Breaking Into Criminal Law in Connecticut

March 1, 2021
4:00 p.m. – 5:30 p.m.

CT Bar Association
Webinar

CT Bar Institute, Inc.
CT: 1.5 CLE Credits (General)
NY: 1.5 CLE Credits (AOP)

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LAWYERS’ PRINCIPLES OF PROFESSIONALISM

As a lawyer, I have dedicated myself to making our system of justice work fairly and efficiently for all. I am an officer of this Court and recognize the obligation I have to advance the rule of law and preserve and foster the integrity of the legal system. To this end, I commit myself not only to observe the Connecticut Rules of Professional Conduct, but also conduct myself in accordance with the following Principles of Professionalism when dealing with my clients, opposing parties, fellow counsel, self-represented parties, the Courts, and the general public.

Civility:

Civility and courtesy are the hallmarks of professionalism. As such,

- I will be courteous, polite, respectful, and civil, both in oral and in written communications;
- I will refrain from using litigation or any other legal procedure to harass an opposing party;
- I will not impute improper motives to my adversary unless clearly justified by the facts and essential to resolution of the issue;
- I will treat the representation of a client as the client’s transaction or dispute and not as a dispute with my adversary;
- I will respond to all communications timely and respectfully and allow my adversary a reasonable time to respond;
- I will avoid making groundless objections in the discovery process and work cooperatively to resolve those that are asserted with merit;
- I will agree to reasonable requests for extensions of time and for waiver of procedural formalities when the legitimate interests of my client will not be adversely affected;
- I will try to consult with my adversary before scheduling depositions, meetings, or hearings, and I will cooperate with her when schedule changes are requested;
- When scheduled meetings, hearings, or depositions have to be canceled, I will notify my adversary and, if appropriate, the Court (or other tribunal) as early as possible and enlist their involvement in rescheduling; and
- I will not serve motions and pleadings at such time or in such manner as will unfairly limit the other party’s opportunity to respond.

Honesty:

Honesty and truthfulness are critical to the integrity of the legal profession – they are core values that must be observed at all times and they go hand in hand with my fiduciary duty. As such,

- I will not knowingly make untrue statements of fact or of law to my client, adversary or the Court;
- I will honor my word;
- I will not maintain or assist in maintaining any cause of action or advancing any position that is false or unlawful;
• I will withdraw voluntarily claims, defenses, or arguments when it becomes apparent that they do not have merit or are superfluous;
• I will not file frivolous motions or advance frivolous positions;
• When engaged in a transaction, I will make sure all involved are aware of changes I make to documents and not conceal changes.

Competency:

Having the necessary ability, knowledge, and skill to effectively advise and advocate for a client’s interests is critical to the lawyer’s function in their community. As such,

• I will keep myself current in the areas in which I practice, and, will associate with, or refer my client to, counsel knowledgeable in another field of practice when necessary;
• I will maintain proficiency in those technological advances that are necessary for me to competently represent my clients.
• I will seek mentoring and guidance throughout my career in order to ensure that I act with diligence and competency.

Responsibility:

I recognize that my client’s interests and the administration of justice in general are best served when I work responsibly, effectively, and cooperatively with those with whom I interact. As such,

• Before dates for hearings or trials are set, or if that is not feasible, immediately after such dates have been set, I will attempt to verify the availability of key participants and witnesses so that I can promptly notify the Court (or other tribunal) and my adversary of any likely problem;
• I will make every effort to agree with my adversary, as early as possible, on a voluntary exchange of information and on a plan for discovery;
• I will attempt to resolve, by agreement, my objections to matters contained in my opponent's pleadings and discovery requests;
• I will be punctual in attending Court hearings, conferences, meetings, and depositions;
• I will refrain from excessive and abusive discovery, and I will comply with all reasonable discovery requests;
• In civil matters, I will stipulate to facts as to which there is no genuine dispute;
• I will refrain from causing unreasonable delays;
• Where consistent with my client's interests, I will communicate with my adversary in an effort to avoid needless controversial litigation and to resolve litigation that has actually commenced;
• While I must consider my client’s decision concerning the objectives of the representation, I nevertheless will counsel my client that a willingness to initiate or engage in settlement discussions is consistent with zealous and effective representation.
Mentoring:

I owe a duty to the legal profession to counsel less experienced lawyers on the practice of the law and these Principles, and to seek mentoring myself. As such:

- I will exemplify through my behavior and teach through my words the importance of collegiality and ethical and civil behavior;
- I will emphasize the importance of providing clients with a high standard of representation through competency and the exercise of sound judgment;
- I will stress the role of our profession as a public service, to building and fostering the rule of law;
- I will welcome requests for guidance and advice.

Honor:

I recognize the honor of the legal profession and will always act in a manner consistent with the respect, courtesy, and weight that it deserves. As such,

- I will be guided by what is best for my client and the interests of justice, not what advances my own financial interests;
- I will be a vigorous and zealous advocate on behalf of my client, but I recognize that, as an officer of the Court, excessive zeal may be detrimental to the interests of a properly functioning system of justice;
- I will remember that, in addition to commitment to my client's cause, my responsibilities as a lawyer include a devotion to the public good;
- I will, as a member of a self-regulating profession, report violations of the Rules of Professional Conduct as required by those rules;
- I will protect the image of the legal profession in my daily activities and in the ways I communicate with the public;
- I will be mindful that the law is a learned profession and that among its desirable goals are devotion to public service, improvement of administration of justice, and the contribution of uncompensated time and civic influence on behalf of those persons who cannot afford adequate legal assistance; and
- I will support and advocate for fair and equal treatment under the law for all persons, regardless of race, color, ancestry, sex, pregnancy, religion, national origin, ethnicity, disability, status as a veteran, age, gender identity, gender expression or marital status, sexual orientation, or creed and will always conduct myself in such a way as to promote equality and justice for all.

Nothing in these Principles shall supersede, supplement, or in any way amend the Rules of Professional Conduct, alter existing standards of conduct against which a lawyer’s conduct might be judged, or become a basis for the imposition of any civil, criminal, or professional liability.
Faculty Biographies

Sara Greene, Assistant State’s Attorney

Atty. Greene attended the College of the Holy Cross and the Columbus School of Law at the Catholic University of America. She currently serves as an Assistant State’s Attorney in Geographical Area #15-New Britain, Connecticut. She has obtained bar Memberships with the State of Connecticut, Mashantucket Pequot Tribal Nation and The U.S. District of Connecticut.

Christopher DeMatteo, DeMatteo Legal Solutions

Atty. DeMatteo attended Boston College and Marquette University Law School. He has been licensed to practice in Connecticut since 2010 and opened his own practice in 2012. He focuses his practice on criminal defense and child protection/DCF matters. He is also admitted to practice in Wisconsin state courts, the U.S. District of Connecticut and the U.S. Court of Appeals for the Second Circuit.
1. Introduction to Criminal Law in Connecticut (4:00 - 4:15)
   a. Courts
   b. How arrests are made and charges are filed
      i. On-site
      ii. Summons
      iii. Warrants
   c. Types of offenses
   d. Client intake
      i. Important questions to ask
      ii. Potential consequences/exposure
      iii. Goals
   e. Surrendering on warrants

2. Going to court (4:16 - 4:30)
   a. Arraignment
      i. Domestic violence cases and protective orders
      ii. Non-dementics
      iii. Conditions of release
   b. Obtaining discovery
      i. Informal
      ii. Motions
      iii. Court files and public records
   c. Where to go
   d. What to say

3. Nolle and dismissal

4. Diversionary programs (4:31 - 4:45)
   a. Under 21 (maybe School Violence Program)
   b. DUI
   c. A/R
   d. Drug education
   e. FVEP etc.
   f. SDP

5. Pre-Trials
6. Pleas (4:46 - 5:00)
   a. Guilty, Alford, Nolo
   b. Sentences
      i. Flat
      ii. Split
      iii. Suspended
         1. Probation
         2. Conditional Discharge
      iv. Parole and Special Parole
      v. Consecutive vs. Concurrent
      vi. Credit issues

