

Minutes
Criminal Practice Commission
225 Spring St. Wethersfield
January 26, 2009
2:00 p.m.

Members in attendance: Hon. Patrick L. Carroll, III, Chair, Hon. Joette Katz, Hon. Patrick Clifford, Hon. David Gold, Hon. Richard Damiani, Hon. Joan Alexander, Hon. James Ginocchio, Hon. Gary White, Attorney Kevin Kane, Attorney Joseph D'Alesio, Attorney Patricia Froehlich, Attorney Gail Hardy, Attorney Raymond Hassett, Attorney M. Elizabeth Reid, Attorney Eugene Riccio, Attorney Ed Gavin, Attorney Charles Stango, Mr. William Carbone, Mr. Lawrence D'Orsi

Guests in attendance: Attorney Denise Poncini, Attorney Jennifer Zito, Attorney Deborah Del Prete Sullivan, Attorney Elisa Villa, Attorney Brian Austin, Mr. Gary Roberge

The meeting was called to order at 2:10 p.m. by Judge Carroll.

The first order of business after introductions was to review and accept the minutes from the December 2, 2008 meeting. The minutes were unanimously approved.

The meeting then proceeded to agenda item III-Presentation of Workgroups.

Habeas Reform- Attorney Reid summarized their meeting of January 23, 2009.

- Review of a memo submitted by a Rockville Court Officer outlining habeas issues
- Continued centralization of filing and regionalization of hearings
- Review of the screening process for habeas petitions
- Statute of Limitations issues will be discussed at next meeting
- Expansion of video hearings and related issues including confidentiality (Attorney-Client Privilege). Video hearings may be beneficial for witness testimony and victims. Cost savings to DOC. Topic be discussed at next meeting
- Members will make a list of pros and cons of each topic for the next meeting

The working group would like to hold their next meeting in a courtroom currently used for video hearings.

Discovery/Practice Book Workgroup- Judge Clifford reported the workgroups charge was completed with the submission of the Practice Book Revisions at the last meeting. Judge Carroll reported Attorney Joseph D'Alesio was delivering the agreement to the Rules Committee this afternoon.

Professionalism and Civility- Attorney Ray Hassett reported that Attorney Ed Gavin has been asked to speak at today's meeting about "blogs" that were submitted to the Judiciary Committee during recent Judge's reappointment process. Attorney Louis Pepe, Past President of the Connecticut Bar Association (CBA) and chair of the Standing Committee on

Professionalism was contacted to help with initiatives to be undertaken by this working group. A wide range of issues that the working group will consider include courtroom decorum, the possibility of an attorney mentoring program, and the “disappearing jury trial.

Agenda item IV-Protocol for Immigration Detainees with Pending Criminal Cases was then discussed. Attorney Elisa Villa presented a proposal to the Commission. This proposal requested the creation of an Immigration Sub-Committee within the Criminal Practice Commission. Issues cited included:

- Transportation of detainees to court
- How detainees are being handled
- Video Conferencing
- Weekly list from ICE to CSSD so an FTA won't issue from court
- CSSD personnel determining status of individuals on probation
- Need people outside Judicial Branch with Immigration expertise
- CSSD policy on post-conviction intake and foreign born offenders

Mr. Carbone addressed the last issue stating ICE asked for their cooperation in identifying foreign born sentenced probationers who are unable to establish their legal status. All probationers are asked for identification. A sub-committee will be formed. Judge Carroll will set up the committee and notify members.

Under Other Business was a presentation by the Connecticut Criminal Defense Lawyers Association (CCDLA). Attorney Ed Gavin stated the process for distributing information to the Judicial Selection Committee and Judiciary Committee regarding judicial appointments. CCDLA sent an email to members listing the Judge's coming up for reappointment and asked for comments. The unedited responses are compiled by Judge and by comment. Most were positive responses. The comments were copied and bound and were sent to the above committees at the appropriate times. Although the CCDLA knows the identities of the attorneys that responded, the names are withheld by the CCDLA. This was the first time a solicitation such as this was done.

A lengthy discussion followed as to the measures that could be taken by an attorney who is not satisfied with a Judge's conduct during a pending case. A transcript of the case can be ordered or the attorney can contact the Presiding or Administrative Judge of the District or contact the Chief Court Administrator's Office.

This issue regarding the CCDLA's submission process and judicial nominations will be referred to a sub-committee within the Professionalism/Civility Committee. Judge Carroll will assign and notify the members of the sub-committee.

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Lastly, Attorney Brian Austin, Under Secretary, Office of Policy and Management addressed the Commission. He reminded all to keep an open mind during these tough and fiscally challenging times.

The next meeting of the Commission will be held in approximately 2 months.

The meeting adjourned at 3:57 p.m.