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The "officially released" date that appears near the beginning of each opinion is the date the opinion will be published in the Connecticut Law Journal or the date it was released as a slip opinion. The operative date for the beginning of all time periods for filing postopinion motions and petitions for certification is the "officially released" date appearing in the opinion.

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STEVEN K. STANLEY *v.* ADAM B. SCOTT ET AL.
(AC 45838)

Prescott, Clark and Lavine, Js.*

Syllabus

The self-represented, incarcerated plaintiff sought to recover damages from the defendant state's attorneys for alleged violations of his rights under the fourth and fourteenth amendments to the United States constitution. The plaintiff was convicted of various crimes, including criminal violation of a protective order, after he made approximately 1750 phone calls to a protected person. The plaintiff claimed that the defendants illegally obtained his cell phone records and used them against him at his underlying criminal trial. The trial court granted the defendants' motion for summary judgment on multiple grounds, including the defendants' lack of personal involvement in the alleged conduct and their absolute prosecutorial immunity. On the plaintiff's appeal to this court, *held* that the plaintiff abandoned his claims on appeal because he failed to adequately brief them, as he did not identify any claim of error made by the trial court or analyze any of the bases for the court's judgment granting the defendants' motion for summary judgment.

Argued October 4—officially released November 7, 2023

Procedural History

Action to recover damages for the defendants' alleged violations of the plaintiff's federal constitutional rights, brought to the Superior Court in the judicial district of Tolland, where the court, *Gordon*, *J.*, granted the defendants' motion for summary judgment and rendered judgment thereon, from which the plaintiff appealed to this court. *Affirmed*.

Steven K. Stanley, self-represented, the appellant (plaintiff).

Stephen R. Finucane, assistant attorney general, with whom, on the brief, was *William Tong*, attorney general, for the appellees (defendants).

Opinion

PER CURIAM. The incarcerated and self-represented plaintiff, Steven K. Stanley, appeals from the judgment rendered by the trial court in favor of the defendants, Adam B. Scott and Anthony Spinella. Although it is difficult to discern from the plaintiff's appellate brief, the plaintiff appears to claim that the defendants, assistant state's attorneys who prosecuted the plaintiff, illegally obtained his cell phone records and used them against him in his underlying criminal prosecution. The defendants contend, inter alia, that the plaintiff has abandoned his claims on appeal because he failed to adequately brief them. For the reasons that follow, we agree with the defendants that the plaintiff has failed to adequately brief any cognizable claim of error in relation to the court's rendering of judgment in favor of the defendants and, therefore, has abandoned any claim on appeal. We therefore affirm the judgment of the trial court.

The following procedural history is relevant to our disposition of the plaintiff's appeal. On December 12, 2012, the plaintiff was convicted, after a jury trial, of 100 counts of criminal violation of a protective order in violation of General Statutes § 53a-223, one count of stalking in the first degree in violation of General Statutes (Rev. to 2011) § 53a-181c, and one count of threatening in the second degree in violation of General Statutes (Rev. to 2011) § 53a-62. See *State* v. *Stanley*, 161 Conn. App. 10, 12, 125 A.3d 1078 (2015), cert. denied, 320 Conn. 918, 131 A.3d 1154 (2016). The plaintiff's conviction stemmed from evidence that approximately 1750 phone calls were made from the plaintiff's cell phone to the victim's cell phone between February 14 and March 24, 2012. Id., 14. The plaintiff was sentenced to eighteen years of imprisonment followed by twelve years of special parole. Id.

The plaintiff appealed his conviction to this court, but his appeal was ultimately unsuccessful. Id., 33. Thereafter, our Supreme Court denied the plaintiff's petition for certification to appeal. *State* v. *Stanley*, 320 Conn. 918, 131 A.3d 1154 (2016).

In addition to his direct appeal, the plaintiff has filed a host of civil actions and appeals in connection with his conviction and incarceration.[1] A significant theme throughout many of these actions is the plaintiff's repeated insistence that the state and its agents illegally obtained and used his cell phone records against him at his criminal trial. See, e.g., *Stanley* v. *Leclerc*, Superior Court, judicial district of Tolland, Docket No. CV-21-5015269-S (August 12, 2022), aff'd, 218 Conn. App. 906, 291 A.3d 1086, cert. denied, 346 Conn. 1025, 294 A.3d 1026 (2023); *Stanley* v. *Warden*, Superior Court, judicial district of Tolland, Docket No. CV-15-4007330-S (May 18, 2017), aff'd sub nom. *Stanley* v. *Commissioner of*

Correction, 194 Conn. App. 903, 220 A.3d 244 (2019), cert. denied, 336 Conn. 901, 242 A.3d 712 (2020), cert. denied sub nom. *Stanley* v. *Quiros*, U.S. , 142 S. Ct. 92, 211 L. Ed. 2d 22 (2021); *Stanley* v. *State's Attorney*, Superior Court, judicial district of Hartford, Docket No. CV-15-5040022-S (June 21, 2016), aff'd, 179 Conn. App. 901, 175 A.3d 85, cert. denied, 328 Conn. 926, 182 A.3d 637 (2018).

