

THE ANNUAL REPORT  
OF THE CHIEF PUBLIC DEFENDER

**Connecticut Public Defenders**



*Committed to Equal Justice*

CONNECTICUT DIVISION OF PUBLIC DEFENDER SERVICES

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# 1

## SUMMARY OF THE CHIEF PUBLIC DEFENDER

*“The ultimate measure of a man is not where he stands in moments of convenience, but where he stands at times of challenge and controversy.” - Martin Luther King*

Connecticut was one of the first states in the country to realize that true justice in the criminal court system must be equal in fact and perception. To protect the rights of all citizens, the rights of all accused must be zealously defended.

This year, possibly more than any other, proved just how challenging, controversial and necessary is the work of public defenders. Daily media releases regarding Cheshire defendants Steven Hayes and Joshua Komisarjevsky illustrated that criminal defense can be daunting, difficult, and dangerous when public sentiment runs high against persons charged with notorious crimes - and also against the lawyers that are ethically sworn to defend their constitutional rights.

Connecticut public defenders also represented adults and children in more than 92,000 additional cases in 2010, approximately 2,000 more cases than in 2009. While the role of the public defender is primarily to zealously defend against the criminal charge, our statewide offices continue to collaborate with major partners, such as the Court Support Services Division (CSSD), the Department of Children and Families (DCF), the Department of Correction (DOC), and the Department of Mental Health and Addiction Services (DMHAS) to divert as many clients as possible into positive life altering substance abuse, mental health, and community alternatives to incarceration. Our representational standards and results are measured against national standards including those adopted by the American Bar Association, the National Legal Aid and Defender Association, the American Council of Chief Defenders, and in accordance with Results Based Accountability (RBA) principles.

While the mission of the Agency is clearly set forth by statute, the overarching quality of life result provided by the Division of Public Defender Services must be that the results of Connecticut’s criminal court system are constitutional and fair, not just for indigent persons, but for everyone. The failure to zealously and constitutionally defend all persons charged with crimes is too costly and would diminish Connecticut’s proud heritage of providing counsel for those who cannot afford to protect their liberty.

Susan O. Storey,  
*Chief Public Defender*

## ORGANIZATION AND ADMINISTRATION

The Division of Public Defender Services is an agency of the State of Connecticut, established by Chapter 887 of the Connecticut General Statutes. The policy-making and appointing authority for the Division is the Public Defender Services Commission. The seven (7) members of the Commission are appointed for three-year terms, in accordance with Sec. 51-289, C.G.S., by the Governor, the Chief Justice, the Speaker of the House, the Senate President Pro Tempore, and the House of Representatives Minority and Majority Leaders. The current members of the Commission are listed on page 7 together with their appointing authorities and the terms of office.

As established by statute, the Division is made up of three separate components: a Commission, which is responsible for policy-making, appointments of all personnel, and compensation matters; an Office of Chief Public Defender, charged with statewide administration of the public defender system and the provision of specialized legal representation; and, the individual public defender offices in the thirteen (13) Judicial Districts, the twenty (20) Geographical Areas and the thirteen (13) Juvenile venues of the Superior Court, providing legal services throughout the State to indigent persons accused of crimes as required by both the United States and Connecticut Constitutions. The six (6) specialized units of the Division include the Legal Services (Appellate) Unit located in Hamden; the Habeas Corpus Unit, located in Rocky Hill; the Psychiatric Defense Unit, located at Connecticut Valley Hospital in Middletown; the Capital Defense Unit and the Juvenile Post-Conviction and Reentry Unit are located at the Office of Chief Public Defender, Hartford; and the Connecticut Innocence Project, Hartford.

Section 51-291(m), C.G.S., specifies that the Commission is an “autonomous body within the Judicial Department for fiscal and budgetary purposes only.” As such, the Commission is part of the Judicial Department, but is otherwise autonomous within that branch of state government.

All attorneys and other employees of the Division are appointed by the Public Defender Services Commission. The Commission also establishes the compensation plan for the Division, approves certain expenditures, and establishes policies and procedures relating to the operation of the Division.

The chief administrative officer for the Division, appointed by the Commission, is Chief Public Defender Attorney Susan O. Storey. The Deputy Chief Public Defender is Attorney Brian S. Carlow. The duties of the Chief Public Defender are specified in Sec. 51-291, C.G.S., and include supervision of all personnel and operations of the Division, training of all attorneys and support staff, and preparation of all grant and budget requests for approval by the Commission and submission to the Governor.

In addition to the Chief and Deputy Chief Public Defender, management and administration of the Division is carried out by the office of Chief Public Defender, located at 30 Trinity Street, in Hartford. Administrative staff consists of four (4) Executive Assistant Public Defenders (Director of Training, Director of Special Public Defenders, Director of Juvenile Delinquency Defense, Legal Counsel), a Financial Director, a Director of Human Resources, Chief Investigator, Chief Social Worker, three (3) Managers

(Administrative Services, Information and Research Services, and Information Systems), an Assistant Director of Training, Manager of Legal Technology Planning and Staff Development, seventeen (17) administrative staff, and two (2) secretarial positions.

Public Defender services are provided to “indigent” accused adults and juveniles throughout Connecticut at thirty-seven (37) field offices and six (6) specialized units and branches of the Office of Chief Public Defender. Pursuant to Sec. 51-296 C.G.S., public defenders may be appointed to represent individuals in any criminal action, any habeas corpus proceeding arising from a criminal matter, any extradition proceeding, or in any delinquency matter.

Representation is provided to clients in both adult and juvenile misdemeanor and felony cases, including appeals and other post-conviction matters. Public defenders also represent clients acquitted by reason of insanity before the Psychiatric Security Review Board pursuant to Sec.17a-596(d), C.G.S., post-conviction petitions for DNA testing in accordance with Sec. 54-102kk(e), and through the public defender Connecticut Innocence Project in post-conviction claims where new evidence (both DNA and non-DNA evidence) might reasonably exonerate inmates who are innocent and who have been wrongfully convicted.

### WORKFORCE ANALYSIS FOR THE DIVISION OF PUBLIC DEFENDER SERVICES

This comparison is based on the Division’s 403 employees as of Commission meeting of November 22, 2010. Workforce availability figures are based on the Community Labor Statistics (CLS) data provided by the EEP Census 2000 Data Tool.

