Cumulative Table of Cases Connecticut Reports Volume 326

(Replaces Prior Cumulative Table)

Abreu v. Commissioner of Correction (Order)	901 668
Antwon W. v. Commissioner of Correction (Order)	909
Barton v. Norwalk. Inverse condemnation; certification from Appellate Court; whether defendant city's condemnation of parking lot used by tenants substantially destroyed plaintiff property owner's use and enjoyment of subject property; whether claim of highest and best use in previous direct condemnation proceeding barred claim of inverse condemnation predicated on different use under doctrine of judicial estoppel.	139
Brenmor Properties, LLC v. Planning & Zoning Commission	55
cluded that trial court properly sustained plaintiff developer's administrative appeal from defendant planning and zoning commission's denial of application for affordable housing subdivision pursuant to statute (§ 8-30g); whether, in light of commission's concession regarding applicable standard of review, trial court abused its discretion by remanding matter with direction to approve plaintiff's application as presented; standard of review applicable to trial court's affordable housing remedy under § 8-30g, discussed.	
Brian S. v . Commissioner of Correction (Order)	904
Brown v. Njoku (Order)	901
Channing Real Estate, LLC v. Gates. Action to recover on promissory notes; motion to preclude certain evidence; claim that, although Appellate Court properly concluded that parol evidence rule barred introduction of extrinsic evidence to vary terms of notes, that court improperly remanded case for new trial rather than directing judgment for plaintiff and restricting proceedings on remand to hearing in damages; parol evidence rule,	123
discussed; claim that defendant lacked standing to pursue claim alleging violation of Connecticut Unfair Trade Practices Act (§ 42-110a et seq.); whether member of limited liability company has standing to bring action on basis of injury allegedly suffered by limited liability company.	
DeEsso v. Litzie (Order)	913
Diaz v. Commissioner of Correction	419
Fairfield Merrittview Ltd. Partnership v. Norwalk (Order)	901
Federal National Mortgage Assn. v . Lawson (Order)	902

Federal National Mortgage Assn. v. Morneau (Order)	913 438
Giuca v. Commissioner of Correction (Order)	903 907 909 614
In re Elijah C	480
James E. v. Commissioner of Correction. Habeas corpus; assault of elderly person first degree; reckless endangerment first degree; risk of injury to child; whether habeas court properly dismissed writ of habeas corpus for lack of subject matter jurisdiction; claim that amendment to statute (§ 54-125a [b] [2]) that repealed provision advancing certain inmates' parole eligibility dates by earned risk reduction credit violated ex post facto clause of federal constitution; claim that proper comparison for ex post facto analysis is between provision in effect at time of sentencing and subsequently enacted provision; facts of Lynce v. Mathis (519 U.S. 433), distinguished; decision and reasoning in Perez v. Commissioner of Correction (326 Conn. 357), controlling.	388
Keller v. Keller (Order)	912 638
Machado v. Taylor. Motor vehicle negligence action; statutory provision (§ 52-556) providing injured motorist right of action against state for injuries resulting from negligent operation of state owned and insured motor vehicle by state employee; motion for judgment of dismissal; claim that action should be dismissed for plaintiffs failure to offer evidence at trial to establish vehicle was insured by state, placing claim outside purview of waiver of sovereign immunity; rules of practice (§§ 10-	396

30 [a] [1] and 15-8), distinguished; motion to open evidence; claim that trial	
court improperly denied motion to dismiss alleging lack of subject matter juris-	
diction on basis of delay and doctrine of laches.	
Maturo v. State Employees Retirement Commission	160
Administrative appeal; whether defendant State Employees Retirement Commission	
properly interpreted statutory provision (§ 7-438 [b]) of Municipal Employees'	
Retirement Act (§ 7-425 et seq.) to bar retired member from collecting pension	
while he was reemployed by municipality in nonparticipating position; statutory	
framework of act establishing and governing municipal employees retirement	
system, discussed; claim that position of mayor of East Haven did not constitute employment and mayor was not employee for purposes of act; claim that § 7-	
438 (b) evidences legislative intent to preclude member from receiving pension	
only while reemployed in position designated by town as participating in retire-	
ment system; whether statute (§ 7-432 [g]) providing for application to medical	
examining board for reconsideration of eligibility for disability retirement was	
applicable to plaintiff's claim; claim that legislature acquiesced in defendant's	
prior interpretation of act; claim that trial court should have deferred to nonbind-	
ing opinion letter of attorney general recommending that defendant not deviate	
from prior interpretation of act, specifically its interpretation of § 7-438 (b), in	
absence of further legislative direction.	
