

Cumulative Table of Cases Connecticut Appellate Reports Volume 185

(Replaces Prior Cumulative Table)

Adkins v. Commissioner of Correction	139
<i>Habeas corpus; ineffective assistance of counsel; motion to withdraw guilty plea; whether habeas court improperly rejected claim that prior habeas counsel rendered ineffective assistance by failing to raise claim that trial counsel rendered ineffective assistance by failing to advise petitioner with respect to his right to appeal from denial of motion to withdraw guilty plea; whether petitioner demonstrated that nonfrivolous ground for appeal of motion to withdraw guilty plea existed; whether petitioner demonstrated that trial counsel had constitutional obligation to advise him about his right to appeal; reviewability of claim that habeas court improperly rejected claim that prior habeas counsel rendered ineffective assistance by failing to present evidence in support of claim that petitioner's guilty plea was result of trial counsel's ineffective assistance; whether habeas court improperly rejected claim that prior habeas counsel rendered ineffective assistance by failing to claim in prior habeas action that trial counsel's conflict of interest resulted in petitioner's guilty plea; whether habeas court improperly determined that petitioner had waived conflict of interest claim; whether habeas court's factual finding concerning voluntariness of petitioner's guilty plea was supported by evidence in record.</i>	
Bayview Loan Servicing, LLC v. Beckford (Memorandum Decision)	905
Bloomfield Health Care Center of Connecticut, LLC v. Doyon	340
<i>Negligence; summary judgment; claim that trial court improperly granted motion for summary judgment; whether trial court incorrectly concluded that defendant did not owe duty to plaintiff to use reasonable care in performing his duties as conservator of estate of his ward who was receiving care at plaintiff's facility; whether harm suffered by plaintiff because of defendant's failure to timely submit ward's application for Medicaid benefits in order to obtain available public assistance funds for cost of patient's care was foreseeable as matter of law; claim that harm to plaintiff was not foreseeable because defendant was not in privity with plaintiff; whether public policy supported recognizing that defendant owed duty to plaintiff to use reasonable care in administration and management of ward's estate; discussion of statutory (§ 45a-655 [a]) duties of conservator of estate.</i>	
Bongiorno v. Capone	176
<i>Contracts; statutory theft; claim that breach of contract count should have been dismissed by trial court for lack of subject matter jurisdiction; claim that plaintiff had no standing to bring breach of contract claim because it was limited liability company, and not plaintiff, that suffered any damages as result of defendant's withdrawal from checking account owned by limited liability company; whether trial court lacked subject matter jurisdiction over statutory theft claim; whether statutory theft claim should have been dismissed rather than decided on substantive merits; whether plaintiff lacked standing to bring statutory theft claim in his individual capacity; reviewability of unpreserved claim that trial court erred in rendering judgment in favor of plaintiff on breach of contract claim without making conclusions of law regarding applicability of waiver provisions in settlement agreement.</i>	
Boria v. Commissioner of Correction (Memorandum Decision).	901
Britton v. Commissioner of Correction	388
<i>Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal from judgment denying habeas petition; whether habeas court improperly determined that petitioner was not denied statutory and constitutional rights to due process and effective assistance of first habeas counsel; whether petitioner was denied due process when he was convicted of kidnapping without jury having been instructed pursuant to State v. Salamon (287 Conn. 509) concerning whether restraint of victim exceeded that which was necessary to accomplish or complete other crimes with which petitioner was charged; harm-</i>	

lessness of trial court's failure to give Salamon instruction; whether habeas court improperly determined that claim of ineffective assistance of trial counsel was successive and, therefore, barred by doctrine of res judicata; whether habeas court improperly determined that petitioner's statutory and constitutional rights to effective assistance of first habeas counsel were not violated; claim that first habeas counsel rendered ineffective assistance with respect to investigation of trial counsel's assistance regarding suppression of petitioner's statement to police; claim that first habeas counsel was ineffective for having failed to investigate and subpoena witnesses to demonstrate that first responders to crime scene mishandled victim's body; claim that first habeas counsel rendered ineffective assistance by failing to introduce exculpatory evidence to show contradiction between certain witness' statements and trial testimony; claim that first habeas counsel was ineffective by failing to raise Salamon claim.