7. Trials (5:01 - 5:10)
   a. VOP/CD
   b. Trial list
   c. Court vs. Jury Trial
   d. Speedy(?) trials
   e. Motions

8. Discussion (5:11 - 5:30)
   a. Sample cases and strategies
   b. Questions and answers
### Key Criminal Practice Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
<th>a.k.a.</th>
<th>Statute</th>
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<tbody>
<tr>
<td>Alford Plea</td>
<td>A guilty plea without the admission of guilt.</td>
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<tr>
<td>Arraignment</td>
<td>The first court event in a case. The accused is informed of the charge against him or her and may enter a plea. It is often also the time to address bond and/or protective orders.</td>
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<td>54-1b</td>
</tr>
<tr>
<td>Bond</td>
<td>The monetary amount pledged to a court to secure a defendant's pre-trial release. Bond could be forfeited if the defendant fails to appear.</td>
<td>Bail</td>
<td>54-63e</td>
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<tr>
<td>Conditional Discharge</td>
<td>A period of time during which a convicted defendant must follow conditions set by the court but is not supervised by probation. Violation of a conditional discharge.</td>
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<td>53a-29 et seq.</td>
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<tr>
<td>Dismissal</td>
<td>An order by the court terminating a case without a trial. Dismissals are final judgments.</td>
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<td>54-56</td>
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<tr>
<td>Diversionary Program</td>
<td>Includes A.R., F.V.E.P., A.E.P.; upon successful completion of a specific program, a defendant may obtain a dismissal of charges.</td>
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<td>Felony</td>
<td>An offense for which a person may be sentenced to a term of imprisonment in excess of one year.</td>
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<td>53a-25</td>
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<tr>
<td>Flat Sentence</td>
<td>A sentence which is only a term of imprisonment without any probation or conditional discharge.</td>
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<td>Geographic Area (G.A.)</td>
<td>Most criminal cases are heard in one of the 20 G.A courts.</td>
<td>Part B, Low court</td>
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<tr>
<td>Infraction</td>
<td>An offense, for which the only sentence authorized is a fine and is designated as an infraction.</td>
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<td>51-164n</td>
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<tr>
<td>Judicial District</td>
<td>One of 13 divisions of the Superior Court; serious criminal cases are</td>
<td>Part A, High court</td>
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<td><strong>Judicial Pretrial</strong></td>
<td>A pretrial involving the prosecutor, defense attorney and a judge.</td>
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<tr>
<td><strong>Misdemeanor</strong></td>
<td>An offense for which a person may be sentenced to a term of imprisonment of not more than one year.</td>
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<td><strong>Nolle</strong></td>
<td>Rhymes with jolly. Short of 'nolle prosequi,' which is when the state declines to prosecute a charge. A nole becomes a dismissal after thirteen months.</td>
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<td><strong>Nolo Contendere</strong></td>
<td>Latin for no contest. A written plea by which a defendant neither admits nor denies responsibility. It allows a court to make a finding of guilt.</td>
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<td><strong>Parole</strong></td>
<td>The early release of a prisoner upon which the remainder of the sentence is served under the supervision of the Board of Pardons and Paroles. If parole is revoked, the prisoner may serve the remainder of the sentence in prison.</td>
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<td><strong>Pre-Sentence Investigation</strong></td>
<td>Produced by probation, a PSI may be ordered when a defendant is convicted of a felony in order to provide information to the court in sentencing. It can be waived by both the State and the defendant unless the felony is of a domestic violence nature.</td>
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<td><strong>Pre-Trial</strong></td>
<td>Court event after arraignment but before trial or plea. Most often done off-the-record.</td>
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<td><strong>Probation</strong></td>
<td>A period of time during which a convicted defendant must follow conditions set by the court but is supervised by probation. Violation of probation authorizes a court to</td>
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<td>Term</td>
<td>Definition</td>
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<td>Protective Order</td>
<td>A prohibition or restriction of contact by a defendant to another person</td>
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<td>(protected party)</td>
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<td>R.A.P. Sheet</td>
<td>Record of Arrests and Prosecutions</td>
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<td>Special Parole</td>
<td>Part of a sentence by which a person is committed by a court to parole</td>
<td>54-125e</td>
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<td>after or instead of serving a prison sentence. Special parole could be</td>
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<td>revoked with the remainder of the sentence served in prison.</td>
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<td>Split Sentence</td>
<td>A sentence which includes suspended jail time, actual jail time</td>
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<td>and a period of probation or conditional discharge. (e.g. 5-0-2)</td>
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<td>State's Attorney</td>
<td>Connecticut's prosecuting authority</td>
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<td>Summons</td>
<td>A non-custodial arrest that can be used for misdemeanors.</td>
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<td>Suspended Sentence</td>
<td>A term of imprisonment is imposed but not served up front.</td>
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<td>Transitional Supervision</td>
<td>The discretionary early release of a prisoner by the Department of</td>
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<td>Correction for sentences that are two years or less of imprisonment.</td>
<td>T/S; community release</td>
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<td>Unconditional Discharge</td>
<td>No sentence, fine or supervision imposed following a conviction.</td>
<td>53a-34</td>
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<td>Violation</td>
<td>An offense, for which the only sentence authorized is a fine, is a</td>
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<td>violation unless expressly designated an infraction.</td>
<td>53a-27</td>
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<tr>
<td>Warrant</td>
<td>A document signed by a judge authorizing the police to make an arrest</td>
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<td>or conduct a search or seizure.</td>
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CRIME AND PUNISHMENT:  
CONSEQUENCES OF ARRESTS AND CONVICTIONS

Criminal convictions have two types of consequences: direct and collateral. It is important to inform clients of potential jail exposure as well as applicable collateral consequences.

Direct consequences: the actual punishment for the conviction, which includes jail time, probation/conditional discharge, fines, a driver’s license suspension (in DUI cases), and anything else a court may impose.

Collateral consequences: those which are not set in the punishment, but result from another, independent legal mechanism. Examples of collateral consequences include sex offender registration (could also be direct) and the prohibition of firearm possession. Some, like the sex offender registration, are offense-specific. Others apply to a class of convicted persons, most commonly those convicted of felonies. Here are some common collateral consequences. There are many others.

- Immigration. Any arrest can impact a non-citizen’s status. Convictions may lead to deportation. Even dispositions that appear to not be convictions can cause problems because federal law and immigration courts have their own definitions that may be different than Connecticut’s (e.g. “aggravated felony,” “crime involving moral turpitude”).

- Firearms. Convictions for felonies and certain misdemeanors bar a person from possessing a firearm in Connecticut and the United States.

- Driver’s licenses. In addition to a court-imposed suspension, the Department of Motor Vehicles may administratively suspend the license of persons convicted of DUI and also minors convicted of alcohol or marijuana possession, even though these are actually lesser offenses than misdemeanors and do not involve driving.

- Employment. Private employers may ask job applicants whether they have been convicted of a crime (including misdemeanors) and in some situations use that information in making hiring decisions.
• **Student loans.** Pursuant to 20 U.S.C. 1091(r), a person convicted of any drug offense may be denied federal student loans.

• **Voting rights.** In Connecticut, an incarcerated felon loses voting rights but those rights may be reinstated after the sentence is served.

• **Licenses.** Many professional licenses, ranging from barbering to the practice of law, may be revoked, suspended or refused upon conviction of a felony.

• **Housing.** Government housing authorities may prohibit felons from living in their properties (even if not the actual tenants) and in some circumstances, private landlords may evict or refuse to rent to felons.

• **Government social insurance programs.** Benefits such as SNAP and WIC can be denied or restricted due to drug convictions.

• **Sex offender registration.**
Defending Criminal Clients

I. Pre-Representation.
   A. Where: court location
   B. When: the first/next court date
   C. What: the charges
      1. Check the judicial website
      2. Summons or appearance bond/conditions of release
   D. Who: the client
      1. Learn about the client
         a) What the client knows about the case
            (1) What the police said to the client
            (2) What the client said to the police
            (3) Protective orders and conditions of release
         b) Criminal history
            (1) Arrests
            (2) Convictions
            (3) Programs used
            (4) Probation/Conditional Discharge/Parole
            (5) Pending cases
         c) Work/education
         d) Citizenship/immigration status
         e) Mental health/substance use
         f) Treatment programs
         g) Driving history
      2. Educate the client about the criminal process, the charges and the potential consequences
      3. Discuss the client’s expectations and goals

II. Defending a Criminal Case
   A. File appearance
      1. Fax, mail, dropbox/in-person
      2. No e-filing yet.
   B. Obtain information
      1. Request discovery from the State
      2. Pull court file
      3. Freedom of Information Act (FOIA) requests
      4. Client-sourced information
         a) Treatment providers
         b) Insurance
      5. Investigation
      6. Research the charges and issues
   C. Figure out the best course of action to reach the client’s goals
      1. Nolle/dismissal
2. Infractions
3. Diversionary programs
4. Not guilty plea and jury election
5. Plea bargaining
   a) Suspended vs. split vs. flat sentences
   b) Misdemeanors and felonies
   c) Substituted charges
   d) Floors, caps and a right to argue
6. Trial
D. Guilty pleas and sentencing
   1. Straight guilty, Alford or nolo contendere
   2. Garvin canvass
   3. Pre-Sentence Investigation (PSI)
   4. Credit issues
      a) Contact DOC Central Records
E. Trials
   1. Speedy trial
   2. Motions
DOMESTIC VIOLENCE FLOW CHART

