

CONNECTICUT LAW JOURNAL



Published in Accordance with
General Statutes Section 51-216a

VOL. LXXXI No. 20

November 12, 2019

173 Pages

Table of Contents

CONNECTICUT REPORTS

A Better Way Wholesale Autos, Inc. v. Saint Paul (Order), 333 C 935	47
Alvarez v. Middletown (Order), 333 C 936	48
Amica Mutual Ins. Co. v. Levine (Order), 333 C 935	47
DeRose v. Jason Robert’s, Inc. (Order), 333 C 934	46
Garden Homes Management Corp. v. Town Plan & Zoning Commission (Order), 333 C 933	45
Norwich v. Loskoutova (Order), 333 C 936	48
One Elmcroft Stamford, LLC v. Zoning Board of Appeals (Order), 333 C 936	48
State v. Ellis (Order), 333 C 933	45
State v. Martin (Order), 333 C 932	44
State v. McClean (Orders), 333 C 932.	44
State v. Parker (Order), 333 C 933	45
Tremont Public Advisors, LLC v. Connecticut Resources Recovery Authority, 333 C 672.	2
<i>Action by plaintiff public affairs firm against defendant quasi-public agency under Connecticut Antitrust Act (35-24 et seq.) for defendant’s allegedly anticompetitive conduct in conducting sham public bidding process for contract for municipal government liaison services; whether trial court should have granted defendant’s motion to dismiss rather than its motion to strike for failure to plead legally sufficient antitrust claim; whether plaintiff had standing to bring antitrust action; basis for standing in antitrust action, discussed.</i>	
Wilton Campus 1691, LLC v. Wilton (Order), 333 C 934	46
Wilton River Park North, LLC v. Wilton (Order) (See Wilton Campus 1691, LLC v. Wilton), 333 C 934.	46
Wilton River Park 1688, LLC v. Wilton (Order) (See Wilton Campus 1691, LLC v. Wilton), 333 C 934.	46
Volume 333 Cumulative Table of Cases	49

CONNECTICUT APPELLATE REPORTS

A.C. Consulting, LLC v. Alexion Pharmaceuticals, Inc., 194 CA 316	74A
<i>Contracts; negligent misrepresentation; breach of covenant of good faith and fair dealing; claim that, in considering legal sufficiency of substitute complaint, trial court improperly failed to consider whether applicable contractual period was ambiguous and to construe claimed ambiguity against defendant as drafter of contract; whether trial court improperly concluded that plaintiff’s allegation that defendant terminated contract without giving plaintiff sufficient notice under contract was legally insufficient to state claim for breach of contract; whether trial court improperly concluded that allegations that defendant made assurances regarding length of contract were insufficient to plead any of plaintiff’s causes of action.</i>	
Ciccarelli v. Ciccarelli, 194 CA 335	93A
<i>Partition; motion for summary judgment; whether Appellate Court lacked subject matter jurisdiction over appeal challenging partial summary judgement rendered by trial court; whether defendant appealed from final judgment when one count of two count complaint remained pending and record did not contain withdrawal or unconditional abandonment of remaining count.</i>	
Rogers v. Commissioner of Correction, 194 CA 339	97A
<i>Habeas corpus; whether habeas court improperly denied amended petition for writ of habeas corpus; claim that trial counsel provided ineffective assistance; whether</i>	

(continued on next page)

habeas court properly concluded that petitioner failed to sustain his burden of proving that he was prejudiced by trial counsel's alleged deficient performance; whether it was reasonably probable that, but for trial counsel's alleged deficient legal advice, petitioner would have accepted state's thirty-five year plea deal; claim that habeas court's finding that petitioner would have rejected plea deal even if he had received accurate advice from trial counsel concerning admissibility of certain testimony was clearly erroneous; whether petitioner's testimony that he would have accepted plea deal was unreliable; whether claim that prior habeas counsel rendered ineffective assistance failed as matter of law.

State v. Brooks, 194 CA 301 59A

Illegal receipt of firearm; whether evidence was insufficient to support conviction of illegal receipt of firearm because state did not prove when or how defendant received firearm.

State v. DeJesus, 194 CA 304. 62A

Sexual assault in fourth degree; risk of injury to child; unpreserved claim that trial court improperly admitted into evidence expert testimony regarding how child victims of sexual abuse behave and how they disclose their abuse; whether trial court committed plain error in admitting testimony of expert witness; request that this court exercise its supervisory authority over administration of justice to preclude, as matter of law, admission of expert testimony on characteristics of children who report sexual abuse; claim that trial court abused its discretion during pretrial hearing by refusing to permit defendant to ask victim leading questions on direct examination; whether defendant failed to establish that trial court's alleged error caused him harm.

State v. Patel, 194 CA 245 3A

Murder; home invasion; burglary in first degree as accessory; robbery in first degree as accessory; conspiracy to commit burglary in first degree; tampering with physical evidence; whether trial court abused its discretion when it admitted coconspirator's statements pursuant to dual inculpatory statement exception to hearsay rule in applicable provision (§ 8-6 [4]) of Connecticut Code of Evidence; unpreserved claim that trial court improperly found coconspirator unavailable to testify; claim that defendant's sixth amendment right to confrontation was violated when trial court failed to have coconspirator sworn in prior to making its determination that coconspirator was unavailable to testify; claim that trial court committed plain error when it failed to have coconspirator sworn in before making its determination that coconspirator was unavailable to testify; claim that trial court violated defendant's sixth amendment right to confrontation when it admitted tape recording of coconspirator's statements to jailhouse informant; claim that coconspirator's statements to jailhouse informant constituted inadmissible testimonial hearsay under federal constitution; unpreserved claim that coconspirator's statements to jailhouse informant were testimonial under due process and confrontation clauses in article first, § 8, of state constitution; claim that trial court abused its discretion when it admitted coconspirator's statements to jailhouse informant and coconspirator's girlfriend pursuant to § 8-6 (4); whether trial court properly

(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.

found that coconspirator's statements to jailhouse informant and coconspirator's girlfriend presented sufficient indicia of reliability; whether trial court abused its discretion when it excluded from evidence under § 8-6 (4) certain testimony as not trustworthy; whether trial court abused its discretion when it denied defendant's motion to preclude state from offering testimony about cell phone tower data analysis; claim that trial court failed to conduct hearing pursuant to State v. Porter (241 Conn. 57) to determine reliability of methods and procedures concerning cell phone tower data analysis; whether evidence was sufficient to convict defendant of murder under theory of liability that was predicated on Pinkerton v. United States (328 U.S. 640).

Volume 194 Cumulative Table of Cases 111A

MISCELLANEOUS

Notice of Inactive Status 1B