Brochard v. Brochard	204
<i>Dissolution of marriage; claim that trial court abused its discretion in denying motion for contempt that was based on plaintiff's alleged failure to pay his share of minor children's unreimbursed medical and extracurricular activity expenses; claim that trial court improperly denied motion for contempt in which defendant alleged that plaintiff had violated certain court orders related to mortgage on parties' former marital home; preclusion of claim under doctrine of res judicata; claim that trial court improperly determined that dissolution court had not ordered plaintiff to pay four months of past due mortgage payments and interest; claim that trial court improperly declined to hold plaintiff in contempt for having failed to pay defendant one half of tax refunds he received from individual federal and state tax returns for 2010; claim that trial court abused its discretion in denying motion to modify order that allocated parties' obligation to pay guardian ad litem's fees; whether defendant failed to prove substantial change in circumstances since court's allocation of parties' obligation to pay guardian ad litem's fees that necessitated reduction in defendant's 20 percent share of payment of fees; claim that trial court abused its discretion in reducing plaintiff's child support obligation; claim that trial court improperly failed to hear defendant's cross motion for modification of child support; claim that trial court improperly failed to order plaintiff to pay to defendant full amount of past due alimony for 2012.</i>	
Carolina v. Commissioner of Correction (Memorandum Decision)	902
Dahle v. Stop & Shop Supermarket Co., LLC	71
<i>Workers' compensation; appeal from decision of Compensation Review Board affirming decision of Workers' Compensation Commissioner dismissing plaintiff's claim that she was entitled to temporary total disability benefits without social security offset pursuant to statute ([Rev. to 2003] § 31-307 [e]); claim that plaintiff should have been awarded benefits without social security offset because errors and delays by commissioner and board resulted in delay in obtaining compensation, which made her subject to offset; whether board erred by refusing to address plaintiff's attempt to correct past incorrect evidence and to introduce new evidence to prove that delays beyond her control made her subject to social security offset; whether board erred by failing to address commissioner's alleged statement that plaintiff's medical treatment was delayed; whether board erred in affirming commissioner's denial of plaintiff's request for financial compensation without social security offset.</i>	
Dubinsky v. Black	53
<i>Legal malpractice; malicious prosecution; risk of injury to child; whether trial court erred in granting motion for summary judgment on ground that there was probable cause to charge plaintiff with crimes of assault and risk of injury to child; claim that arresting officers lacked probable cause in light of parental justification defense under statute (§ 53a-18 [1]); claim that trial court erred in granting motion for summary judgment because arresting officers fabricated claim that defendant left red welts on son's backside; whether plaintiff could demonstrate that he would have been entitled to judgment in malicious prosecution action against arresting officers but for defendant's professional negligence.</i>	
Errichetti v. Botoff	119
<i>Malicious erection of fence; injunction; claim that trial court erred by ordering defendants to restore area to previous condition; whether trial court properly determined that plaintiff was entitled to injunction pursuant to statute (§ 52-480); challenge to trial court's subordinate findings in support of its determination that defendants erected fence maliciously and with intent to injure plaintiff's</i>	