- B = Black or African American
- W= White
- A= Asian
- NH = Native Hawaiian or
- PI = Other Pacific Islander
- H = Hispanic or Latino
- AI = American Indian or
- AN = Alaskan Native
- O = Other

OFFICIALS AND ADMINISTRATORS			WORKFORCE AVAILABILITY
WM=	25	51%	56%
WF=	19	39.6%	34%
BM=	2	4%	2%
BF=	1	2%	2%
HM=	0	0%	2%
HF=	0	0%	1%
AM=	1	2%	2%
AF=	0	0%	1%
NH/OPOM=	0	0%	0%
NH/OPOF=	0	0%	0%
AI/ANM=	0	0%	0%
AI/ANF=	0	0%	0%
TOTAL	48		

This category includes Chief, Deputy Chief, Directors, Managers, Executive Assistant Public Defenders,



Supervisory Assistant Public Defenders, Public Defenders, Chief Social Worker and Chief Investigator

PROFESSIONALS			WORKFORCE AVAILABILITY
WM=	86	40.4%	40%
WF=	95	44.6%	46%
BM=	8	3.7%	2%
BF=	13	6%	3%
HM=	3	1.4%	1%
HF=	7	3.3%	2%
AM=	1	.5%	2%
AF=	3	1%	2%
NH/OPOM=	0	0%	0%
NH/OPOF=	1	5%	0%
AI/ANM=	0	0%	0%
AI/ANF=	0	0%	0%
TOTAL	217		

This category includes attorneys, social workers, mitigation specialists, Payroll officer, Human Resources officer, Financial Officer, Systems Specialist, Network Administration and Legal Technology

PROTECTIVE SERVICE WORKERS			WORKFORCE AVAILABILITY
WM=	26	44%	48%
WF=	19	31.6%	31.6%
BM =	3	4.9%	4%
BF=	2	3.3%	4%
HM=	11	18%	4%
HF=	2	3.3%	3%
AM =	0	0%	1%
AF=	0	0%	1%
NH/OPOM=	0	0%	0%
NH/OPO F=	0	0%	0%
AI/AN M=	0	0%	1%
AI/ANF=	0	0%	0%
TOTAL	63		

This category includes Investigators



**ADMINISTRATIVE SUPPORT**

WM =	2	2.7%
WF=	39	52%
BM=	1	1%
BF=	12	16%
HM=	2	2.7%
HF=	17	22.7%
AM=	1	1%
AF=	1	1.1%
NH/OPOM=	0	0%
NH/OPOF=	0	0%
AI/ANM=	0	0%
AI/ANF=	0	0%
<b>TOTAL</b>	<b>75</b>	

**WORKFORCE AVAILABILITY**

26%
55%
3%
6%
2%
6%
1%
1%
0%
0%
0%
0%

This category includes Clerical, Administrative Support and Paralegals.

**SUMMARY OF WORKFORCE**

<b>Total Male=</b>	<b>172</b>	<b>42.7 %</b>
<b>Total Female =</b>	<b>231</b>	<b>57.3%</b>
<b>Total Minority =</b>	<b>92</b>	<b>22.8%</b>
<b>Total Female &amp; Minority =</b>	<b>264</b>	<b>65.5%</b>

The chart on the following page shows the Division's organizational and geographical structure.



**CHIEF JUSTICE:  
APPOINTS TWO JUDGES**

**GOVERNOR:  
APPOINTS CHAIRMAN**

**GENERAL ASSEMBLY LEADERS:  
APPOINT FOUR MEMBERS**

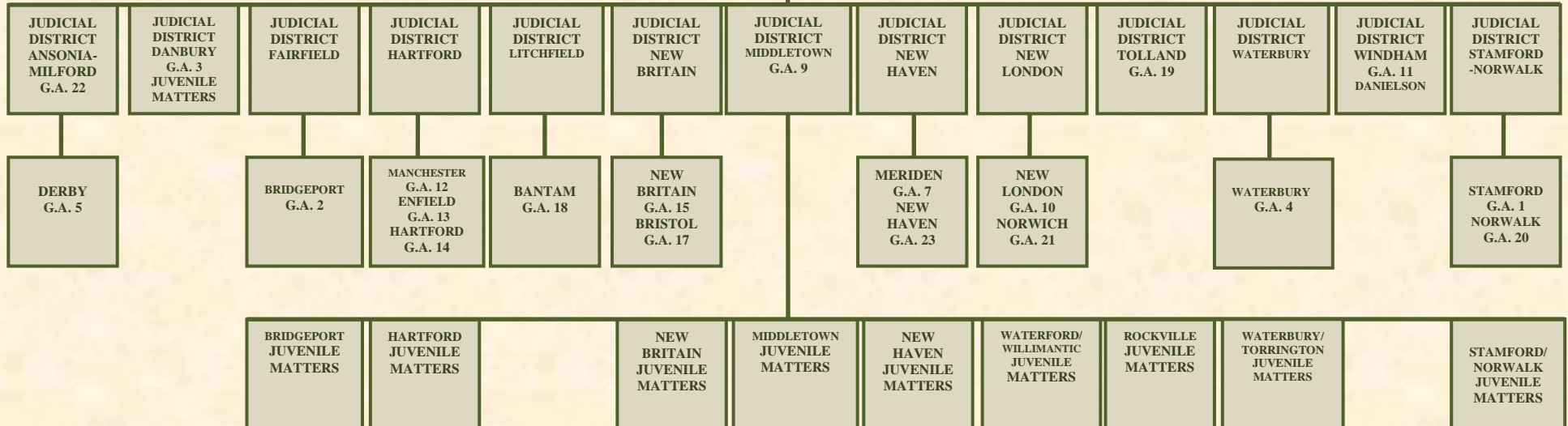
**PUBLIC DEFENDER  
SERVICES COMMISSION**

**SPECIALIZED UNITS:**

- CAPITAL DEFENSE AND TRIAL SERVICES UNIT
- CONNECTICUT INNOCENCE PROJECT
- HABEAS CORPUS UNIT
- JUVENILE POST-CONVICTION AND REENTRY UNIT
- LEGAL SERVICES UNIT
- PSYCHIATRIC DEFENSE UNIT

**OFFICE OF THE  
CHIEF PUBLIC DEFENDER**

- CHIEF PUBLIC DEFENDER
- DEPUTY CHIEF PUBLIC DEFENDER
- ADMINISTRATIVE STAFF



**CONNECTICUT DIVISION OF PUBLIC DEFENDER SERVICES  
ORGANIZATIONAL CHART: FISCAL YEAR 2009/10**





## PUBLIC DEFENDER SERVICES COMMISSION MEMBERS

MEMBER	APPOINTING AUTHORITY	DATE OF APPOINTMENT
Thomas J. Rechen, Esq. (Chair)	M. Jodi Rell <i>Governor</i>	November 17, 2010
Honorable Julia DiCocco Dewey	Chief Justice Chase T. Rogers <i>Chief Justice</i>	February 5, 2010
Msgr. William A. Genuario	Representative Lawrence F. Cafero, Jr. <i>House Republican Leader</i>	February 17, 2009
Aimee C. Goldbert, LCSW	Senator Donald E. Williams, Jr. <i>Senate President Pro Tempore</i>	September 8, 2010
Attorney Ramona Mercado-Espinoza (awaiting reappointment)	Representative James A. Amann <i>Speaker of the House</i>	March 19, 2008
Honorable John W. Pickard	Chief Justice Chase T. Rogers <i>Chief Justice</i>	February 5, 2010
Carl D. Eisenmann, Esq.	John P. McKinney <i>Senate Minority Leader</i>	November 23, 2010

