

CONNECTICUT LAW JOURNAL



Published in Accordance with
General Statutes Section 51-216a

VOL. LXXX No. 50

June 11, 2019

226 Pages

Table of Contents

CONNECTICUT REPORTS

Benistar Employer Services Trust Co. v. Benincasa (Order), 331 C 932	54
Bree v. Commissioner of Correction (Order), 331 C 933	55
Demond v. Project Service, LLC, 331 C 816	2
<i>Negligence; public nuisance; summary judgment; whether trial court properly denied motions to set aside verdict and to direct judgment in favor of defendants on negligence claims; whether trial court properly concluded that defendant operators of service plaza owned by state owed duty of care to third-party motorists pursuant to Restatement (Second) of Torts (§ 324A) by undertaking contractual obligation to prevent consumption of alcohol and loitering at plaza; reviewability of claim that defendants were not liable for negligence because their conduct did not increase risk of harm to plaintiffs; reviewability of claim that defendants were not liable for negligence because neither highway motorists nor state relied on defendants' contractual undertaking; whether trial court properly granted defendants' motions for summary judgment with respect to plaintiffs' claim that defendants created public nuisance by allowing consumption of alcohol and loitering at service plaza.</i>	
Fields v. Skeen (Order), 331 C 931	53
Seaport Capital Partners, LLC v. 76-68 Truman Street, LLC (See Seaport Capital Partners, LLC v. Speer) (Order), 331 C 931	53
Seaport Capital Partners, LLC v. Speer (See Seaport Capital Partners, LLC v. Speer) (Order), 331 C 931	53
Seaport Capital Partners, LLC v. Speer (Order), 331 C 931	53
State v. Roman (Order), 331 C 931	53
Strano v. Azzinaro (Order), 331 C 932	54
Volume 331 Cumulative Table of Cases	57

CONNECTICUT APPELLATE REPORTS

Adams v. Commissioner of Correction (Memorandum Decision), 190 CA 904	146A
DeMaria v. Bridgeport, 190 CA 449	3A
<i>Personal injury; claim that defendant city was liable under municipal defective highway statute (§ 13a-149) for damages plaintiff sustained in fall on sidewalk owned by city; whether trial court improperly admitted into evidence, under applicable statute (§ 52-174 [b]), certain medical records that had been written by plaintiff's primary care provider, who worked in veterans affairs hospital; claim that our Supreme Court previously had recognized standard for admissibility of medical records under § 52-174 (b) that requires only that plaintiff testify as to relevance of records and that records originated from hospital; whether medical records at issue should not have been admitted where, as here, author of records was prohibited, pursuant to applicable federal regulation (38 C.F.R. § 14.808), from providing any opinion or expert testimony in any forum and, thus, was unavailable for cross-examination; whether city was harmed by improper admission of medical records.</i>	
In re Natalia M., 190 CA 583	137A
<i>Termination of parental rights; mootness; claim that trial court improperly concluded that Department of Children and Families had made reasonable efforts at reunification pursuant to statute (§ 17a-112 [j] [1]); failure of respondent father to challenge trial court's finding that he was unable or unwilling to benefit from reunification efforts, which was separate independent basis for upholding trial</i>	

(continued on next page)

court's determination that requirements of § 17a-112 (j) (1) had been satisfied; whether there was practical relief that could be afforded to father; whether appeal was moot.

Jordan v. Commissioner of Correction, 190 CA 557 111A

Habeas corpus; subject matter jurisdiction; manslaughter in first degree with fire-arm; carrying pistol or revolver without permit; claim that respondent Commissioner of Correction entered into, and subsequently breached, purported contract to award petitioner risk reduction credit in exchange for petitioner's adherence to offender accountability plan; whether habeas court properly dismissed petitioner's breach of contract claim for lack of subject matter jurisdiction; whether petitioner's claim gave rise to cognizable liberty interest.

Lewis v. Alves, 190 CA 580. 134A

Summary judgment; alleged deprivation of plaintiff's federal constitutional rights; whether trial court properly rendered summary judgment in favor of defendants on plaintiff's claims that he was denied due process of law when he was not permitted to call witness and was assigned unwanted advocate at disciplinary hearing, and that he was subjected to improper conditions of confinement.