Arrest

Family Services Screening

Arraignment (Protective Order Issued)
## COMPARISON OF PROTECTIVE ORDERS

### Protective Orders and Restraining Orders

<table>
<thead>
<tr>
<th>Type of Order</th>
<th>How the Order Is Made</th>
<th>How Long the Order Lasts</th>
<th>Provisions That May Be Included</th>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protective Order</td>
<td>➢ Issued by a judge in a criminal case after an arrest.</td>
<td>➢ As long as the court case.</td>
<td>➢ Defendant may not restrain, threaten, harass, assault, molest, or sexually assault the victim (partial).</td>
<td>➢ Criminal Violation of Protective Order</td>
</tr>
<tr>
<td>CGS § 46b-38c</td>
<td>➢ Is a condition of the defendant’s release.</td>
<td>➢ Judge may modify or terminate at any time.</td>
<td>➢ Defendant must move out and stay away from where victim lives (full no contact)</td>
<td>➢ Probable cause arrest for other possible crimes</td>
</tr>
<tr>
<td></td>
<td>➢ Defendant, not the victim, is responsible for upholding order.</td>
<td>➢ Check with Protective Order Registry.</td>
<td>➢ Defendant must have NO CONTACT with victim.</td>
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<td>➢ No cost to the victim.</td>
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<td>➢ Usually will not include custody orders.</td>
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<td>➢ Victim may not want the protective order.</td>
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<td>Restraining Order</td>
<td>➢ Issued by a judge in the civil court.</td>
<td>➢ Ex-parte order lasts until day of hearing, which is within 14 days of date of issuance, after service of notice.</td>
<td>➢ Defendant not to restrain, threaten, harass, assault, molest, sexually assault, or attack the victim.</td>
<td>➢ Criminal Violation of Restraining Order</td>
</tr>
<tr>
<td>CGS § 46b-15</td>
<td>➢ Victim files an Application for Relief from Abuse.</td>
<td>➢ At hearing, judge can extend order for six months, with possible extension for another six months</td>
<td>➢ Defendant must move out and stay away from where the victim lives.</td>
<td>➢ Probable cause arrest for any other crimes</td>
</tr>
<tr>
<td></td>
<td>➢ Ex-parte order immediately granted by judge and hearing on order scheduled.</td>
<td>➢ Order cannot end without victim knowing.</td>
<td>➢ May include orders for temporary custody and visitation.</td>
<td>➢ Victim can file a Motion for Contempt in court where order was issued.</td>
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<tr>
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<td>➢ Victim must endure the defendant is served with notice of hearing at least 24 hours prior to hearing.</td>
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<tr>
<td></td>
<td>➢ Defendant, not victim, is responsible for upholding order.</td>
<td></td>
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<td>➢ No cost for filing order, but must hire marshal to serve notice of hearing and order on defendant.</td>
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<tr>
<td>Program</td>
<td>Notification Requirements</td>
<td>Fees</td>
<td>Eligibility Requirements</td>
<td>Duration</td>
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<td>----------------------------------------------</td>
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<tr>
<td>Accelerated Rehabilitation Program (AR)</td>
<td>&gt;Defense must notify the victim using a Court approved form.</td>
<td>$135</td>
<td>&gt;May be used by defendants charged with a crime or motor vehicle violation that is not serious, but there could be a sentence of imprisonment. &gt;May not be used by defendants charged with certain felonies, those who have been convicted of crimes in the past, or are eligible for other programs. &gt;If the defendant is a veteran, eligible to use the program more than once.</td>
<td>&gt;Up to 2 years. &gt;Supervised by CSSD.</td>
</tr>
<tr>
<td>CGS § 54-56e</td>
<td>&gt;Victim can give the Court an opinion about the defendant’s application to the AR program.</td>
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<td>Alcohol Education Program (AEP)</td>
<td>&gt;Defense must notify the victim using a Court approved form.</td>
<td>$550-$700 or cost of treatment provider.</td>
<td>&gt;May be used by defendant charged with operating a motor vehicle or boat under the influence. &gt;If defendants used the AEP program more than 10 years earlier, they may be allowed to use the program again. &gt;Applicants are required to attend an evaluation where the duration of the program and types of services are determined. &gt;The Court may grant: (1) a 10 week educational program; (2) a 15 week educational program; or (3) a treatment program.</td>
<td>&gt;1 year. &gt;Supervised by CSSD.</td>
</tr>
<tr>
<td>CGS § 54-56g</td>
<td>&gt;Victim can give the Court an opinion about the defendant’s application to the AEP program.</td>
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<tr>
<td>Drug Education Program (DEP)</td>
<td></td>
<td>$550-$700 or cost of treatment provider.</td>
<td>&gt;May be used by defendants who are charged with violating drug possession or drug paraphernalia laws. &gt;Applicants are required to attend an evaluation where the duration of the program and types of services are determined.</td>
<td>&gt;1 year. &gt;Supervised by CSSD.</td>
</tr>
<tr>
<td>CGS § 54-56i</td>
<td></td>
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</tr>
<tr>
<td>Family Violence Education Program (FVEP)</td>
<td>Victim is notified of the defendant’s request to be assigned to the FVEP program and is given a chance to comment in Court about the application.</td>
<td>May be used by defendants charged with certain family violence crimes defined by CGS § 46b-38a. &gt;Defendants who used this program before or used the AR program for a family violence crime committed on or after October 1, 1986, may not use this program.</td>
<td>Up to 2 years. &gt;Supervised by Family Services.</td>
<td>All eligible charges are dismissed.</td>
</tr>
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</tr>
<tr>
<td>CGS § 46b-38c(g)</td>
<td>$400</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<p>| School Violence Prevention Program | Cost should be paid directly to provider. | May be used by school students charged with an offense involving the use or threatened use of physical violence in or on the property of a school or an activity connected with the school. &gt;May not be used by students who have used the program before or who have been convicted of any offense involving the use or threatened use of physical violence in or on school property or an activity connected with the school. &gt;Involves attending 8 counseling sessions in anger management and nonviolent conflict resolution. | 1 year. &gt;Supervised by CSSD. | All eligible charges are dismissed. |
| CGS § 54-56j | | | | |</p>
<table>
<thead>
<tr>
<th>Supervised Diversionary Program (SDP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CGS § 54-56/</td>
</tr>
</tbody>
</table>

| The Court will send notice to the victim. |
| Victim can give the Court an opinion about the defendant’s application to the SDP program. |
| Free |

| May be used by defendants who have psychiatric disabilities and veterans who have a mental health condition that is amenable to treatment. |
| May be used by defendants that are charged with crimes or motor vehicle violations that are not serious, but for which there can be a sentence of imprisonment. |
| May not be used by defendants who have used the program 2 times in the past or are eligible for AR. |

| Supervised by CSSD. |

| All eligible charges are dismissed. |
Sample Case #1

Mollie is a 32-year old white-collar professional who does not have any criminal convictions. While enjoying a day at one of Connecticut’s craft breweries, she had a few pints of beer with a higher than expected alcohol content. Thinking she was sober enough to drive, she walked to her car, which was parked on the street. She backed up in her space and bumped the car parked behind her, then drove forward and knocked the side mirror off of the car in front of her. She did not notice and continued to drive but a police officer who happened to be parked across the street did. He followed her through a red-light and pulled her over. The officer noted the strong smell of alcohol emanating from her breath in his report. He asked her to perform the field sobriety test. She stumbled while performing the walk and turn and fell against her car before erupting in laughter. Video was recorded on the officer’s dash cam. She said that she always has trouble walking in wedges and that the police officer did not let her change into her lucky flip-flops that were in her beach bag in the trunk. She said she drank two, maybe three beers tops. She was placed under arrest and taken to the police station. The arresting officer said that she was too drunk to take the breathalyzer test and marked it as a refusal. Mollie tells you that she wanted to take the test but that the police were rude to her. She is charged with Operating Under the Influence (Conn. Gen. Stat. § 14-227) and Evading (§ 14-225).

Sample Case #2

David is a 22 year-old student. He is arrested at an outdoor music festival and charged with possessing one ounce of marijuana and two ecstasy pills, in violation of Conn. Gen. Stat. § 21a-279, which is a misdemeanor. When you go to court for his arraignment, the friendly prosecutor offers to file a substitute information for § 21a-279a, the marijuana infraction, for a fine of $150.

Sample Case #3

D.J. is arrested for committing a burglary in New Haven. He was caught in a house that is unoccupied and listed for sale. He says he only entered because the door was open and he needed a place to spend the night because it was snowing outside. Nothing is missing from the house but he had a bag containing a hacksaw, picks and screwdrivers. According to the property owner, a copper pipe that was in the room in which D.J. was located was in the basement when he checked on the house earlier in the day. D.J. has one previous conviction, a robbery out of Waterbury for which he served two years with three suspended. He bonded out on the burglary charge but was picked up on a violation of probation two weeks later. He was not able to bond out on the Waterbury charge. D.J. insists that he was at worst, only trespassing, and even then, the defense of necessity should apply. He wants to go to trial on the burglary because the State is offering two years of jail on a Burglary 3rd and denying him his civil rights under the U.S. Constitution, Magna Carta and Geneva Convention.

Sample Case #4
Heidi and Spencer are a millennial married couple. One Friday night Heidi confronts Spencer about some pictures she sees on Instagram of him with some other women at a club. They have a very loud altercation that prompts the neighbors to call the police. The arresting officer wrote in her report that they have been called to the home a few times in the past year for similar reports but did not make arrests. Heidi and Spencer denied any physical fighting and said they were just yelling but smashed some dishes and bottles. This time the police charge both Heidi and Spencer with Disorderly Conduct, § 53a-182. A 9mm handgun is seized from Heidi. She has a valid Connecticut pistol permit. They ask if you could represent them both and say that they’ve made up and don’t want to press charges against each other.
I am charged with a violation of section 14-227a, 14-227g, 14-227m, 14-227n(a)(1) or (2), 15-133, or 15-140n of the Connecticut General Statutes, and I am applying for the Pretrial Alcohol Education Program.

If my application is granted:

1. I agree to give the State more time to prosecute me (the tolling of any statute of limitations for this offense(s) and to waive my right to a speedy trial) for the offense(s) listed above if I do not complete the program.

2. I understand that the Department of Mental Health and Addiction Services (DMHAS) and the Court Support Services Division (CSSD) will make a recommendation to the court about whether I should take part in 10 or 15 counseling sessions in an alcohol intervention program or at least 12 sessions in a substance abuse treatment program. I also agree to begin the alcohol intervention or substance abuse treatment program that the court orders me into within 90 days unless the court gives me more time, and I understand that I can wait to begin my program until after the suspension of my license is over. I also agree to finish the program that the court orders me into, and after I finish my program, if CSSD thinks I need more treatment, I agree to accept any additional treatment in a treatment program recommended by a DMHAS contractor, or to be placed in a state-licensed treatment program that meets standards set by DMHAS.

3. I agree to take part in at least one (1) Victim Impact Panel if the court orders me to.

4. If I decide to enter the program ordered by the court after the suspension of my license is over, I agree to tell CSSD the date that my license was suspended and how long my license was suspended for.

5. I agree to pay the court a nonrefundable program fee of $350 if I am ordered into the 10 session alcohol intervention program, or $500 if I am ordered into the 15 session alcohol intervention program (these fees may be changed by the legislature), or to pay the costs of taking part in a substance abuse treatment program if I am ordered into a treatment program, except that, if I cannot pay or if I am indigent, I will file with the court an affidavit saying I cannot pay or that I am indigent, and the court may decide that I do not have to pay some or all of the program fee or costs of the treatment program if it finds that I am indigent or unable to pay.

I give my permission to CSSD to get information about any criminal or motor vehicle program I may have been in in this state or in any other jurisdiction so that CSSD can decide if I can be allowed into the program. If I am telling the court that I cannot pay or that I am indigent by filing an affidavit of my inability to pay or of my indigency, I give my permission to CSSD to get information to decide if I cannot pay or if I am indigent. (Select one of the following)

☐ I plan to claim that I cannot pay or that I am indigent
☐ I plan to pay the program fee.

By signing this form, I am saying that I understand all of the information above, and I request that I be allowed into the Pretrial Alcohol Education Program under section 54-56g of the Connecticut General Statutes.

