



Item 07-05c
(031620)

State of Connecticut
DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER
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October 3, 2019

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 Senators Looney and Winfield and Representative Stafstrom to amend the rules relating to pre-trial discovery in criminal matters. The Office of Chief Public Defender wholeheartedly supports this proposal. Ensuring timely and consistent discovery in criminal matters will ensure that our clients are equipped to make knowing decisions on how to proceed with their case and that criminal defense lawyers are able to develop their case in a timely and fully informed manner.

Discovery practices across the state are uneven and inconsistent. In most instances, a criminal defendant will not have access to the full body of evidence against him or her during pretrial negotiations. Our clients are forced to make decisions about whether to accept or reject a plea offer based on incomplete information because the prosecuting authority is not required to seek all information at the beginning of the criminal matter. Evidence is not gathered or reviewed until just before jury selection. Even when a prosecutor requests all case information from law enforcement, it is often not disclosed until the time of trial, if at all. This late disclosure makes it difficult to advise a client or to adequately prepare for a trial.

The current proposal to modify the criminal rules on discovery would create uniform practice for disclosure for all jurisdictions across the state and place the responsibility to

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procure and disclose evidence on the prosecuting authority. The proposed changes would require the court to confirm that requested discovery is addressed. These changes will help ensure that all potentially exculpatory material, which is required to be disclosed to the defendant, is timely gathered and received. By setting consistent timeframes for disclosure, our clients will have access to more complete and accurate information when making the critical decision of whether to proceed with a criminal trial.

Faster and more transparent discovery proceedings will enhance fairness and justice in criminal proceedings and increase public trust in the courts. I urge the Rules Committee to give careful consideration and support to these proposals.

Very truly yours,

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

Christine Perra Rapillo
Chief Public Defender