<i>enjoyment of land; whether trial court's finding of absence of any real usefulness of fence was clearly erroneous; credibility of witnesses; whether trial court erred with respect to finding that fence did not fit with character of neighborhood; whether plaintiff clearly requested restoration relief in complaint; whether there was anything in record demonstrating that plaintiff ever abandoned restoration relief; whether relief ordered by trial court fell within statutory authority conferred by § 52-480; whether trial court's order was vague.</i>	
Ferrua v. Napoli Foods, Inc. (Memorandum Decision)	904
Fredo v. Fredo	252
<i>Dissolution of marriage; motion to dismiss; motion for modification of child support; motion for accounting; motion to quash subpoena duces tecum; motion for attorney's fees; subject matter jurisdiction; whether trial court improperly granted motion to dismiss motion for modification of child support for lack of subject matter jurisdiction; whether trial court had subject matter jurisdiction to entertain motion for modification of child support pursuant to applicable statutes (§§ 46b-1 [4] and 46b-86 [a]); reviewability of claim that trial court improperly denied motion for modification of child support; whether claim was moot because there was no practical relief that this court could afford defendant; whether portions of appeal from trial court's judgment disposing of motion for accounting and granting motion to quash subpoena duces tecum were moot; whether trial court abused its discretion by awarding plaintiff \$1500 in attorney's fees pursuant to bad faith exception to general rule that prevailing party is ordinarily not entitled to collect attorney's fees from losing party; failure of trial court to make requisite findings in support of its award of attorney's fees.</i>	
Gonzalez v. Commissioner of Correction (Memorandum Decision)	903
Grant v. Commissioner of Correction (Memorandum Decision)	904
Guddo v. Guddo	283
<i>Dissolution of marriage; contempt; reviewability of unpreserved claim that hearing on motion for contempt was unfair in that at time of the hearing, both parties were represented by same law firm, which created conflict of interest, and that law firm violated numerous professional rules of conduct; failure of plaintiff to raise claim before trial court; whether it would have been appropriate to afford extraordinary level of review to claim.</i>	
Jenkins v. Commissioner of Correction (Memorandum Decision)	905
Knott v. Commissioner of Correction (Memorandum Decision)	902
Lindsay v. Commissioner of Correction (Memorandum Decision)	903
Martinez v. Premier Maintenance, Inc.	425
<i>Employment discrimination; whether trial court improperly granted motion for summary judgment; whether trial court improperly applied pretext model of analysis under McDonnell Douglas Corp. v. Green (411 U.S. 792) and Texas Dept. of Community Affairs v. Burdine (450 U.S. 248), rather than mixed-motive model of analysis under Price Waterhouse v. Hopkins (490 U.S. 228) in determining whether plaintiff established prima facie case of employment discrimination in violation of statute ([Rev. to 2011] § 46a-60 [a] [1]); whether trial court properly determined that there were no genuine issues of material fact as to whether defendant harbored bias or discriminatory intent on basis of plaintiff's religion; whether trial court improperly granted motion for summary judgment on claim that defendant retaliated against plaintiff in violation of statute ([Rev. to 2011] § 46a-60 [a] [4]) for having referred to coworker as pastor; claim that plaintiff engaged in protected activity when he referred to coworker as pastor; claim that plaintiff raised genuine issue of material fact that his reference to coworker as pastor constituted informal complaint when defendant fired coworker.</i>	
Muckle v. Pressley	488
<i>Negligence; action to recover damages for diminished value of motor vehicle; claim that trial court, in awarding damages, improperly denied claim for prejudgment interest and that applicable statutes (§§ 37-3a and 37-3b) do not extinguish common-law right to prejudgment interest in this type of civil action; whether, under present statutory framework, trial court properly denied request for prejudgment interest; whether, under § 37-3a, prejudgment interest may be recovered in negligence actions; whether § 37-3b provides for award of only postjudgment interest in negligence cases; whether plaintiff was entitled to prejudgment interest pursuant to statute (§ 52-192a) that governs offers of compromise; whether current statutory framework limits automatic award of interest in negligence actions to postjudgment time periods; claim that §§ 37-3a and 37-3b have not abrogated</i>	