## CASELOAD<sup>1</sup>

*Total.* In 2009-10, the total public defender caseload in Connecticut was 92,144<sup>2</sup> cases, an increase of 1437 cases over the previous year. This total includes 8543 cases that were assigned to Special Public Defenders in conflict of interest cases. An additional 616 cases were appointed to the appellate and habeas corpus units during the 2009-10 Fiscal Year totaling 92,760 cases.

*Judicial Districts.* During 2009-10 the Judicial District (JD) offices were “appointed”<sup>3</sup> to 2895 cases. After adjusting for the cases transferred and applying case weighting, total “new cases assigned”<sup>4</sup> to the JD offices was 1571 cases (about 1% less than last fiscal year). During this fiscal year, public defender offices were appointed to fifty-four (54) murder and capital felony murder cases. The state is seeking the death penalty in three (3) of the capital felony murder cases appointed during the 2009/10 fiscal year<sup>5</sup>. Due to conflicts of interest within those cases, sixteen (16) murder and capital felony murder cases were assigned to Special Public Defenders, while private counsel entered appearances in four (4) of the appointed cases. As a result, the public defender offices retained thirty-four (34) murder and capital felony murder cases.

For comparison, in Fiscal Year 2008-09 public defender offices were appointed to fifty-nine (59) murder and capital felony murder cases, retaining thirty-one (31) of those cases. Nineteen (19) of those newly appointed cases were assigned to Special Public Defenders and private counsel acquired nine (9) of those cases.

*Geographical Areas.* Attorneys in the Geographical Area (GA) offices were “appointed” to 67,442 new cases, including both criminal and motor vehicle. After calculations, total “new cases assigned” to the GA offices increased slightly over last fiscal year to 54,355.

*Juvenile Matters.* Attorneys in the Juvenile Matters offices were “appointed” to 4985 new delinquency cases, a slight decrease from fiscal year 2008-09. Total new cases assigned, 3735, reflects a 2.4% decrease from the previous year.

*Trends.* Ten years after the Division received significant staffing increases to address caseload (1999/00), both the JD and GA public defender offices have experienced a steady rise in caseloads. Overall, the Division was responsible for 15,060 more cases in 2009/10 than in 1999/00; a 19.4% increase in caseload in the past ten years.

<sup>1</sup>This chapter was contributed by Jennie Albert, Manager of Information and Research Services, Office of the Chief Public Defender.

<sup>2</sup>*Fiscal year caseload* is defined as “cases pending at the beginning of the fiscal year plus cases appointed minus cases transferred after appointment to Part A (GA only), another court for consolidation, Special Public Defender (conflict of interest), private counsel or pro se.”

<sup>3</sup>*Cases appointed* is defined as “new cases appointed to the public defender’s office during the fiscal year.”

<sup>4</sup>*New cases assigned* is further defined in the text on page 9

<sup>5</sup>The number of capital cases reported in Chapter 3 refers to all capital cases, death and non-death either handled by the Capital Defense and Trial Services Unit (CDTSU) and/or the Judicial District offices. For statistical purposes, cases that are being tried for the second time are counted as “new” cases. Chapter 4 refers only to capital cases handled by CDTSU and does not count cases for retrial as “new cases”.

## EVALUATION OF CASELOAD GOALS

In order to insure that the attorneys within the Division of Public Defender Services are able to render quality representation to all clients and avoid unnecessary delay in the disposition of cases, the Public Defender Services Commission established Caseload Goals for Public Defenders in 1999. These goals reflect the Commission's view of the number of new cases to be assigned to an individual attorney per year in order to represent clients in accordance with the Commission's Guidelines on Indigent Defense. The goals as established for the respective courts are as follows: Judicial Districts, not to exceed 75 cases, Geographical Areas, not to exceed 450-500 cases, Juvenile offices, not to exceed 300-400 cases, and Habeas Corpus, not to exceed 20-25 cases. These goals have enabled the Commission to assess staffing levels and allocate resources on an equitable basis.

As mentioned in previous years, the number of major felony cases remaining in the Geographical Area (GA) courts may require re-evaluation of these goals. In fiscal year 2010, as in 2008 and 2007, 98% of major felony cases remained in the GA courts. In 2007, the American Council of Chief Defenders (ACCD) reaffirmed the caseload guidelines established in 1973 by the National Advisory Commission on Criminal Justice Standards and Caseload Goals (NAC Standards). These guidelines are significantly lower in some respects than those established by the Public Defender Services Commission in 1999 as a result of the settlement agreement in *Rivera v. Rowland, et al.* Furthermore, the American Bar Association (ABA) has issued a formal opinion regarding the ethical obligations of public defender lawyers when faced with excessive caseloads<sup>6</sup>.

## CASELOAD GOALS AND ANALYSIS

The adoption of "Caseload Goals" in 1999 redefined "Caseload" as "new cases assigned", which is reflected in the Appendices tables entitled "Caseload Goals Analysis". The specific calculations differ depending upon whether the office is identified as a JD, GA or Juvenile Matters location.

### "NEW CASES ASSIGNED"

Judicial District offices calculate "new cases assigned" by weighing murder and non-death penalty capital cases as two (2) cases, (by adding [1] additional case) and capital felony cases in which the State seeks the death penalty as ten (10) cases (by adding nine [9] additional cases)<sup>7</sup>. After the weighting process is applied, minor felony, misdemeanor, motor vehicle and other cases are excluded. Cases transferred (Special Public Defender, private counsel, pro se) are also subtracted.

The "Caseload Goals Analysis" tables reflect "new cases assigned" per attorney to assess caseload goals in each public defender office. The number of attorneys in the JD and GA locations used to calculate "new cases assigned per attorney" has been reallocated in offices where the same staff handles JD and GA business. In these offices, a staff attorney is shown as working in only the JD or GA although he/she may handle both types of cases.

