



NATASHA M. PIERRE, ESQ.
State Victim Advocate

November 13, 2019

Joseph J. Del Ciampo
Counsel to the Rules Committee
State of CT Judicial Branch
Via email to Joseph.DelCiampo@jud.ct.gov

Re: OVA's Proposal for Rule Amendments

Dear Attorney Del Ciampo.

I submitted the following language to amend Procedures in Juvenile Matters (Sec 30a Initial Plea Hearing and Sec 30a-5 Dispositional Hearing) and Procedures in Criminal Matters (Sec 39-7 Notice of Plea Agreement and Sec 43-10 Sentencing Hearing; Procedures to be Followed):

NEW SECTION: If no victim is present at the hearing and a written statement has not been submitted, the court shall inquire on the record whether an attempt has been made to notify any such victim. If it is not established that a reasonable attempt has been made to notify the victim, the court shall: (1) reschedule the hearing; or (2) proceed with the hearing but reserve ruling until the victim has been notified and given an opportunity to make a statement.

This section required further clarification. I submit the following language as an alternative to the above:

Sec 30a and Sec 39-7

- (a) If the victim is not present or has not submitted a written statement, the court shall ascertain from the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case:

- (1) Whether the victim was informed of his or her right to make a statement to the court, orally or in writing, regarding the plea agreement, and, if not whether reasonable measures were undertaken to do so;
 - (2) If the victim elected to provide a statement, whether the victim was notified of the date, place and time of proceeding;
 - (3) If the state has proposed a plea agreement, whether the victim has been informed of his or her right to be provided with the terms of the proposed agreement, orally or in writing;
- (b) If the state's attorney, assistant state's attorney or deputy assistant state's attorney has not established that a reasonable attempt has been made to notify the victim of the foregoing rights, the court shall, unless doing so would violate a jurisdictional requirement or the defendant's substantive rights:
- (1) Reschedule the hearing, or
 - (2) Proceed with the hearing but reserve ruling until the victim has been notified and given an opportunity to make a statement; and
- (c) If the victim is present, the court shall inquire whether he or she has been informed of the foregoing rights and shall recess the hearing or undertake appropriate measures if necessary to afford the victim a reasonable opportunity to exercise those rights.

Sec 30a-5 – above language except “disposition” replaces “plea agreement.”

Sec 53-10 – above language except “sentence” replaces “plea agreement.”

Please let me know if you have any questions or concerns. I can be reached at (860) 550-6632 or Natasha.Pierre@ct.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Natasha M. Pierre".

Natasha M. Pierre, JD, MSW