I have read this entire application, and I understand it. Signed: [Defendant]

Date signed: [ ]

Consented to by (Parent or guardian): [ ]
Notice

A person is not eligible for the Pretrial Alcohol Education Program if:

1. The applicant is charged with a violation of Section 14-227a, 14-227g, 14-227m, 14-227n(a)(1) or (2), or 15-133(d) of the Connecticut General Statutes that caused another person serious physical injury, as defined in section 53a-3 of the Connecticut General Statutes, unless the applicant shows the court good cause (a good reason) why the applicant should be allowed into the program; or

2. The applicant is charged with a violation of 14-227a, 14-227m, or 14-227n(a)(1) or (2) while operating a commercial motor vehicle or while the applicant had a commercial driver's license or a commercial driver's instruction permit.

Oath

The applicant stated under penalties of perjury before me, duly designated by the clerk and authorized to administer oaths, that:

1. the applicant has not had the Pretrial Alcohol Education Program invoked in the applicant's behalf within the preceding ten (10) years;
2. the applicant has never been convicted of a violation of:
   a. Section 14-227g, 14-227m, 14-227n(a)(1) or (2), 15-132a, 15-133(d), 15-140l, 15-140n, 53a-56b, or 53a-60d of the Connecticut General Statutes;
   b. Section 14-227a(a) of the Connecticut General Statutes before, on or after October 1, 1981; or
   c. Section 14-227a(a)(1) or (2) of the Connecticut General Statutes on or after October 1, 1985;
3. the applicant has not been convicted in any other state, at any time, of an offense that has essential elements that are substantially the same as sections 14-227a(a)(1) or (2), 14-227m, 14-227n(a)(1) or (2), 15-132a, 15-133(d), 15-140l, 15-140n, 53a-56b, or 53a-60d of the Connecticut General Statutes or a violation of Public Act 16-126 section 1 or section 2(a)(1) or (2); and
4. the applicant has sent Judicial Branch form JD-CR-167, Notice of Application for Pretrial Alcohol Education Program, to any victim(s) of the alleged violation(s) or crime(s) who suffered a serious physical injury, as that term is defined by section 53a-3 of the Connecticut General Statutes, by registered or certified mail, so that those victim(s) are aware of the opportunity to give the court their opinion on this application.

Signed (Duly authorized person)        Print name        Date signed

First Order of the Court

(Select all that apply)

☐ The application is denied.
☐ The court waives the following fee(s) or portion of fees having found that the defendant is indigent or unable to pay:
  ☐ Application fee: all ; $ _______________  ☐ Evaluation fee: all ; $ _______________
☐ The applicant's oath under section 54-56g of the Connecticut General Statutes was taken: (Select one)
  ☐ in open court.
  ☐ outside of court by a person duly designated by the clerk and authorized to administer oaths.
☐ The case is continued until the date and time listed below to consider the CSSD assessment of eligibility and the DMHAS evaluation and/or for the applicant to file an affidavit of indigency and for CSSD to seek to confirm such indigency.
☐ The Court orders the court file sealed as to the public.

Case Continued To (Date and time)          Signed (Judge, Assistant Clerk)          Date signed
APPLICATION FOR ACCELERATED
PRETRIAL REHABILITATION

JD-CR-9  Rev. 7-19
C.G.S. § 54-56e; P.B. § 39-33

Instructions to Person Filing the Application
1. Fill out the Application and Military Status sections of the form and sign it.
2. Give the original form to the Clerk of Court, and keep a copy for your records.
3. Send a copy to the prosecuting attorney (the State’s Attorney for your case).
4. A $35.00 application fee or an Affidavit of Indigency - Fee Waiver, Criminal (form JD-AP-48) must be filed with this application.

Instructions to Clerk
1. Seal file on order of the Court per C.G.S. § 54-56e.
2. Send a copy of the application to CSSD.
3. Send a copy to the prosecuting attorney (the State’s Attorney for your case).
4. Give the original form to the Clerk of Court, and keep a copy for your records.

TO: The Superior Court of the State of Connecticut

Name of defendant
Address of defendant (Number, street, apartment number, town, and zip code)

Alias/Maiden name of defendant
Telephone number of defendant

Offense(s) charged

Application

I am charged with the offense(s) listed above, and I am applying for Accelerated Pretrial Rehabilitation.

I agree with the following statements:

1. The offense(s) that I am charged with could result in a sentence of imprisonment. The offense(s) do not include:
   - (A) a class A felony;
   - (B) a class B felony, except a violation of section 53a-122 (a) (1), (2), or (3) of the Connecticut General Statutes that does not involve the use, attempted use, or threatened use of physical force against another person, or a violation of section 53a-122 (a) (4) that does not involve the use, attempted use, or threatened use of physical force against another person and does not involve a violation by a person who is a public official or a state or municipal employee as those terms are defined in section 1-110;
   - (C) a violation of section(s) 9-359, 9-359a, 14-227a, 53-21 (a) (2), 53a-60 (a) (6), 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71 (except as provided in section 54-56e (c) (5)), 53a-72a, 53a-72b, 53a-90a, 53a-196e, or 53a-196f of the Connecticut General Statutes;
   - (D) a crime or motor vehicle violation that caused the death of another person;
   - (E) a family violence crime as defined in section 46b-38a of the Connecticut General Statutes if:
     - (i) I am eligible for the pretrial family violence education program under section 46b-36c, or
     - (ii) I have already had the pretrial family violence education program;
   - (F) a violation of section 21a-267 or 21a-279 of the Connecticut General Statutes if:
     - (i) I am eligible for the pretrial drug education and community service program under section 54-56i of the Connecticut General Statutes, or
     - (ii) I have already had the pretrial drug education program or the pretrial drug education and community service program;
   - (G) a motor vehicle violation, while, at the time of the violation:
     - (i) I was operating a commercial vehicle as defined in section 14-1 of the Connecticut General Statutes, or
     - (ii) I held a commercial driver's license or commercial driver's instruction permit; or
   - (H) a violation of section 53a-122 or 53a-123 (a) (4) while I was a provider or vendor taking part in the state's Medicaid program.

2. If the offense(s) that I am charged with are a class C felony or are a violation of section 53a-71 (a) (1) of the Connecticut General Statutes, where I was less than four years older than the other person, there is good cause for granting this application.

3. I have never been convicted of a crime or of a violation of section(s) 9-359, 9-359a, 14-227a, 53-21 (a) (2), 53a-60 (a) (6), 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71 (except as provided in section 54-56e (c) (5)), 53a-72a, 53a-72b, 53a-90a, 53a-196e, or 53a-196f of the Connecticut General Statutes;

4. I give the state more time to prosecute me (the tolling of any statute of limitations and the waiver of the right to a speedy trial) for the offense(s) listed above, if I do not successfully complete this program.

5. I will give the victim(s) of these offense(s) notice of this Application so that the victim(s) will have an opportunity to tell the Court what they think about this application.

6. If this application is granted, I agree that any physical evidence being held by the police may, at the discretion of the Court, be returned to the rightful owner before the end of the case. I also agree that, if the case must eventually be tried, secondary evidence, such as photographs of the physical evidence, may be admitted into evidence instead of the physical evidence.

7. If this application is granted, I will pay the Court a participation fee of $100, or, if I am ordered to take part in a Hate Crimes Diversion Program, a participation fee of $425, except that, if I cannot pay or I am indigent, I will file with the Court an affidavit saying that I cannot pay or that I am indigent, and the Court may decide that I do not have to pay the program fee if it finds that I am unable to pay either the $100 fee or the $425 fee or that I am indigent. ("X" one of the following)

☐ I plan to claim that I cannot pay or that I am indigent.
☐ I plan to pay the $100 program fee or the $425 program fee, if ordered to.

For Court Use Only

File date

Page 25 of 46
Military Status

Have you ever served in the U.S. Armed Forces, including the Connecticut National Guard
(as defined in section 27-103 of the Connecticut General Statutes)?  □ Yes  □ No

If you have ever served in the armed forces: ("X" one)

□ I am an active member of the armed forces.
□ I was discharged or released from active service in the armed forces honorably or under conditions other than dishonorable.
□ I was dishonorably discharged from active service in the armed forces.

By signing this form, I am saying that I understand all of the information included on this form, and I request that I be allowed into Accelerated Pretrial Rehabilitation under section 54-56e of the Connecticut General Statutes.

I have read the above information and understand it.

Signed (Defendant)                      Date signed

Signed (Duly authorized person)                      Print name

Consented to by (Parent or Guardian)                      Date signed

Oath

The defendant stated under penalties of perjury before me, duly designated by the clerk and authorized to administer oaths, that he or she never has never used this program before, that he or she used this program only once before for a misdemeanor or a motor vehicle violation that had a potential penalty of 1 year of imprisonment or less, and at least 10 years have gone by since that charge was dismissed, or that he or she is a veteran (a person who was discharged or released under conditions other than dishonorable from active service in the armed forces as defined in section 27-103 of the Connecticut General Statutes), and has only used this program once before.

Signed (Assistant Clerk/Duly authorized person)                      Print name

Duly authorized person                      Date signed

First Order of the Court

□ The Application is denied.

□ The defendant's oath under section 54-56e of the Connecticut General Statutes was taken ("X" one):

□ In open court.
□ Outside of court by a person designated by the clerk and duly authorized to administer oaths.

□ The Application is continued to the Court Hearing Date listed below, and the defendant is referred to the Court Support Services Division for a determination of eligibility and a confirmation of inability to pay or indigency if the defendant has filed an affidavit claiming an inability to pay or indigency. The defendant must also send notice to any victim(s) of his or her offense(s) telling them of the opportunity to tell the Court whether they think the Court should grant the application. This notice must be sent on form JD-CR-10 by Registered or Certified Mail on or before the Notice Date listed below.

□ The Court orders the court file sealed as to the public.

Court hearing date and time                      Notice date

Signed (Judge or Assistant Clerk)                      Date signed

JD-CR-9  Rev. 7-19
NOTICE OF APPLICATION FOR
ACCELERATED PRETRIAL
REHABILITATION

INSTRUCTIONS TO DEFENDANT
1. Send the original of this notice of application to the victim by Registered or Certified Mail.
2. Send a copy of this notice of application along with the mailing receipt, or the return receipt (green card) if you requested one, to the Clerk of Court.
3. Keep a copy of this notice of application and the mailing receipt or return receipt for your records.