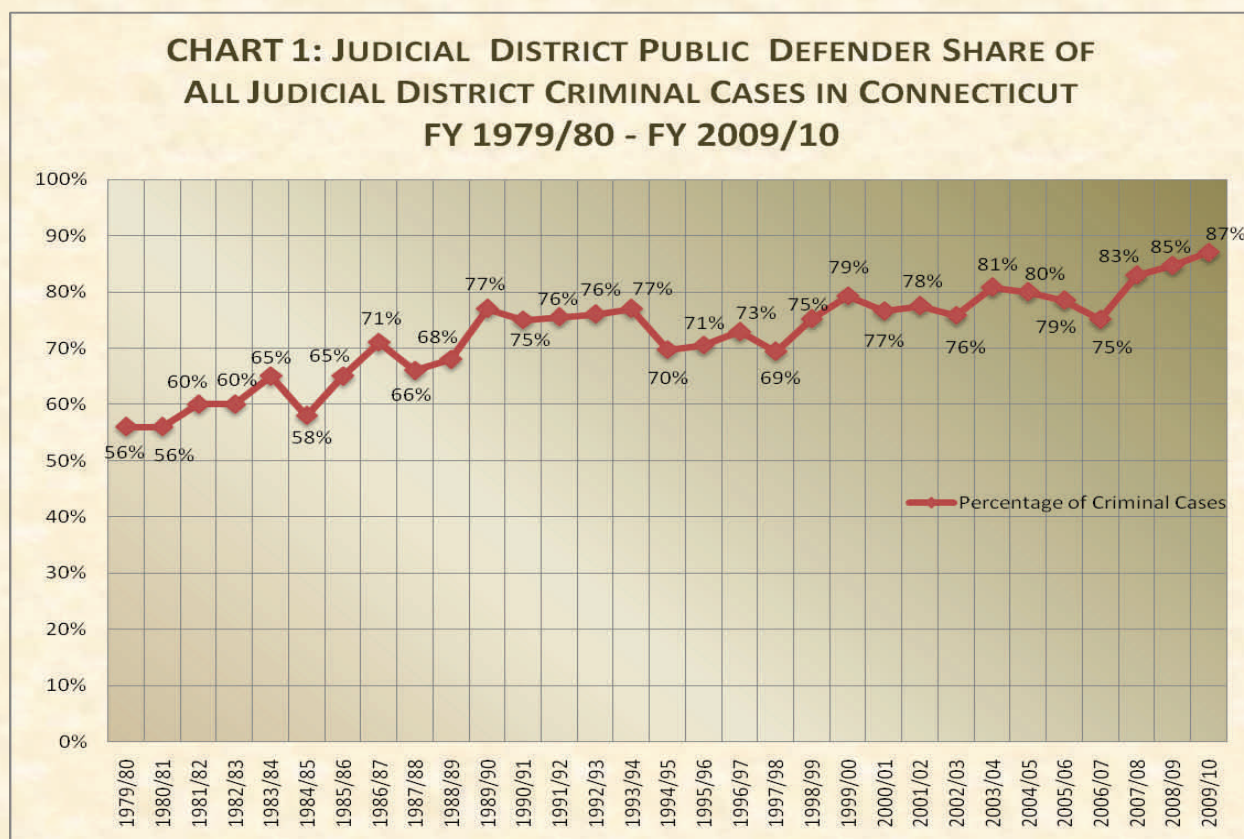
<sup>6</sup>American Bar Association Standing Committee on Ethics and Professional Responsibility (2006). Formal opinion 06-4411 Ethical obligations of lawyers who represent indigent defendants when excessive caseloads interfere with competent and diligent representation. American Bar Association

<sup>7</sup>Transfers of murder and capital cases are excluded prior to the weighting process and are deducted from "transfers" to avoid double subtraction. A percentage of minor felonies, misdemeanors, motor vehicle and other cases is applied to "transfers" to avoid double subtraction.



## PUBLIC DEFENDER SHARE OF TOTAL CRIMINAL CASELOAD

*Judicial Districts.* Over the last several years, in the Judicial Districts, there has been an increase in the share of criminal cases handled by the public defender offices. Fiscal Year 2009/10 marks the fourth straight year of percentage increase. In comparison to the 1980-81 fiscal year when public defender offices were responsible for representing 57% of the total criminal cases in the Judicial Districts, those same offices represented 87% of criminal cases in fiscal year 2009/10. This percentage represents 2895 of the 3314 total criminal cases in the Judicial Districts for this fiscal year. Whether in the larger or the smaller jurisdictions, increased caseloads place a greater burden on all public defender staff within these offices. Noteworthy percentages in Judicial District offices for this fiscal year were 91.5% (New London), 88% (Windham), 85% (New Haven), 82% (Danbury) and 81% (Stamford).



The total incoming business of the Judicial District courts decreased by 309 cases, an 8.5% decrease from 2008/09 while corresponding Judicial District public defender offices experienced a 5.6% decrease in “cases appointed”, 172 fewer cases than the previous year. The JD public defender offices handled 23% of the trials to conclusion in the JD courts. Although this represents a 4% decrease from last fiscal year, JD offices were responsible for the same amount of trials to conclusion as Fiscal Year 2008/09.

*Geographical Areas.* In the GA courts, public defenders represented 47% of the criminal cases received by Connecticut courts in 2009/10, reflecting a 1% increase over last fiscal year. Public defenders were appointed to nearly the same number criminal cases as last fiscal year. Seven (7) GA public defender offices handled at or above 50% of all incoming criminal cases in their Geographical Area. New



Haven, which handled 60% in Fiscal Year 2008/09, handled 64% in 2009/10 and was followed by Bridgeport (58%), Stamford (56%), Danielson (54%), New London and Derby (53%) and Bantam (52%). Ten (10) of the remaining thirteen (13) offices handled at least 40% of all criminal cases in their Geographical Area. In addition, GA public defender offices handled 9808 motor vehicle offenses.

*Juvenile Matters.* Juvenile delinquency public defender offices represent 43% of the courts' total new cases added, a decline of 5% from last fiscal year. The public defender share of caseload is above 50% in three offices: Hartford (57%), Waterbury (55%) and Bridgeport (51.5%).

## SPECIAL PUBLIC DEFENDERS

Special Public Defenders are private attorneys hired by the Public Defender Services Commission to represent indigent defendants when the public defender office determines that there is a conflict of interest. In 2009/10, Special Public Defenders were assigned to handle 8543 cases for the Judicial District, Geographical Area, juvenile matters, appellate and habeas offices combined. This figure represents 665 (7.83%) more cases than in 2008/09 when 8494 cases were assigned. The majority of these cases were assigned pursuant to contracts entered into between the Commission and members of the private bar.