Micek-Holt v. Papageorge (Order)	915
Middlebury v. Connecticut Siting Council	40
Administrative appeal; whether trial court properly dismissed plaintiffs' appeal	
from decision of defendant siting council granting petition to open and modify	
certificate for operation of electric generating facility; whether trial court improp-	
erly determined that council adequately had considered neighborhood concerns as	
$required\ by\ statute\ (\S\ 16\text{-}50p\ [c]\ [1])\ in\ granting\ petition;\ statutory\ construction,$	
discussed; claim that trial court improperly concluded that plaintiffs had aban-	
doned their due process and substantial evidence claims due to inadequate brief-	
ing; whether plaintiffs' claim that trial court improperly concluded that plaintiffs	
had abandoned due process and substantial evidence claims due to inadequate briefing was moot because plaintiffs failed to challenge on appeal trial court's	
alternative conclusions rejecting those claims on merits.	
Munn v. Hotchkiss School	540
Mutuil v . Hotelikiss School	540
student and her parents of risk of exposure to tick-borne encephalitis in connection	
with school sponsored educational trip to China, and in failing to ensure that	
plaintiff took protective measures against insect bites to prevent contracting that	
disease; certified questions from Second Circuit Court of Appeals as to whether	
Connecticut public policy supported imposing duty on school to warn about or	
to protect against foreseeable risk of serious insect-born disease when it organized	
trip abroad, and whether damages award warranted remittitur; whether normal	
expectations of participants in school sponsored trip abroad supported imposi-	
tion of duty on defendant to warn about and to protect against serious insect-	
borne diseases; claim that recognizing duty would have chilling effect on educa-	
tional travel and will lead to increased litigation; claim that rarity of tick-borne	
encephalitis precluded finding that defendant had duty to warn or to protect.	
MYM Realty, LLC v. Doe (Order)	905
New Haven Parking Authority v . Long Wharf Realty Corp. (Order)	912
O'Brien v. O'Brien	81
Marital dissolution; motion for contempt for plaintiff's purported violation of court's	
automatic orders effective during pendency of dissolution proceeding and appeal	
from judgment of dissolution on basis of certain stock transactions that plaintiff	
executed without defendant's consent or court order; certification from Appellate Court; whether Appellate Court incorrectly concluded that trial court improperly	
had considered, in making its financial orders, plaintiff's violations of automatic	
orders stemming from his decision to conduct certain stock transactions; whether	
court may remedy harm caused by another party's violation of court order,	
even without finding of contempt; claim that trial court's financial award was	
erroneous because it was excessive and based on improper method for valuing	
loss to marital estate; whether court had discretion to consider value that stocks	
and options would have had at time of remand trial; claim, as alternative ground	
for affirming Appellate Court's judgment, that plaintiff's stock transactions did	
not violate automatic orders because those transactions were made in usual	
course of business; whether trial court's conclusion that stock options plaintiff	

exercised were marital property subject to distribution between parties was clearly erroneous; claim, as alternative ground for affirming Appellate Court's judgment, that trial court's award of retroactive alimony was improper because it purportedly required plaintiff to pay arrearage out his share of marital assets, thereby effectively reducing his share of property distribution. Perez v. Commissioner of Correction. Habeas corpus; manslaughter first degree with firearm; carrying pistol without permit; whether 2013 amendments (P.A. 13-3 and P.A. 13-247) to statute ([Rev. to 2013] § 54-125a) eliminating earned risk reduction credit from calculation	357
of violent offender's parole eligibility date, when such credit was not allowed at time that offense was committed, and eliminating requirement of parole hearing, violated petitioner's right to due process under federal and state constitutions and right to personal liberty pursuant to state constitution; whether retroactive application to petitioner of 2013 amendments, when he committed offense and was sentenced prior to amendments' effective date, violated ex post facto clause of federal constitution; claim that, in conducting ex post facto inquiry, habeas court was not limited to comparing challenged statute with statute in effect at time that offense was committed but may consider statute in effect at time of plea and sentencing; claim that application of 2013 amendment to parole eligibility provision of § 54-125a (b) (2) by Board of Pardons and Paroles violated doctrine of separation of powers in that it converted legislatively determined parole eligible offense into offense which, by virtue of executive action, was rendered parole ineligible; claim that 2013 amendment, as applied to petitioner, violated equal	
protection clause of federal constitution; claim that statute (§ 18-98e), pursuant to which respondent Commissioner of Correction was vested with discretion to award risk reduction credit toward reduction of inmate's sentence, facially violated equal protection clause; claim that proper interpretation of 2013 amendments would limit application of those provisions to those inmates who began serving sentences after effective date of provisions.	