<i>common-law right to prejudgment interest; whether plaintiff established that prejudgment interest in negligence cases existed under common law.</i>	
Peixoto v. Peixoto	272
<i>Dissolution of marriage; postjudgment modification of alimony; whether trial court abused discretion in granting motion for modification of alimony; claim that trial court, in modifying alimony, improperly construed legal standards set forth in Dan v. Dan (315 Conn. 1); whether it was clear that trial court found that exceptional circumstances existed that warranted modification of alimony award; claim that trial court improperly held that proscription on upward modifications of alimony applied only when parties entered into alimony stipulation at time of initial dissolution; whether, at time of dissolution, trial court gave indication as to purpose of alimony award to plaintiff; whether evidence submitted at modification hearing demonstrated substantial change in circumstances.</i>	
Roberson v. Commissioner of Correction (Memorandum Decision)	904
Robles v. West Avenue Dental, P.C.	379
<i>Negligent supervision; reviewability of claim that trial court misconstrued jury's original verdict as ambiguous and erred in returning jury for further deliberations with instructions that it could not return plaintiff's verdict without awarding plaintiff damages; failure of defendants to object to jury instructions given by court or to court's decision to return jury for further deliberations.</i>	
Seaside National Bank & Trust v. Lussier	498
<i>Foreclosure; request for continuance pursuant to applicable rule of practice (§ 17-47); claim that trial court improperly granted motion for summary judgment as to liability; claim that trial court violated defendant's constitutional right to procedural due process by denying defendant opportunity to depose plaintiff's affiant; claim that trial court abused its discretion in denying request for continuance and granting motion for protective order; whether affidavit submitted by defendant in opposition to motion for summary judgment provided sufficient evidence to create genuine issue of fact regarding liability; whether trial court abused its discretion by denying defendant opportunity to depose plaintiff's affiant; whether trial court abused its discretion in overruling defendant's objection to plaintiff's motion for judgment of strict foreclosure.</i>	
Sosa v. Commissioner of Correction (Memorandum Decision)	903
State v. Bailey (Memorandum Decision)	905
State v. Carter (Memorandum Decision)	902
State v. Correa	308
<i>Conspiracy to possess controlled substance with intent to sell; conspiracy to possess controlled substance with intent to sell by person who is not drug-dependent; conspiracy to operate drug factory; claim that trial court improperly denied motion to suppress evidence seized from defendant's motel room after police conducted warrantless canine sniff of front door of motel room; unpreserved claim that warrantless dog sniff outside door to motel room violated defendant's rights under article first, § 7, of state constitution; claim that police were required to obtain warrant before conducting dog sniff search of pathway outside of defendant's motel room; whether defendant demonstrated reasonable expectation of privacy on outside of door to motel room, which was open, shared walkway that was located outside of structure and visible to and accessible by any member of public; whether defendant established plain error; claim that conduct of police in opening door to motel room and conducting visual sweep of room without warrant was unlawful under federal and state constitutions; whether trial court properly concluded that search was lawful under exigent circumstances exception to warrant requirement; whether probable cause existed to search motel room; whether, under totality of circumstances, reasonable, well trained police officer reasonably would have believed that immediate entry into motel room was necessary to prevent destruction of evidence.</i>	
State v. Meadows	287
<i>Criminal violation of standing criminal protective order; threatening in second degree; claim that conviction of two counts of criminal violation of standing criminal protective order violated defendant's right to be free from double jeopardy; whether offenses charged in subject counts arose out of same act; whether defendant's conversation with victim was separable into distinct acts, each punishable as separate offenses under applicable statute (§ 53a-223a); claim that trial court erroneously instructed jury as to second count of criminal violation of standing criminal protective order by providing jury with incorrect definition of "harassing conduct," instead of using higher standard set forth in State v.</i>	