On May 17, 2018, the plaintiff commenced the present action. He alleged in his complaint, inter alia, that the defendants violated his rights under the fourth amendment to the United States constitution when Robert Vanacore, an East Hartford police officer, acquired his cell phone records without proper notification of the search warrant, used the improperly acquired phone records to obtain a warrant for his arrest, and illegally searched his home.[2] The plaintiff also alleged that the defendants violated his rights under the fourteenth amendment to the United States constitution when they used the phone records to obtain a conviction against him, in contravention of the court order precluding use of the records at trial, and that his privacy rights were violated. The plaintiff sought money damages pursuant to 42 U.S.C. § 1983.[3]

On August 15, 2019, the defendants filed their answer and special defenses. Thereafter, on January 14, 2022, the defendants filed a motion for summary judgment, advancing numerous bases for why they were entitled to judgment as a matter of law.

On August 2, 2022, the court granted the defendants' motion for summary judgment as to all claims. The court concluded that the defendants were entitled to summary judgment on the plaintiff's fourth amendment claims due to their lack of personal involvement in the alleged conduct and on the basis of qualified immunity. As to the plaintiff's fourteenth amendment claims, the court determined that the defendants were entitled to summary judgment on the basis of absolute prosecutorial immunity and in accordance with *Heck* v. *Humphrey*, 512 U.S. 477, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994).[4] The plaintiff timely appealed.

In the present case, the plaintiff appears to claim that the defendants illegally obtained his cell phone records and used them against him in his underlying criminal prosecution. The plaintiff's appellate brief, however, is nearly incomprehensible. See *Burton* v. *Dept. of Environmental Protection*, 337 Conn. 781, 803, 256 A.3d 655 (2021) ("[a]nalysis, rather than mere abstract assertion, is required in order to avoid abandoning an issue by failure to brief the issue properly" (internal quotation marks omitted)). Although the plaintiff sets forth a jumble of legal citations and allegations, his brief fails to identify any claim of error made by the trial court or analyze any of the bases for the court's judgment granting the defendants' motion for summary judgment. See

Traylor v. *State*, 332 Conn. 789, 805, 213 A.3d 467 (2019) ("when an appellant entirely fails to challenge the trial court's conclusions with respect to the merits of the case, thus leaving them intact despite the briefing of other issues, the appeal is, in essence, rendered moot"). The omissions in the plaintiff's brief lead us to conclude that the plaintiff has abandoned his claims. See, e.g., id. ("the plaintiff's complete failure to challenge what the trial court actually decided in its memoranda of decision operates as an abandonment of his claims"); *State* v. *Saucier*, 283 Conn. 207, 223, 926 A.2d 633 (2007) ("[a]n unmentioned claim is, by definition, inadequately briefed, and one that is generally . . . considered abandoned" (internal quotation marks omitted)). Although our courts are solicitous of self-represented parties, the "solicitous treatment we afford a self-represented party does not allow us to address a claim on his behalf when he has failed to brief that claim." *Traylor* v. *State*, supra, 807. Because the plaintiff's omissions "[operate] as an abandonment of any challenge" to the court's judgment in the present case, "we are required to affirm the judgment of the trial court." Id., 809–10.

The judgment is affirmed.

* The listing of judges reflects their seniority status on this court as of the date of oral argument.

[1] Connecticut state court dockets are publicly available. See State of Connecticut Judicial Branch, Superior Court Case Look-up, available at https://civilinquiry.jud.ct.gov/PartySearch.aspx (last visited October 31, 2023). The Appellate Court, like the trial court, "may take judicial notice of files of the Superior Court in the same or other cases." *McCarthy* v. *Commissioner of Correction*, 217 Conn. 568, 580 n.15, 587 A.2d 116 (1991).

[2] Officer Vanacore was not named as a defendant.

[3] Although the complaint made reference to numerous other statutes, the plaintiff clarified at the January 8, 2020 hearing before the trial court, *Gordon*, *J.*, that his claims were being brought pursuant to § 1983 for alleged violations of his rights under the fourth and fourteenth amendments.

[4] In *Heck*, the United States Supreme Court held "that, in order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus, 28 U.S.C. § 2254. A claim for damages bearing that relationship to a conviction or sentence that has *not* been so invalidated is not cognizable under § 1983. Thus, when a state prisoner seeks damages in a § 1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated. But if the district court determines that the plaintiff's action, even if successful, will not demonstrate the invalidity of any outstanding criminal judgment against the plaintiff, the action should be allowed to proceed, in the absence of some other bar to the suit." (Emphasis altered; footnotes omitted.) *Heck* v. *Humphrey*, supra, 512 U.S. 486–87.