PMG Land Associates, L.P. v . Harbour Landing Condominium Assn. (Order)	911
Powell-Ferri v. Ferri	457
to value of trust established for benefit of defendant; claim that husband violated automatic orders imposed by rule of practice (§ 25-5) by declining to commence separate civil action against trustees for breach of fiduciary duty; whether defendant possessed chose of action against trustees amounting to intangible property	
interest subject to distribution; claim that structure of trial court's award of attorney's fees constituted abuse of discretion.	
Reese v. Commissioner of Correction (Order)	907
Rosa v. Commissioner of Correction (Order)	905 420
Negligence; whether municipal immunity of defendant town had been abrogated by exception under statute (§ 52-577n [a] [1] [B]) providing that municipality can	
be held liable for damages caused by negligence in performance of proprietary function from which it derived special corporate profit or pecuniary benefit;	
whether identifiable person, imminent harm exception to municipal immunity applied; claim that trial court incorrectly concluded that town was immune from liability: whether town's operation of municipal pool constituted governmental	
function from which it derived special corporate profit or pecuniary benefit.	
Shipman v. Commissioner of Correction (Order)	908
Spiotti v. Wolcott	190
to her by State Board of Mediation and Arbitration pursuant to collective bar-	
gaining agreement barred by doctrine of collateral estoppel; whether this court should overrule Genovese v. Gallo Wine Merchants, Inc. (226 Conn. 475); claim	
that Genovese should be overruled because it relied on legislative history to interpret statute (§ 31-51bb) pertaining to right of employee covered by collective bargaining agreement to pursue cause of action, and legislature subsequently	
enacted statute (§ 1-2z) requiring courts to interpret statutes pursuant to plain meaning rule; claim that this court should depart from principles of stare decisis and overrule Genovese.	
State v. Acosta	405
Sexual assault first degree; risk of injury to child; certification from Appellate Court;	_00
whether Appellate Court correctly concluded that trial court had not abused its discretion in admitting twelve year old uncharged sexual misconduct evidence;	

Breach of peace second degree; claim that, because evidence was insufficient to support conviction of breach of peace second degree on basis of words that did not fall within narrow category of unprotected fighting words, conviction constituted violation of first amendment to federal constitution; scope and application of fighting words exception to protections of first amendment, discussed; whether words spoken by defendant under circumstances in which they were uttered were likely to provoke violent response. State v. Bonds (Order) 90 State v. Caballero (Order) 91 State v. Crenshaw (Order) 91 State v. Crenshaw (Order) 91 State v. Henry D. (Order) 91 State v. Jezzy G. 91 Application for pretrial program of accelerated rehabilitation pursuant to statute (§ 54-56e): sexual assault fourth degree; motion to dismiss; certification from Appellate Court; mootness; whether Appellate Court properly dismissed deported defendant as a moof, State v. Aquino (279 Conn. 293), distinguished; collateral consequences above mere speculation. In privat	whether uncharged sexual misconduct evidence was too remote and insufficiently similar to be admissible pursuant to State v. DeJesus (288 Conn. 418); public policy concerns justifying admission of prior uncharged sexual misconduct, discussed.	