(Name, address, and zip code of victim)

[Signature]

TO: The Victim named above

From  (Name of Defendant)  Address of Defendant  (Number, street, and town)

Judicial District or Geographical Area Court  Address of Court

Crime(s) or Motor Vehicle Violation(s) Charged Against the Defendant

Court Hearing Date and Time  State's Attorney  (Name and telephone number)

An application for accelerated pretrial rehabilitation of the Defendant named above has been filed by the

☐ Defendant
☐ Assistant State’s Attorney (Prosecutor)

under Connecticut General Statute 54-56e. The Defendant is presently charged with the Crime(s) or Motor Vehicle Violation(s) stated above.

As a "victim" of the above Crime(s) or Motor Vehicle Violation(s), you have a right to this notice and the right to tell the Court if you think the Defendant should be given accelerated pretrial rehabilitation.

If you object to the Defendant's application, you may come to the Court named above on the Court Hearing Date at the time shown above to tell the Court why the Defendant should not be granted this program.

If the Court grants accelerated pretrial rehabilitation to the Defendant, the Defendant will be put on probation for a period of time set by the Court, but not for more than two (2) years. If the period of probation set by the Court is satisfactorily completed, the charges against the Defendant will be dismissed.

You may call the office of the State's Attorney, at the telephone number given above, before the Court Hearing Date and Time, to find out if the date or time of the hearing has changed.

Signed  (Defendant)  Date Signed  (Month, day, year)

[Signature]

For Court Use

File Date

Superior Court Docket Number

ADA NOTICE
The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.
INSTRUCCIONES PARA EL ACUSADO

1. Envíe el original del presente formulario a la víctima por correo certificado o registrado.
2. Envíe una copia del presente formulario junto con el comprobante del envío postal o acuse de recibo (tarjeta verde), de haberla solicitado, al Secretario del Tribunal.
3. Conserve una copia del presente formulario y el comprobante del envío postal o acuse de recibo.

(Nombre, dirección y código postal de la víctima)

PARA: La víctima mencionada arriba

De (nombre del acusado)  
Tribunal de Distrito Judicial o G.A. (zona geográfica)

Dirección del acusado (número, calle, y pueblo)  
Dirección del tribunal

Delito(s) o infracciones a la ley de tránsito que se le imputan al acusado

Fecha y hora de la audiencia en el tribunal

Fiscal (nombre y número de teléfono)

Se le informa que de conformidad con el Artículo 54-56e del código penal de Connecticut,

[ ] EL ACUSADO  
[ ] EL FISCAL AUXILIAR

ha presentado una solicitud para que el acusado antes mencionado participe en el programa de rehabilitación acelerada. Al acusado se le imputa(n) el (los) delito(s) o infracción(es) a la Ley de Tránsito indicados arriba.

Si el Tribunal le concede al Acusado el programa de rehabilitación acelerada, el acusado estará bajo un régimen probatorio por un periodo de tiempo que será determinado por el Juez, pero que no será mayor de (2) dos años. Si el acusado cumple satisfactoriamente con las condiciones durante el periodo señalado por el Juez, los cargos mencionados anteriormente serán desestimados.

FIRMA (Acusado)  
FECHA EN QUE SE FIRMÓ (mes, día, año)

Para uso del Tribunal

FECHA EN QUE SE PRESENTÓ

NO. DE CAUSA DEL TRIBUNAL DE PRIMERA INSTANCIA

AVISO SOBRE UNA SOLICITUD PARA EL PROGRAMA DE REHABILITACIÓN ACELERADA
**Instructions to Defendant**

1. File the original of this application with the Clerk of Court.
2. Send a copy to the prosecuting attorney.
3. A $100 application fee and a nonrefundable $150 evaluation fee, or an application for waiver of the fees, must be filed with this application.

**Notice To Clerk:** Seal the file on order of the court per C.G.S. § 54-56i(b).

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**TO: The Superior Court of the State of Connecticut**

<table>
<thead>
<tr>
<th>GA/JD number</th>
<th>Address of court</th>
<th>Docket number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of defendant</td>
<td>Address of defendant (Number, street, apartment number, town, and zip code)</td>
<td></td>
</tr>
<tr>
<td>Alias/Maiden name of defendant</td>
<td>Telephone number of defendant</td>
<td>CMIS case number</td>
</tr>
</tbody>
</table>

**Offense(s) charged**

**Prior Participation**

Have you previously been allowed into the Pretrial Drug Education Program that was in effect before October 1, 2013, the Community Service Labor Program, or the Pretrial Drug Education and Community Service Program?  
☐ Yes  ☐ No  
If yes, how many times have you been allowed into any of these programs?  
☐ 1  ☐ 2  ☐ 3 or more.

**Military Status**

Have you ever served in the U.S. Armed Forces, including the Connecticut National Guard (as defined in section 27-103 of the Connecticut General Statutes)?  
☐ Yes  ☐ No  
If you have ever served in the armed forces: ("X" one)

☐ I am an active member of the armed forces.  
☐ I was discharged or released from active service in the armed forces honorably or under conditions other than dishonorable.  
☐ I was dishonorably discharged from active service in the armed forces.

**Application**

I have been charged with violating drug paraphernalia laws or drug possession laws under section 21a-267, 21a-279, or 21a-279a of the Connecticut General Statutes, and apply for the Pretrial Drug Education and Community Service Program.  

If my application is granted, I agree to the following:  
1. To give the state more time to prosecute me (the tolling of any statute of limitations and waiver of the right to a speedy trial) for the offense(s) listed above if I do not successfully complete the Program.  
2. To begin the Drug Education Program within 90 days of the day that the court orders me into the program, unless the court gives me more time to start the program. I understand that the court will order an evaluation of me that will determine whether I have to go to 15 sessions of a drug education program or at least 15 sessions of a substance abuse treatment program. After finishing the program that the court orders me into, if the Court Support Services Division (CSSD) thinks I need more treatment, I agree to accept any additional treatment in a treatment program recommended by a Department of Mental Health and Addiction Services (DMHAS) contractor, or the Connecticut Department of Veterans Affairs if I am a veteran and either of those organizations are treating me, or to go into another treatment program that has standards that are at least as high or higher than the DMHAS contractor’s program.  
3. To follow any conditions that may be set up by DMHAS, the Connecticut Department of Veterans Affairs, or the United States Department of Veterans Affairs, concerning my taking part in the drug education program including conditions concerning my taking part in meetings or sessions of the program.  
4. That I will take part in a community service labor program set up under section 53a-39c of the Connecticut General Statutes for at least five days if this is the first time that I have been allowed into the drug education and community service program, at least 15 days if this is second time that I have been allowed into the program, or at least 30 days if this is the third or additional time that I have been allowed into the program.  
5. To pay the court a non-refundable fee of $600 (as may be changed by the legislature) to take part in a substance abuse treatment program. I understand that I must also pay for the costs of the substance abuse treatment program if I am ordered to take part in that program. If I cannot pay or am indigent, I will file with the court an affidavit telling the court why I cannot pay.  
6. To pay $100 (as may be changed by the legislature) to take part in a substance abuse treatment program. I understand that I must also pay for the costs of the substance abuse treatment program if I am ordered to take part in this program. ("X" one of the following)

☐ I plan to claim that I cannot pay or that I am indigent.  
☐ I plan to pay the program fee(s).

By signing this form, I request that I be allowed into the Pretrial Drug Education and Community Service Program under section 54-56i of the Connecticut General Statutes.

---

**Signed (Defendant)**

Signed (Duly authorized person)

**Date signed**

Consented to by (Parent or Guardian)

**Date signed**

---

**ADA Notice**

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

---

**Notice To Clerk:** Seal the file on order of the court per C.G.S. § 54-56i(b).
Order of the Court  ("X" All that apply)

☐ The application is denied.

☐ The application is granted. The court orders the court filed sealed as to the public, refers the defendant to CSSD for confirmation of the defendant's eligibility, and:

☐ As this is the first or second time that the defendant's application has been granted, the defendant is referred to DMHAS for evaluation and determination of an appropriate drug education or substance abuse treatment program.

☐ As the defendant is a veteran, and as this is the first or second time that the defendant's application has been granted, the defendant is referred for evaluation and determination of an appropriate drug education or substance abuse treatment program to:
  ☐ DMHAS
  ☐ Connecticut Department of Veterans Affairs
  ☐ United States Department of Veterans Affairs

☐ As this is the third time or beyond that the defendant's application has been granted, the defendant is referred to a state-licensed substance abuse treatment program for evaluation and determination of an appropriate substance abuse treatment program.

☐ As the defendant is a veteran, and as this is the third time that the defendant's application has been granted, the defendant is referred for evaluation and determination of an appropriate substance abuse treatment program to:
  ☐ State-licensed substance abuse treatment program
  ☐ Connecticut Department of Veterans Affairs
  ☐ United States Department of Veterans Affairs

☐ The case is continued to allow CSSD to process the filed affidavit of indigency or inability to pay.

<table>
<thead>
<tr>
<th>Case continued to (Date and time)</th>
<th>Signed (Judge, Assistant Clerk)</th>
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FAMILY VIOLENCE EDUCATION PROGRAM
APPLICATION, ORDERS AND DISPOSITION
JD-FM-97    Rev. 2-20
C.G.S. §§ 46b-38a, 46b-38c(h) and (i), 53a-3

Instructions
1. Fill out the Application section of this form, and make 2 copies.
2. File the original Application with the Clerk of Court with the $100 application fee. If you cannot afford the fee, you can ask the court to waive the fee by filing an Affidavit of Indigency - Fee Waiver, Criminal form (JD-AP-48).
3. Send 1 copy to the prosecuting attorney. Keep 1 copy for your records.