## LITIGATION—TRIALS

*Judicial Districts.* Attorneys in the Judicial District (JD) offices handled twenty-eight (28) jury trials to verdict. This includes the conclusion of one (1) capital felony murder penalty phase for *State v. Richard Roszkowski* which was held in the first weeks of the 2008/09 fiscal year. The average length of a JD jury trial was thirteen (13) days. Jury selection began in fifteen (15) other cases<sup>8</sup>. During 2009/10 JD public defender offices tried eight (8) jury cases to conclusion in which the accused was charged with murder, accessory to murder or lesser included offenses. The average length of a murder trial was eighteen and a half (18.5) court days. The penalty phase in *State v. Richard Roszkowski* concluded in mid-July 2009 and spanned thirty (30) court days. The JD offices also handled six (6) court trials to conclusion averaging two (2) days. Among the court trials were three (3) judgments of not guilty by mental disease or defect which were handled by JD public defenders in Fiscal Year 2009/10.

*Geographical Areas.* The Geographical Area (GA) offices tried nineteen (19) jury cases to verdict averaging six and a third (6.3) court days per case. In addition, attorneys in these offices tried two (2) court trials that averages two (2) court days per case for a total of twenty-one (21) trials. In addition to these trials, GA public defender attorneys began jury selection in five (5) additional cases.

*Juvenile Matters.* During the 2009/10 fiscal year attorneys in the Juvenile public defender offices tried three (3) cases to conclusion. The cases averaged one and one third (1.3) court days.

Attorneys from the Habeas Corpus Unit tried seventeen (17) cases in fiscal year 2009/10 an 88% increase over last fiscal year when the Unit tried nine (9) cases. Additionally, Unit attorneys gained relief for their clients in 28 additional cases that were resolved via stipulation or litigation at the trial court level. The number of such resolutions increased 47% over the 19 such resolutions in fiscal year 2008/09. In thirteen (13) cases a favorable resolution was reached via a stipulation. In an additional fifteen (15) cases, the client received relief in the trial court or elsewhere.

<sup>8</sup> "Jury Trials Commenced" refers to partial jury selection prior to the jury begin sworn in plus "jury trials begun" in which the jury is sworn in after voir dire. The Judicial Branch also tracks "jury trials begun" and court trials begun (first witness sworn) in their reporting of trials in total.



## MAJOR FELONY MEASURES

Currently, 32% of all cases handled in the GA public defender offices are felonies. This is the same percentage handled by GA offices during the previous fiscal year. Also identical to the previous fiscal year, 23% of juvenile cases are felonies and 12.5% are considered "Serious Juvenile Offenses". Major felonies in JD offices remained at approximately 55% of the total caseload.

In the GA offices, after a 6% increase during the previous fiscal year, the number of major felonies decreased nearly 1% from 2008/09. Major felonies in GA offices in Fiscal year 2009/10 were 9.8% of the overall caseload. This figure is consistent with the 2007/08 fiscal year, yet overall new cases during the 2009/10 fiscal year exceeded both 2007/08 and 2008/09. Of the major felonies handled by those GA public defender offices in the 2009/10 fiscal year, 98% of them remained in the GA courts rather than being transferred to the JD courts.

The statewide average shows that 9.8% of all public defender GA cases (including motor vehicle) were classified as major felonies in this fiscal year and 11.4% of all criminal cases for public defender GA offices are major felonies. GA offices with higher than the average of 11.4% include: New Haven (17%) with 3% transferred to Part A; Stamford (17%) with only .2% transferred to Part A; Hartford (16%) with 1.3% transferred to Part A; Enfield (16%) with 1.4% transferred to Part A; Milford (16%) with 3.5% transferred to Part A; New Britain (15%) with 2% transferred to Part A; Derby (15%) with 3% transferred to Part A; Rockville (14%) with 1.2% transferred to Part A; Bristol (13%) with 2% transferred to Part A; Danielson (12%) with 1% transferred to Part A and Middletown (11.46%) with .32% transferred to Part A. It is noteworthy that there were eleven (11) GA offices with more major felonies than the average during the 2009/10 Fiscal Year in comparison to the nine (9) GA offices that exceeded the average in the 2008/09 Fiscal Year.

## CASE TRACKING

The "Case Tracking" software application produces reports for docket management and caseload tracking. In the 2009/10 Fiscal Year, the Systems department completed the migration of the individual Geographical Area (GA) and Judicial District (JD) Case Tracking systems to the current internet based system that encompasses management of all adult Public Defender offices<sup>9</sup>. Case information is entered by each office into a centralized system. This system enables the Information and Research Services department to access office data in real time and to create statistical reports from the division-wide level down to the office and staff level.

Since September 2002, the Systems Department of the Office of the Chief Public Defender was assigned to handle the technical aspects of the Access Case Tracking system. The Information and Research Services department<sup>10</sup> continues to collaborate with the Systems department in order to provide support to users in the field offices who are primarily responsible for data entry and report preparation.

## SUMMARY

*Judicial Districts.* Statewide, Connecticut Division of Public Defender Services staff are responsible for a large proportion of the criminal cases in Connecticut. Public defender attorneys in the Judicial District offices, in particular, have seen a steady increase in the percentage of cases they represent top-

<sup>9</sup> The Information Services department of the Office of the Chief Public Defender was changed and expanded in June 2010 to the Information and Research Services department.

<sup>10</sup> As of the printing of this report, all adult offices are fully utilizing the case tracking system and no longer file manual statistical reports.



ping off at 87% in fiscal year 2009/10. This percentage has increased 4% in the last two years. In addition to the increased caseload, these offices were responsible for handling 23% of the trials in the JD courts. With each new fiscal year, this administration reports record high demands on the attorneys and other staff in the JD offices. This is especially true in offices that are responsible for up to 91.5% of the total JD criminal caseload for those districts.

*Geographical Areas.* For a second year, the Geographical Area offices showed a marginal increase in “new cases assigned” over the previous fiscal year. Although the number of major felonies appointed to GA public defender offices declined during Fiscal Year 2009/10, nearly all of those that were appointed stayed in the GA offices rather than being transferred to the Judicial District offices. That percentage of B and C felony cases that remain in the GA court rose from 97% in Fiscal Year 2008/09 to 98% in Fiscal Year 2009/10.

*Juvenile Matters.* In Fiscal Year 2009/10, the public defender offices handling juvenile delinquency matters received approximately 2.5% fewer “new cases assigned” than the previous fiscal year in comparison to the 14% decrease between 2007/08 and 2008/09. Overall, these offices currently handle 43% of the incoming delinquency cases. In addition, under the Juvenile Transfer law, sixty-one (61) cases were transferred from juvenile to adult court. This 21% decrease from last fiscal year is in contrast to the 26% increase that had occurred in transfers to adult court between the 2006/07 and 2008/09 fiscal years.