State v. Chankar (Order) 90 State v. Chankar (Order) 91 State v. Chankar (Order) 91 State v. Henderson (Order) 91 State v. Henderson (Order) 91 State v. Henderson (Order) 91 State v. Houghtaling 93 Possession of marijuana with intent to sell; possession of more than four ounces of marijuana; motion to suppress; conditional plea of nolo contendere; certification from Appellate Court; whether Appellate Court correctly concluded that defendant lacked standing to challenge warrantless search of property because he lacked subjective expectation of privacy; proper standard for determining whether defendant has subjective expectation of privacy; proper standard for determining whether defendant has subjective expectation of privacy in property subject to warrantless search, discussed; claim that defendant sonfession to police was fruit of unlauful stop of defendant in his vehicle and his subsequent warrantless arrest; whether police had reasonable and articulable suspicion that defendant was involved in marijuana grow operation on property; whether police had probable cause to arrest defendant after stop of his wehicle; State v. Boyd (57 Conn. App. 176), to extent that it requires defendant, in order to establish subjective expectation of privacy; to show certain facts pertaining to his relationship with property and that he maintained property in private manner, overruled. State v. Jerry G. Application for pretrial program of accelerated rehabilitation pursuant to statute (§ 54-56e); sexual assault fourth degree; motion to dismiss; certification from Appellate Court; mootness; whether Appellate Court properly dismissed deponted defendant's appeal as moot; State v. Aquino (279 Conn. 293), distinguished; collateral consequences dotrine, discusses; whether there was reasonable possibility of prejudicial collateral consequences resulting from trial court's orders terminating accelerated rehabilitation and ordering rearrest; claim that defendant must evince intentiion to reenter country in order to raise existence of co	Breach of peace second degree; claim that, because evidence was insufficient to support conviction of breach of peace second degree on basis of words that did not fall within narrow category of unprotected fighting words, conviction constituted violation of first amendment to federal constitution; scope and application of fighting words exception to protections of first amendment, discussed; whether words spoken by defendant under circumstances in which they were uttered were likely to provoke violent response.	232
State v. Jerzy G. Application for pretrial program of accelerated rehabilitation pursuant to statute (§ 54-56e); sexual assault fourth degree; motion to dismiss; certification from Appellate Court; mootness; whether Appellate Court properly dismissed deported defendant's appeal as moot; State v. Aquino (279 Conn. 293), distinguished; collateral consequences doctrine, discussed; whether there was reasonable possi- bility of prejudicial collateral consequences resulting from trial court's orders terminating accelerated rehabilitation and ordering rearrrest; claim that defend- ant must evince intention to reenter country in order to raise existence of collateral consequences above mere speculation. State v. Kallberg Larceny third degree as accessory; conspiracy to commit larceny third degree; motion to dismiss; certification to appeal; whether Appellate Court correctly concluded that trial court improperly denied defendant's motion to dismiss charges; whether Appellate Court improperly concluded that trial court's factual finding as to parties' intent was clearly erroneous; whether Appellate Court properly reversed judgment of conviction on ground that prosecution of defendant was barred because nolle prosequi that had been entered on larceny charges had been part of global disposition agreement supported by consideration; unilateral entry of nolle prosequi and bilateral agreement involving entry of nolle prosequi, distin- guished; claim that ambiguity in agreement between state and defendant must be construed against state. State v. Killiebrew (Order) State v. Navarro (Order) State v. Navarro (Order) State v. Navarro (Order) 90 State v. Perez (Order)	State v. Caballero (Order) State v. Chankar (Order) State v. Crenshaw (Order) State v. Henderson (Order) State v. Henderson (Order) State v. Houghtaling Possession of marijuana with intent to sell; possession of more than four ounces of marijuana; motion to suppress; conditional plea of nolo contendere; certification from Appellate Court; whether Appellate Court correctly concluded that defendant lacked standing to challenge warrantless search of property because he lacked subjective expectation of privacy; proper standard for determining whether defendant has subjective expectation of privacy in property subject to warrantless search, discussed; claim that defendant's confession to police was fruit of unlawful stop of defendant in his vehicle and his subsequent warrantless arrest; whether police had reasonable and articulable suspicion that defendant was involved in marijuana grow operation on property; whether police had probable cause to arrest defendant after stop of his vehicle; State v. Boyd (57 Conn. App. 176), to extent that it requires defendant, in order to establish subjective expectation of	907 903 914 911 914 912 330