TO: The Superior Court of the State of Connecticut

Name and address of defendant (Number, street, town, and zip code) Docket number

Name and address of court

Crime(s) charged (Name and statute number)

Application
I have been charged with a family violence crime, and I am applying for the Family Violence Education Program. If the Court grants my application:
1. I agree to the tolling of the statute of limitations in this case. (This gives the state more time to prosecute you in this case if you do not successfully finish the program.)
2. I agree to waive (give up) my right to a speedy trial in this case.
3. I understand that I will be subject to the $300 program fee. (Choose the check box below that applies to you.)

☐ I will pay the $300 program fee.

OR

☐ I cannot afford the program fee, and ask the court to waive the fee.

(You must file an Affidavit of Indigency - Fee Waiver, Criminal form (JD-AP-48) with the Clerk if you choose this check box.)

I understand that the Court cannot allow me into the Family Violence Education Program if:
1. I have been convicted of any “family violence crime” that happened on or after October 1, 1986. (“Family violence crime” is defined in Section 46b-38a of the Connecticut General Statutes.)
2. I have used the Family Violence Education Program for any other case before.
3. I have used the Accelerated Rehabilitation program for any “family violence crime” that happened on or after October 1, 1986. (The Accelerated Rehabilitation program is allowed under Section 54-56e of the Connecticut General Statutes.)
4. I am charged with a class A, B, or C felony in this case.
5. I am charged with an unclassified felony for which the punishment could be a term of imprisonment of more than 10 years in this case. If I am charged with one of the offenses listed below, I also understand that the Court can only allow me into the Family Violence Education Program it finds good cause (a good reason). (Choose the check box next to any offense below if it applies to you.)

☐ I am charged with a class D felony in this case.

☐ I am charged with an unclassified offense for which the punishment could be a term of imprisonment of more than 5 years in this case.

☐ I am charged with an offense in this case that caused the “serious physical injury” of another person. (“Serious physical injury” is defined in Section 53a-3 of the Connecticut General Statutes.)

If you chose any check box above, you must explain to the court in writing why you think there is good cause to allow you into the program. You must attach your written explanation to this Application before you file it with the Clerk of Court.

Dismissal Application
If the Court grants my Application and I complete the Family Violence Education program, I also ask the Court to dismiss this case if it finds that I have successfully completed the education program and that I have followed all of the conditions that the Court set during the Family Violence Education Program.

By signing this form, I am saying that I have read this whole Application, or that I have had this whole Application read to me, and I understand it. I ask the court to allow me into the Family Violence Education Program.

Signed (Defendant) Date signed If Minor, Consented to By (Parent or Guardian) Date Signed

For Court Use Only
Date Victim Notified (Use form JD-FM-96) Date of Family Violence Intervention Unit Report

Affidavit of inability to pay or indigency ☐ Yes ☐ No Date Filed

Continuances (If Any) To To

Page 1 of 2
Oath (Optional with the Court)
The defendant appeared before the undersigned individual, designated by the clerk and duly authorized to administer oaths, and confirmed, and swore that the statements made in the application and, if applicable, any statements attached to the application containing the reasons why the defendant believes good cause exists for the court to allow them into the program even though they are charged with a class D felony, an unclassified offense for which the punishment could be a term of imprisonment of more than 5 years, or an offense that caused serious physical injury to another person.

First Order of Court
☐ The application is denied.
☐ The defendant is referred to the Family Violence Intervention Unit, and this case is continued to the Court Hearing Date and Time listed below and pending the submission of the report of the Family Violence Intervention Unit to the court.

Second Order of Court

THE COURT, having considered the application, the report of the Family Violence Intervention Unit, and the statement(s), if any, of the victim(s) finds:
☐ That the defendant is eligible for the Family Violence Education Program.
☐ That the defendant is charged with a class D felony, an unclassified offense for which the punishment could be a term of imprisonment of more than 5 years, or an offense that caused serious physical injury to another person, and that good cause exists to allow the defendant into the program.

☐ That the defendant is NOT eligible for the Family Violence Education Program.

The court orders:
☐ The application is DENIED.
☐ The application is GRANTED, and the defendant is released to the custody of the Family Violence Intervention Unit for the period of _________________ (specify period). The following conditions are also imposed:

☐ Program successfully completed and charges dismissed
☐ Program not successfully completed
☐ Conditions not complied with

Disposition (Complete One Side Only)

☐ Program successfully completed and charges dismissed
☐ Program not successfully completed
☐ Conditions not complied with

JD-FM-97 Rev. 2-20
To: The Superior Court of the State of Connecticut

Judicial District or GA number

Address of court

Docket Number

Name of defendant

Address of defendant (Number, street, apartment number, town, and zip code)

Alias/Maiden name of defendant

Telephone number of defendant

CMIS case number

Offense(s) charged (List offenses involving use or threatened use of physical violence)

Date of offense

Offense Location: [ ] In or on property of elementary or secondary school

[ ] At school-sponsored activity as defined in section 10-233a (h) of the Connecticut General Statutes.

Name and address of school or description and location of school-sponsored activity

I was a student of a public or private secondary school on the date listed above. I am charged with the crime listed above involving the use or threatened use of physical violence in or on the property of a public or private elementary or secondary school or at a school-sponsored activity as defined in section 10-233a (h) of the Connecticut General Statutes. I am applying for the Pretrial School Violence Prevention Program. If this application is granted, I agree:

1. To give the state more time to prosecute me for this charge. (I agree to the tolling of the statute of limitations and to waive the right to a speedy trial for the offense(s) listed above.)
2. To go to a school violence prevention program consisting of group counseling sessions in anger management and nonviolent conflict resolution and to finish the program and to complete the assigned program.

I agree to let the Court Support Services Division (CSSD) get information about my criminal/motor vehicle or program participation record in this and any other jurisdiction to see if I can be in the Pretrial School Violence Prevention Program.

By signing this form, I ask that I be allowed into the Pretrial School Violence Prevention Program under section 54-56j of the Connecticut General Statutes.

I have read this entire application and I understand it.

Signed (Defendant) Date signed Consented and agreed to by (Parent or Guardian) Date signed

Oath of Defendant

The defendant stated under penalties of false statement before me, duly designated by the clerk and authorized to administer oaths, that (s)he has never had the Pretrial School Violence Prevention Program invoked in his/her behalf and that (s)he has not been convicted of an offense involving the threatened use of physical violence in or on the real property comprising a public or private elementary or secondary school or at a school-sponsored activity as defined in subsection (h) of section 10-233a of the Connecticut General Statutes, that (s)he has not been convicted in any other state at any time of an offense the essential elements of which are substantially the same as such an offense, and that to the best of his/her knowledge and belief (s)he does not possess any firearms, dangerous weapons, controlled substances, or other property or materials the possession of which is prohibited by law or in violation of the law.

Signed (Duly authorized person) Print name Date signed

Oath of Parents or Guardian

The defendant's parents or guardian stated under penalties of false statement before me, duly designated by the clerk and authorized to administer oaths, that to the best of said parents or guardian's knowledge and belief they do not possess any firearms, dangerous weapons, controlled substances, or other property or materials the possession of which is prohibited by law or in violation of the law.

Signed (Duly authorized person) Print name Date signed
First Order of Court

If the court file is ordered unsealed consider ordering the defendant's telephone number redacted.

(Select all that apply)

☐ The application is denied.

☐ The defendant's oath, and the oath of the defendant's parents or guardian under section 54-56j (b) were taken:
   ☐ In open court
   ☐ Outside of court by a person designated by the clerk and duly authorized to administer oaths

☐ The application is granted. The court orders the court file sealed as to the public, and refers the defendant to CSSD for assessment and confirmation of the eligibility of the defendant. If CSSD confirms that the defendant is eligible, it shall evaluate and place the defendant in an appropriate school violence prevention program for one year.

Case continued to (Date and time) 
Signed (Judge, Assistant Clerk) 
Date signed

Court Support Services Division Assessment and Confirmation

| Prior physical violence conviction - school related: | Out-of-state conviction: | Prior program participation: |
| Yes | No | Yes | No | Yes | No |

Assessment:
☐ Eligible ☐ Ineligible

Signed (CSSD staff)

Second Order of Court (If assessed ineligible)

(Select all that apply)

☐ The court, having determined that the defendant is ineligible, denies this application. Further, the court orders that the court file be unsealed, a plea of not guilty entered, and this case to be placed on the trial list immediately.

☐ This application is granted, and the defendant is referred to CSSD for evaluation and placement in an appropriate school violence prevention program for one year.

Case continued to (Date and time) 
Signed (Judge, Assistant Clerk) 
Date signed
Instructions to defendant:
1. Fill out the Application and Military Status sections and sign this form.
2. Give the original to the clerk of the court.
3. Send a copy to the prosecuting attorney (the State’s Attorney) for your case.
4. Keep a copy for your records.

Notice to Clerk: Seal file on order of the court per C.G.S. § 54-56(l).

TO: The Superior Court of the State of Connecticut

GA/JD number

Address of court

Docket number

Name of defendant

Address of defendant (Number, street, apartment number, town, and zip code)

Alias/Maiden name of defendant

Telephone number of defendant

CMIS case number

Offense(s) charged

Application

I am charged with the offense(s) listed above, which are crime(s) or motor vehicle violation(s) that are not serious in nature, but could result in a jail sentence. (“X” all that apply.)

☐ I have a psychiatric disability and my mental or emotional condition is not caused only by substance abuse. Without care and treatment, my mental or emotional condition has substantial adverse effects on (strongly interferes with) my ability to function.

☐ I am a veteran and I have a mental health condition that is amenable to treatment (can be treated). I have been discharged or released under conditions other than dishonorable from active service in the armed forces as defined in section 27-103 of the Connecticut General Statutes.

I am applying for the Supervised Diversionary Program. If my application is granted, and I am allowed into the program, I agree to the following:

1. To give the state more time to prosecute me (the tolling of the statute of limitations and the waiver of the right to a speedy trial) for the offense(s) listed above if I do not successfully finish the Supervised Diversionary Program.

2. To any condition(s) that may be required by the Court Support Services Division (CSSD) about my taking part in the Supervised Diversionary Program, including conditions about my taking part in meetings, treatment, or sessions of the Program.