**Table 1: PUBLIC DEFENDER OFFICES TRENDS IN CASELOAD AND STAFFING**

<b>PUBLIC DEFENDER PERCENTAGE OF CASELOAD</b>	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>
Judicial Districts	79.97%	78.47%	75.09%	82.99%	84.65%	87%
Geographical Areas (criminal cases excluding MV)	45.71%	46.33%	47.05%	46.66%	46.05%	47%
Juvenile Matters	46.79%	48.56%	47.78%	48.22%	47.72%	43%

<b>AUTHORIZED PERMANENT FULL-TIME POSITIONS</b>	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>
Attorneys	190	189	193	203	217	214
Clerical	64	60	60	61	60	66
Investigators	61	61	61	63	62	60
Social Workers	36	37	41	42	40	41
Exempt or Other Staff (Administrative)	16	20	20	21	21	22
<b>TOTAL</b>	<b>367</b>	<b>367</b>	<b>375</b>	<b>390</b>	<b>400</b>	<b>403</b>

<b>CLASSIFICATIONS OF NEW CASES APPOINTED</b>	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>
Judicial Districts	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
Major Felonies	1635	1541	1754	1503	1686	1579
Minor Felonies	162	136	170	296	296	291
Misdemeanors	130	84	104	176	200	181
<b>TOTAL (Includes MV, VOP and Other)</b>	<b>2580</b>	<b>2461</b>	<b>2762</b>	<b>2865</b>	<b>3067</b>	<b>2895</b>

<b>Geographical Areas*</b>	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>
Major Felonies	6367	7303	7096	6964	7365	6846
Minor Felonies	12945	13751	13582	14730	14598	15282
Misdemeanors	27063	27343	28680	27344	27825	28646
<b>Total (Includes MV, VOP and Other)</b>	<b>63269</b>	<b>66043</b>	<b>68006</b>	<b>68284</b>	<b>69476</b>	<b>69611</b>

\*GA cases appointed include Community Courts (GA 14 and GA 4)

<b>Juvenile Matters</b>	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>
Serious Juvenile Offenses	880	915	695	636	594	624
Other Felonies	938	809	700	698	587	544
Misdemeanors	5344	5594	4849	4531	3877	3797
<b>TOTAL (includes Other)</b>	<b>7301</b>	<b>7318</b>	<b>6399</b>	<b>5903</b>	<b>5071</b>	<b>4985</b>

<b>PERCENTAGE OF CASES APPOINTED BY CLASSIFICATION</b>	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>
Judicial Districts	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
Major Felonies	63.37%	62.60%	63.5%	52.5%	55.0%	54.5%
Minor Felonies	6.28%	5.50%	6.2%	10.3%	9.7%	10.1%
Misdemeanors	5.04%	3.40%	3.8%	6.1%	6.5%	6.3%
MV, VOP and Other	25.0%	27.80%	26.2%	30.2%	27.9%	28.4%

<b>Geographical Areas</b>	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>
Major Felonies	10.06%	11.10%	10.4%	10.2%	10.6%	9.8%
Minor Felonies	20.46%	20.80%	20.0%	21.6%	21.0%	22.0%
Misdemeanors	42.77%	41.40%	42.2%	40.0%	40.0%	41.2%
MV, VOP and Other	26.22%	26.10%	26.7%	27.7%	27.8%	26.6%

<b>Juvenile Matters</b>	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>
Serious Juvenile Offenses	12.05%	12.30%	10.9%	10.8%	11.7%	12.5%
Other Felonies	10.90%	10.90%	10.9%	11.8%	11.6%	10.9%
Misdemeanors	73.20%	75.20%	75.80%	76.8%	76.5%	76.2%
Other	1.89%	1.70%	2.0%	0.6%	0.2%	0.4%



# 4

## PUBLIC DEFENDER OFFICES AND SPECIAL UNITS

### JUDICIAL DISTRICT OFFICES

#### Staffing and Caseloads

Thirty-eight point four (38.4) attorneys were assigned to the Judicial District (JD) offices in 2009/10. An individual JD attorney was assigned an average weighted caseload of forty-one (41) cases over the course of the fiscal year. Caseloads for JD attorneys are weighted by counting cases in which the defendant is charged with murder or non-death penalty capital felony as two (2) cases and cases in which the defendant is charge with capital felony and facing the death penalty as ten (10) cases. Fifty-five percent (55%) of all cases assigned in the JD courts were classified as major felonies, while nearly 26% were Violations of Probation. The balance included minor felonies, misdemeanors and a small number of motor vehicle offenses. At the beginning of the 2009/10 Fiscal Year, JD attorneys were carrying an average of thirty-six (36) pending cases; this level of pending cases rose to thirty-nine (39) as of July 1, 2010.

#### Litigation

Twenty-eight (28) jury trials in the JD offices resulted in eight (8) not guilty verdicts, demonstrating a 29% success rate. In addition, three (3) cases in which jury selection began were disposed of with either a nolle or a judgment of acquittal. There were also six (6) court trials.

#### Trends and Forecasts

Statewide, public defender offices handled 87% of the Judicial District incoming cases, a 2% increase over last year's record high of 85%. In some offices, public defenders represent nearly 92% of the major felony and capital cases. These numbers represent record high workload demands on public defender staff. The significant gap in personnel resources between public defender Judicial District offices and prosecutor staff continues to cause considerable concern for attorneys given the responsibility of providing effective defense representation pursuant to state and federal constitutional requirements. Staff inequities in Judicial District offices range from two to six times the number of prosecutorial staff compared to public defender staff. The Office of the Chief Public Defender continues to request that additional assistant public defender positions be added to the overall position count to address this specific inequity of resources.

## GEOGRAPHICAL AREA OFFICES

#### Staffing and Caseloads

There were one hundred and fourteen (114) attorneys assigned to Geographical Area (GA) offices

in 2009/10 and an individual attorney in a GA public defender office was assigned an average of four hundred and seventy-seven (477) new cases over the course of the year. The GA courts retained more than 98% of major B and C felonies, a 1% increase over Fiscal Year 2008/09. As a result, these cases result in a significant increase on the demands of public defender staff. Again this year, several GA offices exceeded the Commission Caseload Goals in the fourth quarter. These offices included: Waterbury, Derby, Middletown, Hartford, Bantam and Rockville. Per diem staff have been provided whenever possible to those offices with caseloads significantly over the Caseload Goals, but additional permanent staff continues to be critical to maintaining this growing and more complex GA caseload. At the beginning of 2009/10, GA attorneys averaged 181 active cases pending while on July 1, 2010, that average pending caseload increased to just over 200 cases. This is an increase of 19 cases over July 1, 2009. Attorney caseloads also include additional inactive cases in which the client is in a diversionary program.

