

CONNECTICUT LAW JOURNAL



Published in Accordance with
General Statutes Section 51-216a

VOL. LXXX No. 34 February 19, 2019 184 Pages

Table of Contents

CONNECTICUT REPORTS

Independent Party of CT—State Central <i>v.</i> Merrill (SC 20160), 330 C 729.	51
<i>Writ of error; elections; whether claims made by plaintiffs in error political candidates regarding printing of ballots was rendered moot by subsequent unchallenged decision of defendant in error secretary of state; whether claim for relief made by defendant in error political candidate was properly before court.</i>	
Independent Party of CT—State Central <i>v.</i> Merrill (SC 20165), 330 C 681.	3
<i>Declaratory judgment; claim that trial court was deprived of personal jurisdiction by failure to render timely decision pursuant to statute (§ 51-183b); whether trial court's order requiring supplemental briefing and oral argument on colorable issue of subject matter jurisdiction rendered trial court's decision timely under § 51-183b; whether trial court properly determined that, pursuant to statute (§ 9-374) governing minor parties, bylaws drafted in 2010 constituted effective party rules of statewide Independent Party; whether prior decision denying motion for temporary order of mandamus in separate civil action was entitled to preclusive effect under doctrine of res judicata or collateral estoppel; whether trial court's finding that plaintiffs had waived right to challenge 2010 bylaws was clearly erroneous; unpreserved claim that trial court's decision improperly interfered with Independent Party's constitutional right to choose candidates; inducement of constitutional errors, discussed; whether trial court had abused its discretion in permitting late amendment to answer.</i>	
Konover <i>v.</i> Kolakowski (Order), 330 C 970	70
Miller <i>v.</i> Lyman (Order), 330 C 969	69
Moore <i>v.</i> Commissioner of Correction (Order), 330 C 970.	70
U.S. Equities Corp. <i>v.</i> Ceraldi (Order), 330 C 971	71
Volume 330 Cumulative Table of Cases	73

CONNECTICUT APPELLATE REPORTS

Bozelko <i>v.</i> Papastavros (Memorandum Decision), 187 CA 904	80A
Colinet <i>v.</i> Brown, 187 CA 883	73A
<i>Alleged deprivation of plaintiff's federal constitutional rights; whether trial court properly determined that plaintiff's fourteenth amendment rights to due process and to equal protection were not violated; whether trial court properly determined that plaintiff's first and fourteenth amendment right against retaliation was not violated; whether trial court's conclusions constituted bias and abuse of discretion; whether plaintiff had property or liberty interest in any particular job while in prison.</i>	
Connecticut Community Bank, N.A. <i>v.</i> Kiernan, 187 CA 868	58A
<i>Foreclosure; interpleader; whether trial court improperly excluded from award of attorney's fees to plaintiff bank under mortgage note any fees incurred in asserting priority of its mortgage over that of prior encumbrancer; reviewability of claim that trial court improperly applied Total Recycling Services of Connecticut, Inc. <i>v.</i> Connecticut Oil Recycling Services, LLC (308 Conn. 312) when it required plaintiff to distinguish attorney's fees it incurred as against defendant from those incurred as against prior encumbrancer.</i>	
Finney <i>v.</i> Cameron's Auto Towing Repair (Memorandum Decision), 187 CA 903	79A
Guijarro <i>v.</i> Antes (Memorandum Decision), 187 CA 904	80A

(continued on next page)

Pritsker v. Bowman (Memorandum Decision), 187 CA 903 79A
 Smith v. Commissioner of Correction, 187 CA 857 47A
Habeas corpus; whether habeas court properly accepted petitioner's withdrawal of habeas petition only with prejudice; whether petitioner had opportunity to be heard on prior habeas petitions; whether habeas court acted within discretion in accepting withdrawal of petition only with prejudice.
 State v. Bennett, 187 CA 847. 37A
Felony murder; home invasion; burglary in first degree; whether trial court improperly denied motion to correct illegal sentence; claim that sentence for both burglary in first degree and home invasion violated constitutional protection against double jeopardy; claim that robbery that gave rise to home invasion was incidental to completion of larceny that gave rise to burglary charge and, therefore, could be considered as part of uninterrupted course of conduct in furtherance of burglary; whether acts were susceptible to separation into parts that supported conviction of both burglary in first degree and home invasion.
 State v. Martinez (Memorandum Decision), 187 CA 904 80A
 State v. Rivera, 187 CA 813. 3A
Breach of peace in second degree; criminal mischief in third degree; threatening in second degree; whether trial court erroneously precluded defendant from cross-examining witness as to specific acts underlying witness' prior convictions, thereby violating defendant's constitutional rights to confrontation and to present defense; whether trial court abused its discretion in prohibiting defendant from cross-examining witness as to specific acts underlying witness' prior larceny convictions and breach of peace conviction; whether trial court erroneously denied motion seeking disclosure and in camera review of medical, mental health, and drug and alcohol treatment records of witness; whether trial court committed instructional error by failing to instruct jury that defense of property constituted justification defense to charge of criminal mischief in third degree; claim that, pursuant to statute (§ 53a-16), defense of property applies in any prosecution for offense; claim that state failed to meet its burden to disprove defendant's defense of property justification defense beyond reasonable doubt; whether evidence adduced at trial demonstrated that defendant reasonably believed that tow truck driver was stealing his car and that physical force was necessary to prevent larceny; claim that state failed to meet its burden to disprove defendant's self-defense justification defense beyond reasonable doubt; whether evidence adduced at trial demonstrated that defendant reasonably believed that tow truck driver was using or was about to use deadly or nondeadly force on him and that physical force was necessary to defend himself.
 State v. Tyson, 187 CA 879. 69A
Violation of probation; claim that trial court improperly admitted into evidence details of defendant's prior criminal history; claim that trial court abused its discretion in concluding that defendant was not amenable to probation and imposing entire nine year period of incarceration remaining on underlying sentence.
 Volume 187 Cumulative Table of Cases 81A

(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.

SUPREME COURT PENDING CASES

Summaries 1B

NOTICES OF CONNECTICUT STATE AGENCIES

Dept. of Housing—Receipt of a Completed Application for a Moratorium 1C

MISCELLANEOUS

Division of Criminal Justice—Notice of Job Opportunity 1D
CORRECTED—Division of Criminal Justice—Notice of Job Opportunity 3D
