court abused its discretion by failing to hold that it lacked subject matter jurisdiction to render judgment due to failure to join necessary party; whether failure to join indispensable party deprives trial court of subject matter jurisdiction; whether joinder of party was mandated by statute; whether trial court properly determined that no good defense existed at time judgment was rendered as required by statute (§ 52-212 [a]).</i>	
Hazel v. Commissioner of Correction, 179 CA 534	38A
<i>Habeas corpus; claim that trial counsel provided ineffective assistance by failing to present codefendant's testimony; whether habeas court properly concluded that petitioner failed to prove he was prejudiced by trial counsel's failure to present testimony of codefendant; whether habeas court correctly determined that there was not reasonable probability that, had petitioner's trial counsel called codefendant to testify, outcome of petitioner's criminal trial would have been different; whether failure of trial counsel to call witness can constitute ineffective assistance without showing that witness' testimony would be helpful.</i>	
Megos v. Ranta, 179 CA 546	50A
<i>Personal injury; whether trial court improperly granted motion to dismiss action brought pursuant to accidental failure of suit statute (§ 52-592) due to failure of plaintiff to commence original action prior to expiration of statute of limitations; whether, pursuant to plain language of statute (§ 52-62 [a]), service on Commis-</i>	

(continued on next page)

sioner of Motor Vehicles has same validity as service on nonresident defendant personally; whether, by timely serving original action on commissioner, plaintiff served defendant personally and thereby commenced original action prior to running of statute of limitations; whether requirements of subsection (c) of § 52-62 that process be served both by service on commissioner and by mailing copy to defendant at last known address via certified mail addresses sufficiency of service rather than commencement of civil action.

Morgan v. Commissioner of Correction (Memorandum Decision), 179 CA 906 110A

State v. Anthony L., 179 CA 512 16A

Sexual assault in first degree; risk of injury to child; sexual assault in third degree; whether trial court abused its discretion in permitting state to introduce evidence of defendant's alleged prior uncharged sexual misconduct against victim; whether trial court abused its discretion in determining that probative value of prior uncharged sexual misconduct evidence outweighed prejudicial effect; whether evidence was insufficient to support conviction; whether victim testified with sufficient specificity so as to permit jury to determine that unlawful conduct defendant engaged in was digital penetration.

State v. Blaine, 179 CA 499. 3A

Conspiracy to commit robbery in first degree; claim that trial court committed plain error in failing to instruct jury that to find defendant guilty of conspiracy to commit robbery in first degree, it had to find that he intended and specifically agreed that participant in robbery would be armed with deadly weapon; whether record supported claim of plain error; whether it was fairly debatable whether court's instruction as to requisite intent was erroneous; whether any alleged error amounted to manifest injustice and affected fairness and integrity of and public confidence in judicial proceedings so as to necessitate reversal.

State v. Juarez, 179 CA 588. 92A

Conspiracy to commit murder; attempt to commit murder; whether evidence was sufficient to support conviction; whether defendant's offer to pay coconspirator to kill person was sufficient to prove defendant's intent to enter into agreement with coconspirator to have person killed; whether jury reasonably could have inferred that defendant intended to cause person's death; whether it was reasonable to infer that defendant had solicited, requested, commanded, importuned or intentionally aided coconspirator to engage in attempt to murder person; whether coconspirator, by soliciting and ultimately hiring police officer to kill person, took substantial steps in course of conduct planned to culminate in murder; claim that state did not prove defendant committed offenses substantially in manner described in information; claim that there was no evidence defendant engaged in criminal conduct on dates alleged in information.

United Amusements & Vending Co. v. Sabia, 179 CA 555 59A

Contracts; whether judgment on merits of breach of contract action was final judgment for purposes of appeal, even though issue of contractual attorney's fees remained outstanding; reviewability of claim that trial court improperly failed to find that contract was unenforceable based on defendant's special defenses of

(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.

mistake and duress; reviewability of claim that trial court incorrectly awarded damages based on unconscionable provisions of contract; whether trial court's determination of damages was clearly erroneous and not supported by record.

Volume 179 Cumulative Table of Cases 111A

NOTICES OF CONNECTICUT STATE AGENCIES

Green Bank, Connecticut 1B
Housing, Dept. of 1B

MISCELLANEOUS

Authorized House Council 1C
Apointment of Trustee 1C, 2C
Notice of Reprimand 1C