Larsen (117 Conn. App. 202); claim that defendant's conviction of threatening in second degree pursuant to statute ([Rev. to 2015] § 53a-62 [a] [3]) should be reversed; whether statute violated first amendment to United States constitution; claim that true threats doctrine required that defendant possessed subjective intent to threaten victim; whether objective standard for true threats doctrine remained valid.	
State v. Mendez	476
<i>Felony murder; robbery in first degree; reviewability of claim that trial court improperly granted appellate counsel's motion for leave to withdraw appearance filed pursuant to applicable rule of practice (§ 62-9 [d]); failure of defendant to comply with § 62-9 (d) by filing motion for review of trial court's decision; failure of defendant to raise or adequately brief any claim that directly challenged judgment of conviction.</i>	
State v. Milledge (Memorandum Decision).	901
State v. Papantoniou	93
<i>Felony murder; burglary in first degree; criminal possession of firearm; unpreserved claim that prosecutor's alleged generic tailoring argument in closing remarks to jury violated defendant's rights under state constitution to be present at trial and to confront witnesses against him; claim that certain comments of prosecutor violated defendant's rights to due process and fair trial; claim that prosecutor's alleged generic tailoring remarks deprived defendant of general due process right to fair trial.</i>	
State v. Ruiz-Pacheco	1
<i>Assault in first degree; attempt to commit murder; conspiracy to commit assault in first degree; unpreserved claim that conviction of two counts each of assault in first degree as principal and as accessory violated defendant's right against double jeopardy; claim that conviction of accessory counts should be vacated; whether acts of stabbing victims were susceptible of separation into distinct criminal acts for which defendant could be punished without violating principles of double jeopardy; whether jury reasonably could have determined that defendant was guilty as principal actor for stab or stabs he inflicted on one victim and as accessorial actor for intentionally aiding in nearly simultaneous stab or stabs defendant's brother inflicted on same victim; unpreserved claim that trial court's jury instructions on attempted murder deprived defendant of fair trial, where court utilized phrase, "engaged in anything," in three instances, read full statutory definition of general and specific intent, and allegedly failed to adequately define substantial step element for attempt; whether separate claims of error taken together deprived defendant of fair trial; unpreserved claim that trial court improperly instructed jury on defenses of self-defense and defense of others, and on lesser included offenses of assault in second degree and assault in third degree because court's instructions on self-defense permitted jury to consider lesser included offenses if state failed to disprove self-defense beyond reasonable doubt; waiver of right to challenge jury instructions; whether jury instructions constituted obvious and undebatable error so as to establish manifest injustice or fundamental unfairness pursuant to plain error doctrine; claim that multiple instances of prosecutorial impropriety during closing arguments deprived defendant of fair trial; whether prosecutor argued facts that were not in evidence or improperly appealed to emotions of jurors.</i>	
Varoglu v. Sciarrino	84
<i>Dissolution of marriage; claim that trial court improperly found that plaintiff had purchased condominium by using funds from loan that was secured by marital home; claim that trial court improperly failed to award plaintiff more than 40 percent of net proceeds from sale of marital home; claim that trial court, in fashioning orders pertaining to distribution of equity in marital home, failed to adequately take into account plaintiff's role in preserving marital property.</i>	
Walenski v. Connecticut State Employees Retirement Commission	457
<i>Administrative appeal; subject matter jurisdiction; spousal retirement benefits pursuant to State Employees Retirement Act (§ 5-152 et seq.); claim that trial court improperly determined that it lacked subject matter jurisdiction over appeal; law of case doctrine; claim that trial court improperly dismissed appeal because plaintiff appealed from final decision by administrative agency in accordance with applicable statute (§ 4-166 [5] [A] and [C]); whether appeal was taken from agency determination in contested case; whether plaintiff possessed statutory or regulatory right to have defendant Connecticut State Employees Retirement Commission decide her rights or privileges in hearing; whether governing statutes</i>	

<i>or applicable regulations required commission to hold hearing to determine plaintiff's rights or privileges in hearing; whether fact that hearing was in fact held before commission rendered appeal as having been taken from final decision under act.</i>	
Wiggins v. Commissioner of Correction (Memorandum Decision)	901