## Litigation

In 2009/10 Geographical Area offices handled nineteen (19) jury trials to verdict with eleven (11) resulting in not guilty verdicts. This success rate of 58% is an increase of 11% over last fiscal year when seventeen (17) trials resulted in eight (8) not guilty verdicts. An additional two (2) cases that began jury selection resulted in either a nolle or a judgment of acquittal. An additional two court trials were represented by GA public defenders. Both resulted in not guilty verdicts, a 100% success rate.

## Trends and Forecasts

Statewide, twelve (12) GA public defender offices are at or over the Commission caseload goals of no more than 450-500 new cases per attorney per year. Seventy-five percent of GA public defender offices handle between 41% and 64% of all GA criminal cases; with an additional 9,808 motor vehicle cases. The most significant trend and cause for concern in these offices remains the exceedingly high number, 98%, of serious felony cases remaining in the GA courts. As previously mentioned, these cases are more complex and have serious, life altering collateral consequences for clients upon conviction. It is noteworthy that the nationally accepted standards for mixed caseloads of misdemeanors and felonies, including clients with serious mental health issues, are approximately one-half the caseload carried by individual attorneys in Connecticut GA public defender offices.

As reported in the previous fiscal year annual report, The Office of the Chief Public Defender has continually supported raising the jurisdictional age of juvenile court because it comports with national best practices and scientific research on adolescent brain development in addition to the collateral benefit of providing caseload relief to the over-burdened GA offices. This office continues to monitor the impact the recent "phase-in" of the 16 year-old population is having on both the juvenile and GA public defender offices.

# JUVENILE DEFENSE

## Staffing and Caseloads

There were twenty (20) attorneys assigned to Juvenile Defender offices in 2009/10. Each individual attorney in these offices was assigned an average caseload of 187 new delinquency cases over the course of the year. The total number of delinquency cases reported by the Judicial Branch was 4306 cases, which is 24% higher (849 more cases) than reported in 2008/09. This increase is a result of the



implementation of the Raise the Age legislation that added 16 year olds to the jurisdiction of the juvenile courts. At the start of 2009/10, each juvenile attorney was carrying an average of 77 pending cases. By the end of FY 2009/10, each juvenile attorney was carrying an average caseload of 97 cases. This average is not representative of the large urban offices, (Bridgeport, Hartford, New Haven and Waterbury) where the average caseload is 148. Lawyers in the public defender juvenile offices continue to handle 43% of the total delinquency cases in the juvenile courts.

The average number of new cases assigned per attorney in all juvenile offices was within the Commission's Caseload Goals of 300-400 new cases per attorney annually. Recently, however, both the ABA and the American Council of Chief Defenders reaffirmed the juvenile caseload goals of 200 juvenile cases per attorney as set in 1973 by the National Advisory Commission on Criminal Justice Standards and Goals. Under these goals, two (2) of the reported ten (10) jurisdictions fall above these national guideline in June 2010. There is already evidence that this number will increase in the 2010/11 fiscal year.

## Trends and Forecasts

January 1, 2010, saw the implementation of the Raise the Age legislation. (P.A. 09-7, 10-1) As a result of the efforts of many advocates, including juvenile and adult public defenders, 16 year olds accused of crimes are now prosecuted in juvenile court. Initial implementation of the law revealed the need for additional changes to the juvenile statutes. The Director of Juvenile Delinquency Defense participated in the drafting of those changes, which included a procedure to allow transfer of motor vehicle cases involving 16 year olds to juvenile court for treatment. Overall, the implementation has gone smoothly. Public Defender staff in juvenile courts and adult courts has worked collaboratively to ensure that clients and their families understand the new procedures and Special Public Defenders were included in memos and updates on the statutory changes.

Overall intake to the juvenile matters courts has increased about 25%, which is significantly less than predicted in the studies that led to the Raise the Age legislation. Because caseloads in juvenile matters have fallen over the past 5 years, offices have handled the increase in population with current staffing levels. No additional staff has been needed to accommodate the 16 year old population at this point in the implementation. Based on the current figures, we predict that several offices will reach or exceed caseload goals when 17 year old youth are added into the juvenile court jurisdiction in July, 2012.

## Decisions

There were important developments in case law in 2010. Subsequent to the Appellate Court decision mandating judicial hearings in discretionary juvenile transfer cases in *State v. Fernandes*, 115 Conn. App. 180 (2009), juvenile defenders demanded that hearings be held in all discretionary transfer cases. The Connecticut Supreme Court granted cert in the *Fernandes* case and the Juvenile Division worked to secure the Juvenile Law Center (JLC) in Philadelphia as an amicus curiae in the case. The JLC is a well known legal advocacy firm that has coordinated amicus efforts in the U.S. Supreme Court cases of *Roper v. Simmons* and *Graham v. Florida* cases addressing the juvenile death penalty and Life without the Possibility of Release (LWOP). The Division of Public Defender Services was also granted *amicus* status in the *Fernandes* case and the Director of Delinquency Defense filed a brief on behalf of the agency.

As a result of the *Fernandes* decision, the juvenile division was able to collaborate with adult court lawyers to demand similar hearings for youth being denied Youthful Offender status by the State.



Frank Halloran, Senior Assistant Public Defender from G.A. 22 in Milford and Attorney Martin Zeldis, Chief of Legal Services successfully litigated *State v. R.W.* and were able to maintain a client on the Youthful Offender (YO) docket after convincing a judge to grant a *Fernandes* type hearing, prior to ratifying the State's Motion to Transfer. This led to a statewide effort to demand hearings in both juvenile and youthful offender transfer cases.

Attorney Zeldis filed a Chief Justice's Public Policy Appeal in the case of *State v. Bond B*, after a judge denied a client in New Haven the opportunity to have a hearing before being moved off the YO docket. The request to allow this interlocutory appeal was granted on the issue of whether due process requires that a youth get a hearing before being moved to the adult docket at the request of the prosecutor. The case was argued with the *Fernandes* case and a decision is pending.