ant must evince intention to reenter country in order to raise existence of collateral consequences above mere speculation. State v. Kallberg	that he maintained property in private manner, overruled. State v. Jerzy G	206
Appellate Court improperly concluded that trial court's factual finding as to parties' intent was clearly erroneous; whether Appellate Court properly reversed judgment of conviction on ground that prosecution of defendant was barred because nolle prosequi that had been entered on larceny charges had been part of global disposition agreement supported by consideration; unilateral entry of nolle prosequi and bilateral agreement involving entry of nolle prosequi, distinguished; claim that ambiguity in agreement between state and defendant must be construed against state. State v. Killiebrew (Order) 90 State v. Linder (Order) 91 State v. Navarro (Orders) 91 State v. Perez (Order) 90 State v. Perez (Order) 90 State v. Petion (Order) 90	ant must evince intention to reenter country in order to raise existence of collateral consequences above mere speculation. State v. Kallberg	1
State v. Linder (Order) 90 State v. Morel (Order) 91 State v. Navarro (Orders) 91 State v. Perez (Order) 90 State v. Petion (Order) 90	Appellate Court improperly concluded that trial court's factual finding as to parties' intent was clearly erroneous; whether Appellate Court properly reversed judgment of conviction on ground that prosecution of defendant was barred because nolle prosequi that had been entered on larceny charges had been part of global disposition agreement supported by consideration; unilateral entry of nolle prosequi and bilateral agreement involving entry of nolle prosequi, distinguished; claim that ambiguity in agreement between state and defendant must	
Identity theft third degree; illegal use of credit card; credit card theft; larceny sixth	State v. Killiebrew (Order)	909 902 911 910 908 906 310

tion on third-party culpability and excluded references to third-party culpability from argument; unpreserved claim that certain of defendant's convictions violated constitutional prohibition against double jeopardy.	
State v. Seeley . Forgery second degree; supervisory authority over administration of justice; claim that waiver rule should be abandoned in context of bench trials; whether state presented sufficient evidence that defendant forged signature during purchase of automobile; whether state presented sufficient evidence that defendant acted	65
with intent to deceive.	
State v. Sinclair (Order)	904
State v. Skipwith	512
Writ of error; certification from Appellate Court; claim that trial court improperly	
dismissed plaintiff in error's motion to correct illegal sentence based on violation	
of her rights under victim's rights amendment in state constitution; claim that	
this court lacked jurisdiction over writ of error because no express constitutional	
or statutory provision granted jurisdiction over writ of error seeking to enforce	
victim's rights amendment; claim that this court was deprived of jurisdiction	
under clauses in victim's rights amendment providing that legislature shall	
provide by law for enforcement of amendment and it shall not be construed as	
creating basis for vacating conviction or ground for appellate relief.	
State v. Snowden (Order)	903
State v. Williams (Order)	913
State v. Williams-Bey (Order)	920
U.S. Bank National Assn. v. Nelson (Order)	908
U.S. Bank, National Assn. v. Walbert (Order)	902
Wells Fargo Bank v. Braca (Order)	914
Wells Fargo Bank, N.A. v. Monaco (Order)	905
William Raveis Real Estate, Inc. v. Zajaczkowski (Order)	906
Williams v. General Nutrition Centers, Inc.	651
Wage laws and regulations; calculation of overtime pay for employees who receive	
commissions in addition to base pay; certified question from United States	
District Court for District of Connecticut; whether defendants could use fluctuations and another than the other defendants could be sufficient to the other defendants.	
ing workweek method to calculate overtime pay under state wage laws and regula- tions; interpretation of state wage law (§ 31-76c) and state wage regulation (§ 31-	
tions; interpretation of state wage taw (§ 31-70c) and state wage regulation (§ 31-62-D4).	