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Item 07-05g (031620)

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October 16, 2019

Joseph Del Ciampo, Esq.
Director of Legal Services
Connecticut Judicial Branch
Via email to joseph.delciampo@jud.ct.gov

Re: Proposed Rules Committee Changes

Dear Attorney Del Ciampo:

I am the Chair of the Connecticut Bar Association's Criminal Justice Section. As you requested via email, we have opened up for comments from the Criminal Justice Section's membership on the proposed rule changes before the Rules Committee. While the section will not be taking an official position on these changes, I can provide you the following feedback from those section members that responded. I apologize for sending you this information today, rather than on yesterday's deadline. We had some delay in accessing the online survey results from our section members.

Regarding the proposed discovery rule changes, the feedback is as follows: Section members reported support for the proposed change to change the rules so that a defendant's requests for a continuance would not implicate his or her speedy trial rights if the prosecution has not met its discovery deadline.

Some section members had reservations regarding the second proposed change, requiring that the court confirm all discovery has been completed before accepting a plea agreement. These members supported adding language permitting a defendant to knowingly and voluntarily waive this requirement, because sometimes it is favorable for a defendant to plead quickly, before discovery is completed.

Feedback from the section regarding the third proposed change, involving a 35-day delay between discovery completion and trial, was favorable.

The section's feedback was mixed in response to the change regarding witness lists. Multiple persons reported concerns in obligating defendant's to turn

over witness lists, especially far ahead of trial, because defendant's have no obligation to present witnesses nor even decide to present witnesses until the prosecution's case is complete. Some were also confused by the language in this change, and it was unclear at what stage of the case the witness list request could be made. (Right after arrest? Pretrial? When the case is on the trial list?) Others did support this proposed change without comment.

Section member feedback was positive towards the requirement that prosecutors maintain a list of disclosed materials and that defense confirm receipt. There were concerns raised about adding additional cumbersome requirements, though.

In regards to the proposed changes to rules about victims' participation in the process, the section was more negative. Section members provided disapproving feedback for all four proposals. Some found the codified requirements to be redundant and unnecessary, believing prosecutors and courts are already very accommodating and open to victim participation. Members also noted this blurs the line between the prosecution representing the State of Connecticut versus representing individual victims. While the section did not provide an overwhelming number of responses on this topic, none were supportive of these changes.

I hope you will consider the input of our section's members in your deliberations. If you require any additional information or feedback, please feel free to contact me at trentlalima@gmail.com. Again, I apologize for not providing this email by the end of the day yesterday.

Sincerely,



Trent A. LaLima
Chair
Criminal Justice Section
Connecticut Bar Association