



PUBLIC SERVICE AND TRUST COMMISSION

Committee on Alternatives to Court Appearances

Statutes and Rules Analysis Subcommittee

Meeting Minutes
March 12, 2009

Those in attendance:

Atty. Jennifer Robinson, Chair

Hon. David Borden

Hon. Emmet Cosgrove

Atty. Joseph Del Ciampo

Atty. Nancy Porter

The subcommittee on Statutes and Rules for the Committee on Alternatives to Court Appearances met on Thursday, March 12th, 2009 at 2:00 p.m. via teleconference from 225 Spring Street, Wethersfield, Room 206.

The meeting was called to order at 2:02 p.m. by Jennifer Robinson. As the first order of business the minutes for the meeting held on January 29th, 2009 were unanimously approved by subcommittee members pending discussed revisions.

The subcommittee discussed the Purposes Subcommittee's request for legal research on video conferencing (VC) for competency hearings and sentence reviews. For competency hearings by VC the subcommittee agreed that this could be done and that it would not violate the defendant's rights based on a *Matthews v. Eldridge*, 424 U.S. 319, 335 (1976) analysis. It was also determined that no waiver would be necessary because appearing by VC is considered an appearance. These VC proceedings would pertain to those individuals that are not competent but restorable.

The subcommittee discussed VC for sentence reviews. Two questions asked were if sentence review was a critical stage and whether the inmate had a right to be physically present at the hearing. It was determined that sentence reviews are considered a sentencing and a critical stage where the inmate has the right of allocution. Absent consent for the inmate, sentence reviews should not be heard by VC.

Judge Cosgrove agreed to communicate the conclusions of the subcommittee regarding the use of VC for competency hearings and for sentence reviews to Judge Solomon.

The subcommittee discussed that any recommendations that require rule changes should be drafted by the Rules Committee. This subcommittee will provide the substance for what rules need to be changed.

The subcommittee discussed the Purposes VC recommendations for Civil, Juvenile, Family, and Criminal matters. In Civil matters the subcommittee discussed that Practice Book (PB) Sec. 23-68 should be amended to conform to the recommendations. In Juvenile matters the subcommittee recommended incorporating the format of PB Sec. 23-68(b) into PB Sec. 32(a). In regard to Family matters, Judge Cosgrove agreed to contact Judge Munro to clarify the recommendations of the Purposes subcommittee in this area and the subcommittee will look at PB Sec. 25 to expand the use of VC/TC. The scope of VC/TC for Criminal matters will be small. For Administrative recommendations the subcommittee discussed that they do not require PB changes with the exception of centrally locating the Judicial Interpreter Service which will require a search of any pertinent PB rules or Statutes.

The subcommittee discussed a general provision that whenever TC is proposed, VC can also be used if available and at the discretion of the court.

The next meeting will be schedule for Thursday April 2, 2009 at 10:15 am at 100 Washington Street, Hartford in the 3rd Floor conference room.

The meeting adjourned at 3:43 p.m.