

**O'Donnell, Shanna**

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**Subject:** FW: criminal rule changes

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**From:** Rapillo, Christine (Public Defenders)  
**Sent:** Friday, January 18, 2019 11:56 AM  
**To:** Alexander, Joan  
**Subject:** RE: criminal rule changes

Dear Judge Alexander:

My only concern is ensuring that there is counsel for the defendant at a hearing on waiving their presence at arraignment. I would propose that the court be able to appoint a public defender solely for the purposes of representing the defendant at a waiver hearing. This helps protect people who are hospitalized and might not be able to retain or apply for counsel. I would propose the following language in red:

“A defendant who is not released from custody sooner shall be brought before a judicial authority no later than the first court day following arrest. Any defendant who is hospitalized, has escaped, or is otherwise incapacitated shall be presented no later than the next court day following such defendant's medical discharge or return to police custody. Upon a finding of good cause shown that is placed on the record, the judicial authority may waive the presence of the defendant at arraignment. **Counsel for the defendant shall be present at any hearing regarding waiver and the public defender may be appointed for the purposes of representing the defendant at the waiver hearing.** A defendant not in custody shall appear for arraignment in person at the time and place specified in the summons or the terms of release, or at such other date or place fixed by the judicial authority.”

I don't see any issue with the Anders proposal. I sent it to our appellate folks to make sure I did not miss anything!

Thanks for sending these over!

Chris

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**From:** Alexander, Joan  
**Sent:** Thursday, January 17, 2019 6:37 PM  
**To:** Rapillo, Christine (Public Defenders)  
**Subject:** criminal rule changes

Christine-

I have submitted two proposals to the Rules Committee and I wanted you to see them in case you had any questions or concerns.

Hope all is well with you!

Have a good night!

jka

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Hon. Joan Alexander  
Judge, Superior Court  
State of Connecticut  
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