



Item 04-03c
(121619)

State of Connecticut
DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER
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October 3, 2019

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LEGAL SERVICES
CT JUDICIAL BRANCH

Joseph Del Ciampo, Esq.
Counsel
Superior Court Rules Committee
100 Washington Street, 3rd Floor
Hartford, CT 06106

Dear Attorney Del Ciampo:

I am writing in response to the referral from the Rules Committee for comments to the proposal from the Office of the Victim Advocate (OVA) to amend both the Rules of Professional Conduct and several sections of the Practice Book relating to the interaction between prosecutors and victims. The Division of Public Defender Services has consistently been supportive of a crime victim's right to be informed regarding the proceedings, to have reasonable notice of hearings and to be able to speak as to the disposition of a case. However, we are concerned that the proposals may infringe on the independence of the prosecutorial authority.

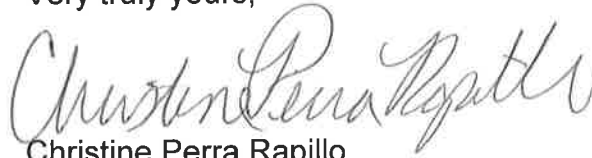
A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence – Connecticut Rules of Professional Conduct, Rule 3.8, Official Commentary. This important responsibility will sometimes put a prosecutor in conflict with a victim or a victim's family, who may be controlled by emotions and not able to accurately process the weight of evidence or what a fair disposition might be. Prosecutors must be free to weigh the evidence in a criminal matter and speedily resolve the charges, including entering a nolle prosequi or moving to dismiss when pursuing the case would be unjust based on the evidence and circumstances.

Joseph Del Ciampo, Esq.
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There are significant processes and procedures currently in place to ensure that victims receive reasonable notice of hearings and are given the opportunity to speak at dispositional proceedings. I would urge the Rules Committee to cautiously review the proposals, as it is our assessment that the proffered changes are already covered by existing statutes.

Thank you for the opportunity to be heard on this important matter.

Very truly yours,

A handwritten signature in cursive script, reading "Christine Perra Rapillo". The signature is written in black ink and is positioned above the printed name and title.

Christine Perra Rapillo
Chief Public Defender