I also understand that I cannot take part in the Supervised Diversionary Program if:

1. I am not eligible for the Accelerated Pretrial Rehabilitation Program under section 54-56e (c) of the Connecticut General Statutes, unless I am not eligible for that Program because I am eligible for the Family Violence Education Program under section 46b-38c instead, and the court finds that the Supervised Diversionary Program is better for me than the Family Violence Education Program under the circumstances of my case.

2. I have used the Supervised Diversionary Program twice before.

I also understand that:

1. The court will send notice (tell) any victim of the offense(s) listed above that I have applied for the Supervised Diversionary Program, and that the victim can tell the court whether he or she thinks I should be allowed to take part in this Program.

2. CSSD will confirm my eligibility for this program, get an assessment of my mental health condition, and find out if the right supervision, treatment, and services options are available for me. If so, CSSD will make a treatment plan for me, and give that treatment plan to the court.

3. If my application is granted, and I am allowed into the Supervised Diversionary Program, the court will refer me to CSSD, which may work with the Department of Mental Health and Addiction Services, the Connecticut Department of Veterans Affairs, or the United States Department of Veterans Affairs, where appropriate, to give me the right supervision, treatment, and services. A probation officer who has a reduced (smaller) caseload and specialized training in working with people who have psychiatric disabilities will supervise me.

4. Information about me and why I took part in the Supervised Diversionary Program will be available to State and local police officers for five years after I am allowed into the Program, even though the charge(s) for the offense(s) listed above will be dismissed if I successfully complete the Program.

5. Details of my mental or emotional condition or substance abuse issues may be made known to the court, and may become part of my court file.

I give my permission to CSSD to get information about whether I have used the Supervised Diversionary Program before and whether I am eligible for the Accelerated Pretrial Rehabilitation Program.
Military Status
Have you ever served in the U.S. Armed Forces, including the Connecticut National Guard (as defined in section 27-103 of the Connecticut General Statutes)? □ Yes □ No
If you have ever served in the armed forces: ("X" one)
□ I am an active member of the armed forces.
□ I was discharged or released from active service in the armed forces honorably or under conditions other than dishonorable.
□ I was dishonorably discharged from active service in the armed forces.

By signing this form, I am saying that I understand all of the information included on this form, and I request that I be allowed into the Supervised Diversionary Program under section 54-56l of the Connecticut General Statutes.

<table>
<thead>
<tr>
<th>I have read the above information and understand it.</th>
<th>Signed (Defendant)</th>
<th>Date signed</th>
<th>Consented to by (Parent or Guardian)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signed (Duly authorized person)</td>
<td>Print name</td>
<td>Date signed</td>
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Oath
The defendant stated under penalties of perjury before me, duly designated by the clerk and authorized to administer oaths, that (s)he has not previously participated in the Supervised Diversionary Program established under section 54-56l of the Connecticut General Statutes more than once.

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<tr>
<th>Signed (Assistant Clerk/Duly authorized person)</th>
<th>Print name</th>
<th>Date signed</th>
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First Order of the Court
("X" all that apply)
(If the application is denied and the file ordered unsealed, consider ordering the defendant's telephone number redacted.)

□ The application is denied.

□ The defendant's oath under section 54-56l(c) of the Connecticut General Statutes was taken:
  □ in open court
  □ outside of court by a person designated by the clerk and duly authorized to administer oaths

□ The application is granted. The court orders the court file sealed as to the public and refers the defendant to CSSD for confirmation of eligibility and assessment of the defendant's mental health condition. The State's Attorney shall provide CSSD with a copy of the police report.

The case is continued until at a.m./p.m.

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<th>(date)</th>
<th>(time)</th>
<th>a.m./p.m.</th>
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Signed (Judge, Assistant Clerk) | Print name | Date signed |
|--------------------------------|-------------|-------------|
§ 18-98d. Credit for presentence confinement

(a)

(1)

Any person who is confined to a community correctional center or a correctional institution for an offense committed on or after July 1, 1981, under a mittimus or because such person is unable to obtain bail or is denied bail shall, if subsequently imprisoned, earn a reduction of such person's sentence equal to the number of days which such person spent in such facility from the time such person was placed in presentence confinement to the time such person began serving the term of imprisonment imposed; provided (A) each day of presentence confinement shall be counted only once for the purpose of reducing all sentences imposed after such presentence confinement; and (B) the provisions of this section shall only apply to a person for whom the existence of a mittimus, an inability to obtain bail or the denial of bail is the sole reason for such person's presentence confinement, except that if a person is serving a term of imprisonment at the same time such person is in presentence confinement on another charge and the conviction for such imprisonment is reversed on appeal, such person shall be entitled, in any sentence subsequently imposed, to a reduction based on such presentence confinement in accordance with the provisions of this section. In the case of a fine, each day spent in such confinement prior to sentencing shall be credited against the sentence at a per diem rate equal to the average daily cost of incarceration as determined by the Commissioner of Correction.

(2)

(A)

Any person convicted of any offense and sentenced on or after October 1, 2001, to a term of imprisonment who was confined to a police station or courthouse lockup in connection with such offense because such person was unable to obtain bail or was denied bail shall, if subsequently imprisoned, earn a reduction of such person's sentence in accordance with subdivision (1) of this subsection equal to the number of days which such person spent in such lockup, provided such person at the time of sentencing requests credit for such presentence confinement. Upon such request, the court shall indicate on the judgment mittimus the number of days such person spent in such presentence confinement.

(B)

Any person convicted of any offense and sentenced prior to October 1, 2001, to a term of imprisonment, who was confined in a correctional facility for such offense on October 1, 2001, shall be presumed to have been confined to a police station or courthouse lockup in connection with such offense because such person was unable to obtain bail or was denied bail and shall, unless otherwise ordered by a court, earn a reduction of such person's sentence in accordance with the provisions of subdivision (1) of this subsection of one day.

(C)

The provisions of this subdivision shall not be applied so as to negate the requirement that a person convicted of a first violation of subsection (a) of section 14-227a and sentenced pursuant to subparagraph (B)(i) of subdivision (1) of subsection (g) of said section serve a term of imprisonment of at least forty-eight consecutive hours.

(b)

In addition to any reduction allowed under subsection (a) of this section, if such person obeys the rules of the facility such person may receive a good conduct reduction of any portion of a fine not remitted or sentence not suspended at the rate of ten times the average daily cost of incarceration as determined by the Commissioner of Correction or ten days, as the case may be, for each thirty days of presentence confinement; provided any day spent in presentence confinement by a person who has more than one information pending against such person may not be counted more than once in computing a good conduct reduction under this subsection.

(c)

The Commissioner of Correction shall be responsible for ensuring that each person to whom the provisions of this section apply receives the correct reduction in such person's sentence; provided in no event shall credit be allowed under subsection (a) of this section in excess of the sentence
actually imposed.

Cite as Conn. Gen. Stat. § 18-98d

Source:
(P.A. 80-442, S. 2, 28; P.A. 81-472, S. 41, 159; P.A. 01-78; P.A. 02-18, S. 2; P.A. 04-234, S. 13; P.A. 06-119, S. 3; P.A. 16-193, S. 33.)


Case Notes:
Cited. 184 Conn. 434; 196 Conn. 309; 201 Conn. 115; 205 Conn. 27; 209 C. 23; 215 Conn. 695; 219 Conn. 269. Presentence credit not authorized for persons awaiting or contesting extradition; presentence credit not authorized when prisoner not in custody or control of commissioner. 259 C. 855. Regarding claim that incarceration in another state while contesting extradition made section applicable, court held that persons who are confined in another state pending extradition are not similarly situated to persons who are confined in this state pending trial. 266 C. 596. Section requires transfer of credits from earlier imposed sentence to later imposed sentence when both sentences merge into one effective sentence under one docket number; if person serving term of imprisonment exercises right to pursue double jeopardy claim on charge for which sentence may run concurrently, person shall be entitled, in any subsequently imposed sentence, to reduction based on such presentence confinement. 327 C. 24.

Cited. 30 Conn.App. 190; 36 Conn.App. 440; 39 Conn.App. 455; Id., 473; 45 CA 566. Presentence credit not authorized for persons awaiting or contesting extradition. 54 CA 11. Allocation of credit under section does not implicate fundamental right or burden a suspect class, and is rationally related to legitimate public purpose of ensuring that convicted offenders serve the full term of their sentences; respondent's allocation of pretrial confinement credit pursuant to section did not violate separation of powers doctrine; because legislature plays substantial role, in conjunction with the judiciary, in sentencing those convicted of criminal offenses, court could not conclude that statute, as applied by respondent, significantly interfered with judiciary's role in sentencing. 90 CA 460. Credits under section are only available to an individual committed to the custody of Commissioner of Correction and not to a person committed to any other authority, including a juvenile committed to Commissioner of Children and Families. 136 CA 373.

Subsec. (a):
Municipal police department is neither a community correctional center nor a correctional institution. 258 Conn. 394. When concurrent sentences are imposed on different dates, presentence confinement days accrued simultaneously on more than one docket are utilized fully on the date they are applied to first sentence; hence, they cannot be counted a second time to accelerate discharge date of any subsequent sentence without violating language of Subdiv. (1)(A). 271 C. 808. Section clearly requires that in order for petitioner to receive jail credit, he must request the credit from the sentencing court at the time of sentencing, and such timely request is thus a condition precedent to the court's ability to grant the credit. 294 C. 165.

Court reiterated holding that each day of presentence confinement, regardless of the number of informations under which such confinement accrues, should be counted only once and credited to only one day of sentenced confinement. 80 CA 574. Each day of presentence confinement, regardless of the number of informations under which such confinement accrues, should be counted once and credited to only one day of sentenced confinement. Id., 580. Petitioner cannot earn presentence confinement credit while serving sentence. 83 CA 77. Pretrial confinement credit shall be used only once. 94 CA 283. Recalculation of petitioner's presentence confinement credit in wake of Harris v. Commissioner of Correction did not violate petitioner's right to equal protection, constitute an ex post facto violation or violate the separation of powers doctrine. 104 CA 793.