Miller v. Maurer (Memorandum Decision), 190 CA 904 146A

Outing v. Commissioner of Correction, 190 CA 510. 64A

Habeas corpus; whether habeas court properly determined that petitioner's trial counsel did not render ineffective assistance; claim that habeas court improperly concluded that trial counsel's decision not to present alibi defense was not constitutionally deficient; whether trial counsel's approach to handling of certain witnesses was within wide range of reasonably effective assistance; whether trial counsel's decision to forgo testimony from expert witness concerning reliability of witness identifications was reasonable tactical choice under circumstances; claim that trial counsel performed deficiently by not preserving for appellate review claim related to trial court's exclusion of expert witness' testimony regarding eyewitness identifications; whether habeas court properly concluded that petitioner failed to prove that appellate counsel was deficient in failing to claim in petitioner's direct appeal that trial court incorrectly denied request to present surrebuttal evidence; claim that habeas court incorrectly determined that petitioner did not prove claim of actual innocence.

Rausser v. Pitney Bowes, Inc., 190 CA 541 95A

Workers' compensation; appeal from decision of Compensation Review Board affirming decision of Workers' Compensation Commissioner dismissing claim for workers' compensation benefits; whether evidence amply supported commissioner's determination that for several hours plaintiff was engaged in substantial deviation from his employment activities; claim that commissioner failed to set forth factual determination as to whether, at time plaintiff sustained subject injuries, he was on direct route of his business travel; whether plaintiff failed to demonstrate that either commissioner or board misapplied law in evaluating claim for benefits; credibility determinations.

(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 <https://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.

State v. Fernandes (See State v. Sanchez), 190 CA 466 20A
 State v. Nalewajk, 190 CA 462 16A
 Possession of narcotics with intent to sell by person who is not drug-dependent; failure to appear in first degree; motion to correct illegal sentence; mootness; whether defendant's death during pendency of appeal rendered appeal moot.
 State v. Ramon A. G., 190 CA 483 37A
 Assault in third degree; criminal violation of protective order; whether defendant properly preserved claim that trial court violated his constitutional rights to due process and to present defense by improperly declining to give jury instruction on defense of personal property with respect to assault charge; whether doctrine of implied waiver precluded substantive consideration of claim of instructional impropriety; whether improper comment of prosecutor deprived defendant of fair trial.
 State v. Rodriguez (See State v. Sanchez), 190 CA 466 20A
 State v. Sanchez, 190 CA 466 20A
 Sale of narcotics by person who is not drug-dependent; possession of narcotics with intent to sell by person who is not drug-dependent; whether trial court improperly dismissed motions to correct illegal sentence for lack of subject matter jurisdiction; claim that lack of drug dependency by defendants was element that state was required to plead and prove beyond reasonable doubt pursuant to statute ([Rev. to 2013] § 21a-278 [b]); whether drug dependency is affirmative defense that must be proven by defendant; whether, at time trial court dismissed motions to correct, defendants raised colorable claims; whether, in light of Supreme Court's decision in State v. Evans (329 Conn. 770), defendants' motions to correct no longer presented colorable claims of illegal sentence.
 State v. Slaughter (See State v. Sanchez), 190 CA 466 20A
 State v. Thigpen (See State v. Sanchez), 190 CA 466 20A
 Vassell v. Commissioner of Correction (Memorandum Decision), 190 CA 903 145A
 Villafane v. Commissioner of Correction, 190 CA 566 120A
 Habeas corpus; reviewability of claim that habeas court abused its discretion in denying petition for certification to appeal with respect to issue of whether habeas court improperly denied motions for appointment of habeas counsel; failure of petitioner to raise claim in petition for certification to appeal; reviewability of claim that habeas court abused its discretion in denying petition for certification to appeal with respect to issue of whether trial counsel rendered ineffective assistance; failure to brief claim adequately.
 Volume 190 Cumulative Table of Cases 147A

CONNECTICUT PRACTICE BOOK

Notice of Public Hearing on Practice Book Revisions to the Rules of Appellate Procedure. 1PB

NOTICES OF CONNECTICUT STATE AGENCIES

Connecticut Housing Finance Authority 1B

MISCELLANEOUS

Bar Examining Committee 1C
 Notice of Certification as Authorized House Counsel 4C
 Notice of Resignation of Attorney 4C