

## SUPREME COURT PENDING CASES

*The following appeal is fully briefed and eligible for assignment by the Supreme Court in the near future.*

STATE OF CONNECTICUT *v.* JANE DOE, SC 21029

*Judicial District of New London at G.A. 21*

**Criminal; Competency; Whether Confinement at Maximum Security Psychiatric Hospital Was "Least Restrictive Placement" for Restoring Defendant to Competency to Stand Trial for Non-Violent Misdemeanor Charge.** In November, 2023, police were dispatched to a hotel to respond to a report of a woman refusing to leave the premises after being denied a room due to lack of a valid form of identification. The defendant attempted to leave the premises upon arrival of the police, but officers detained her and instructed that she would be arrested if she did not provide the officers with identification. The defendant refused, and, as a result, she was arrested and ultimately charged with one count of interfering with an officer in violation of General Statutes § 53a-167a (a), a class A misdemeanor, as well as an infraction for failure to comply with a fingerprint request in violation of General Statutes § 29-17. A subsequent search of her person and belongings yielded no identifying information beyond a hospital bracelet stating "18 year old unidentified" and a document indicating that she had previously been charged in Virginia with failing to provide fingerprints. At her arraignment, the trial court ordered an examination of the defendant to determine whether she was competent to stand trial pursuant to General Statutes § 54-56d and set a bond of \$30,000. In January, 2024, following an evidentiary hearing, the court found the defendant incompetent but "restorable," i.e., that there was a substantial probability that she would regain competency if provided with a course of treatment. The court further found that inpatient treatment was the least restrictive placement appropriate and available to restore competency and ordered that the defendant be placed at Whiting Forensic Hospital pursuant to § 54-56d (i). The court also raised the defendant's bond to \$50,000. Subsequently, after the defendant declined the administration of psychotropic medication recommended by hospital staff, she was appointed a conservator and forcibly medicated. At the next competency review hearing in March, 2024, the hospital's competency monitor testified that the

defendant was incompetent but restorable, with a diagnosis of schizophrenia. Defense counsel agreed that the defendant was not competent but disagreed that she was restorable. The matter was continued until June, 2024, when the court reconsidered the issue on the basis of an updated report and evaluation. The court again found the defendant incompetent but restorable and continued the matter for another ninety days. Thereafter, the defendant filed an application pursuant to General Statutes § 52-265a seeking certification to appeal to our Supreme Court on the ground that the action involves a matter of substantial public interest in which delay may work a substantial injustice. The defendant's application was granted, and the Supreme Court will decide the following issue: "Did the trial court correctly determine that confinement of the defendant at the Whiting maximum security hospital, including the forced administration of medication, along with the imposition of a bond amount of \$50,000, was the 'least restrictive placement' available under General Statutes § 54-56d (i) for the restoration of the defendant to competency to stand trial on non-violent Class A misdemeanor charges, particularly when there is no indication in the record that the defendant is a danger to herself or others?"

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*The summaries appearing here are not intended to represent a comprehensive statement of the facts of the case, nor an exhaustive inventory of issues raised on appeal. These summaries are prepared by the Staff Attorneys' Office for the convenience of the bar. They in no way indicate the Supreme Court's view of the factual or legal aspects of the appeal.*

*Jessie Opinion  
Chief Staff Attorney*

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