Subsec. (b):
"One continuous term" language of Sec. 18-7 is applicable to presentence good time credit earned under Subsec. and presentence good time credits earned on one sentence may be credited toward a subsequent, controlling concurrent sentence. 254 Conn. 214.
§ 54-82c. (Formerly Sec. 54-139). Prisoner's right to speedy trial on pending charges

(a) Whenever a person has entered upon a term of imprisonment in a correctional institution of this state and, during the continuance of the term of imprisonment, there is pending in this state any untried indictment or information against such prisoner, he shall be brought to trial within one hundred twenty days after he has caused to be delivered, to the state's attorney or assistant state's attorney of the judicial district or geographical area, in which the indictment or information is pending, and to the appropriate court, written notice of the place of his imprisonment and his request for final disposition to be made of the indictment or information. For good cause shown in open court, the prisoner or his counsel being present, the court may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the warden, Community Correctional Center Administrator or other official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner and any decisions of the Board of Pardons and Paroles relating to the prisoner.

(b) The written notice and request for final disposition referred to in subsection (a) hereof shall be given or sent by the prisoner to the warden, Community Correctional Center Administrator or other official having custody of the prisoner, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, Community Correctional Center Administrator or other official having custody of the prisoner shall promptly inform him in writing of the source and contents of any untried indictment or information against him concerning which the warden, administrator or other official has knowledge and of his right to make a request for final disposition thereof.

(d) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in subsection (a) hereof shall void the request.

Cite as Conn. Gen. Stat. § 54-82c

Source:


Case Notes:

Annotations to former section 54-139:

Phrase "has caused to be delivered" is equivalent of "has delivered" and 120-day period runs from completion of delivery of both request and supplemental information. 149 C. 250. Cited. 153 C. 28. Statute permits court to grant continuance for good cause shown even where facts which lead court to grant continuance are beyond defendant's control. 171 C. 487. Cited. 185 C. 118; 194 C. 297; 198 C. 573.

Cited. 40 CA 757.

Does not apply to prisoner in federal institution in Connecticut; does not purport to place a limit on time within which information should be made. 24 CS 308. Cited. 36 CS 327, 330.

Annotations to present section:

Cited. 193 C. 270; 194 Conn. 297; 197 C. 166; 198 Conn. 573; 202 C. 93; 221 C. 921; 224 C. 163; 242 Conn. 409.

Cited. 12 CA 1; 14 CA 244; Id., 493; 20 CA 205; 26 CA 698; 28 CA 195; 29 CA 694; 32 CA 38; 33 CA 184; judgment reversed, see 232 C. 707; 40 Conn.App. 757. In absence of any evidence to the contrary, it is presumed that officials acted properly under statute and therefore, because written notice was not delivered to state's attorney, the statutory 120-day period did not commence. 107 CA 517. For purposes of speedy trial calculations, delays attributable to initiations of the defense are excludable. 110 CA 245.
Time limits under section excluded entire period of time during which defendant's competency claim was considered and resolved. 132 CA 24.
§ 54-82m. Rules re speedy trial to be adopted by judges of Superior Court effective July 1, 1985

In accordance with the provisions of section 51-14, the judges of the Superior Court shall make such rules as they deem necessary to provide a procedure to assure a speedy trial for any person charged with a criminal offense on or after July 1, 1985. Such rules shall provide that (1) in any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of a criminal offense shall commence within twelve months from the filing date of the information or indictment or from the date of the arrest, whichever is later, except that when such defendant is incarcerated in a correctional institution of this state pending such trial and is not subject to the provisions of section 54-82c, the trial of such defendant shall commence within eight months from the filing date of the information or indictment or from the date of arrest, whichever is later; and (2) if a defendant is not brought to trial within the time limit set forth in subdivision (1) of this section and a trial is not commenced within thirty days of a motion for a speedy trial made by the defendant at any time after such time limit has passed, the information or indictment shall be dismissed. Such rules shall include provisions to identify periods of delay caused by the action of the defendant, or the defendant's inability to stand trial, to be excluded in computing the time limits set forth in subdivision (1) of this section.

Cite as Conn. Gen. Stat. § 54-82m

Source:
(P.A. 82-349, S. 2, 4; P.A. 83-1, S. 2, 3; P.A. 07-217, S. 194.)

Case Notes:
Cited. 202 Conn. 443; 218 C. 85; 233 Conn. 813. Exception to 60-day limitation period for acts of God and misconduct on part of defendant is a necessary implication. 242 C. 389. Cited. 243 C. 115. Trial court properly determined that the time that co-defendant's attorney was unavailable was excludable time for computing the commencement of defendant's trial. 252 C. 714. Administrative incompetence, whether founded in negligence, recklessness or a serious dereliction of duty, does not constitute "exceptional circumstances", and therefore "good cause", for the failure to bring defendant to trial before the 30-day period has expired. 265 C. 437.

Cited. 14 Conn.App. 244; 33 Conn.App. 184; judgment reversed, see 232 Conn. 707; 37 CA 384; 38 CA 868. Statutory right to speedy trial cited. 40 CA 483. Cited. Id., 643; Id., 757; 42 CA 144; 43 CA 488. Right to protection of statute waived by withdrawing motion and not filing for dismissal. 47 CA 91. Cited. 54 Conn.App. 361. Section codifies defendant's constitutional right to speedy trial and confers on Superior Court judges authority to make such rules as they deem necessary to establish procedure for implementing that right. 66 CA 357. Defendant not deprived of right to speedy trial when trial delay was occasioned by continuances requested by defendant's counsel, rather than by defendant, and defendant did not object. 78 Conn.App. 659.
CONSTITUTION OF THE STATE OF CONNECTICUT

Current through the November 2019 election

Article FIRST. DECLARATION OF RIGHTS

That the great and essential principles of liberty and free government may be recognized and established,

WE DECLARE:

SEC. 1.

All men when they form a social compact, are equal in rights; and no man or set of men are entitled to exclusive public emoluments or privileges from the community.

SEC. 2.

All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

SEC. 3.

The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in the state; provided, that the right hereby declared and established, shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the state.

SEC. 4.

Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

SEC. 5.

No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

SEC. 6.

In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts, under the direction of the court.

SEC. 7.

The people shall be secure in their persons, houses, papers and possessions from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

SEC. 8.

In all criminal prosecutions, the accused shall have a right to be heard by himself and by counsel; to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his behalf; to be released on bail upon sufficient security, except in capital offenses, where the proof is evident or the presumption great; and in all prosecutions by indictment or information, to a speedy, public trial by an impartial jury. No person shall be compelled to give evidence against himself, nor be deprived of life, liberty or property without due process of law, nor shall excessive bail be required nor excessive fines imposed. No person shall be held to answer for any crime, punishable by death or life imprisonment, unless on a presentment or an indictment of a grand jury, except in the armed forces, or in the militia when in actual service in time of war or public danger.

(Sec. 8 amended in 1982. See Art. XVII of Amendments to the Constitution of the State of Connecticut.)

SEC. 9.

No person shall be arrested, detained or punished, except in cases clearly warranted by law.

SEC. 10.

All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 11.

The property of no person shall be taken for public use, without just compensation therefor.

SEC. 12.

The privileges of the writ of habeas corpus shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it; nor in any case, but by the legislature.
SEC. 13.

No person shall be attainted of treason or felony, by the legislature.

SEC. 14.

The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address or remonstrance.

SEC. 15.

Every citizen has a right to bear arms in defense of himself and the state.

SEC. 16.

The military shall, in all cases, and at all times, be in strict subordination to the civil power.

SEC. 17.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

SEC. 18.

No hereditary emoluments, privileges or honors, shall ever be granted, or conferred in this state.

SEC. 19.

The right of trial by jury shall remain inviolate.

(Sec. 19 amended in 1972. See Art. IV of Amendments to the Constitution of the State of Connecticut.)

SEC. 20.

No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his civil or political rights because of religion, race, color, ancestry or national origin.

(Sec. 20 amended in 1974. See Art. V of Amendments to the Constitution of the State of Connecticut.)

(Sec. 20 amended in 1984. See Art. XXI of the Amendments to the Constitution of the State of Connecticut.)
§ 40-10. Custody of Materials

(a) Any materials furnished to counsel pursuant to this chapter, including statements, reports and affidavits disclosed pursuant to Section 40-13A, shall be used only for the purposes of conducting such counsel's side of the case or for the performance of his or her official duties, and shall be subject to such other terms and conditions as the judicial authority may provide. Without the prior approval of the prosecuting authority or the court, defense counsel and his or her agents shall not provide copies of materials disclosed pursuant to Section 40-13A to any person except to persons employed by defense counsel in connection with the investigation or defense of the case.

(b) The prosecuting authority is not required to disclose to an unrepresented defendant the names and addresses required by Section 40-13 unless the court orders disclosure upon a finding of need which cannot reasonably be met by other means. Before other materials are disclosed or provided to an unrepresented defendant pursuant to this chapter, the prosecuting authority may request and the court may order that the materials remain in the defendant's exclusive custody to be used only for the purpose of conducting the case, subject to such terms, conditions and restrictions that the court, in its discretion, may impose. The court shall also inform the unrepresented defendant that violation of an order issued under this subsection is punishable as a contempt of court.

Cite as Conn. Sup. Ct. - Proc. Crim. Matters 40-10

§ 41-20. Bill of Particulars; Time for Filing

Pursuant to Section 41-5, the defendant may make a motion, or the judicial authority may order at any time, that the prosecuting authority file a bill of particulars.

Cite as Conn. Sup. Ct. - Proc. Crim. Matters 41-20

§ 41-21. Content of Bill

The judicial authority shall order that a bill of particulars disclose information sufficient to enable the defendant to prepare the defense, including but not being limited to reasonable notice of the crime charged and the date, time, and place of its commission.

Cite as Conn. Sup. Ct. - Proc. Crim. Matters 41-21