The Juvenile Division continued its efforts to provide continuing education in the area of juvenile defense. Regional training on education rights for agency staff and Special Public Defenders was conducted by Connecticut Legal Services through a contract with the Office of the Chief Public Defender (OCPD). Juvenile Division staff continues to participate in local and national trainings that elevate the practice of juvenile criminal defense. Director of Delinquency Defense Christine Rappillo presented at both the U.S. Department of Justice's Indigent Defense Symposium and the National Juvenile Defender Center's Juvenile Defender Summit. She collaborated with Attorney Francis Carino from the Division of Criminal Justice to present an overview of Raise the Age implementation at both of the Connecticut Office of Policy and Management's (OPM) Criminal Justice Cross trainings as well as several trainings for Court Support Services Division (CSSD) on juvenile justice in Connecticut. Attorney Carino also served as Connecticut's representative at the Coalition for Juvenile Justice's annual meeting. Attorney Sharon Elias, Supervisor of the Waterbury Juvenile Public Defender Office was a panelist for the Judicial Branch's Mediation in the Court's Seminar and continues to assist with the new lawyer training curriculum for OCPD. Attorney Josh Michtom, of the Hartford Juvenile Office, conducts the "Relating to the Teen Client" segment of the CT Bar Association's training for their Pro-Bono Truancy Prevention Project. Attorney Kathy Murphy, also of the Hartford Juvenile Office, teaches Psychology and Intro to Law classes at Northwest Catholic High School. Social Worker Isabel Logan, from the Hartford Juvenile Office, is on the faculty of the Social Work Department at St. Joseph's College and participated in Judicial Branch's Cultural Competency Committee.

The Division of Public Defender Services is committed to collaborating with our agency partners and juvenile staff serves on many task forces and committees. Attorney Rappillo sits on the Executive Implementation Team for the Joint Juvenile Justice Strategic Plan and participates in several subcommittees. She serves as the agency designee on the Task Force on Pilot Open Courts and the Juvenile Jurisdiction Planning and Operations Coordinating Council, which continues to meet regarding implementation of Raise the Age. Maria Holzberg, Supervisor of the Middletown Juvenile Office, along with Attorney Rappillo, sits on the Juvenile Task Force of the Judicial Branch Rules Committee.

## JUVENILE POST CONVICTION AND RE-ENTRY UNIT

### Staffing and Caseload

The Juvenile Post Conviction and Re-Entry Unit, based at the Office of Chief Public Defender, is responsible for providing post conviction advocacy to juvenile clients who have been removed from their



homes and committed as delinquent to the Department of Children and Families (DCF). During the commitment period, the Unit maintains regular contact with the child and their family as well as the numerous care providers involved in the client's treatment. This oversight by the Unit is crucial in ensuring that the child receives the appropriate care and treatment to maximize the success of that child while in residential care and to prevent recidivism upon reentering their communities.

The Unit's staff of two (2) attorneys, one (1) social worker and one (1) paralegal provide advocacy to an average daily caseload of approximately 300 clients. The usual duration of a client's commitment is a period of eighteen (18) months and 165 client cases were closed during the 2009/10 fiscal year. The Unit functions in concert with juvenile field offices to provide holistic representation to juvenile clients. All of these clients begin their commitment periods while in residential treatment facilities throughout the state of Connecticut as well as Massachusetts, Iowa, Vermont, Pennsylvania, Rhode Island, Utah, South Carolina and Florida. The clients are eventually paroled home to their communities prior to the expiration of their commitments and maintained on parole status with transitional services. The Unit remains active in representing the clients while they are in residential treatment as well as at home on parole status.

The Unit also represents clients in formal juvenile court proceedings such as motions to extend commitments, motions to reopen and terminate commitments and appeals of administrative hearings. Additionally, the Unit provides advocacy for clients in administrative hearings under the Uniform Administrative Procedures Act. These proceedings include parole revocation hearings, treatment plan hearings, and administrative case reviews. Members of the Unit appeared on the client's behalf at approximately 492 case reviews during the 2009/10 fiscal year. These administrative hearings are subject to court review as well as appellate review.

## Litigation

The Unit continued to pursue appellate court review of issues affecting our juvenile clients. The appellate court issued decisions in two separate appeals that were pending before the court. In *In Re: Earl B.*, A.C. 30491, the Unit had challenged, as beyond the authority granted under the statute, the legality of a sentence banishing a child from New Haven County for a period of forty-two months. The Court issued a split decision with the majority finding that the issue was moot because the client's commitment had expired during the appellate process. The Unit petitioned for certification to the Supreme Court but that petition was denied. In *In Re: Priscilla A.*, A.C. 31158, the Unit opposed the appointment of a Judge Trial Referee without the consent of the juvenile, a right extended to adults in criminal court proceedings. Again, the Appellate Court found that the issue was moot because the child's commitment had expired and the appeal did not qualify under the "capable of repetition yet evading review" exception to the mootness doctrine.

In addition to legal advocacy, the Unit provides a great deal of oversight to the custodial relationship between DCF and the client. The attorneys and social worker meet regularly with all of the clients to ensure that they are receiving appropriate care and treatment. The Unit also investigates any claim that a client has been subject to abuse or neglect while under the care of DCF. The Unit meets with representatives of the Hotline as well as law enforcement officials to ensure that clients are protected from abusive treatment while in state custody.



The Unit has experienced an increase in their caseload due to the implementation of Raise the Age legislation. This trend is expected to continue with the second phase of the law which will add 17 year-olds to the jurisdiction in 2012.

## CAPITAL DEFENSE AND TRIAL SERVICES UNIT (CDTSU)

### Staffing

The Capital Defense and Trial Services Unit is staffed by the Chief of Capital Defense, three (3) additional trial attorneys, two (2) appellate attorneys, three (3) investigators, three (3) mitigation specialists, a paralegal and an administrative assistant. Capital Defense staff are primarily responsible for the representation of clients in all capital felony cases statewide.

### Caseloads and Litigation

In fiscal year 2009/10, the Capital Defense and Trial Services Unit represented nine (9) clients in capital felony prosecutions in which the state sought the death penalty. Six (6) capital felony death penalty prosecution eligible clients were represented by teams of Judicial District public defenders. An additional ten (10) capital felony cases (death penalty and non-death penalty prosecutions) were assigned to Special Public Defenders because of conflicts of interest. Per ABA standards, capital cases require the appointment of two attorneys per case who meet the standards for representing clients in capital felony cases. Per the settlement agreement in *Rivera v. Rowland*, these cases are handled on an hourly billing basis.

During 2009-2010 one capital felony death penalty jury trial, *State v. Richard Roszkowski*, was concluded, and the jury returned two death sentences against Mr. Roszkowski. This trial was held in Bridgeport in the Fairfield Judicial District. However, due to legal error in the penalty trial instructions, and upon the motion of the defense, the trial judge ultimately rejected the death penalty findings. He ordered a mistrial of the penalty phase trial. Mr. Roszkowski's second penalty trial is pending. The jury convicted Mr. Roszkowski on two counts of capital murder for the murders of three victims, one of whom was under the age of sixteen. He is currently represented by public defender attorneys Joseph Bruckmann and David Smith.

Also during 2009/10 jury selection commenced for the capital felony death penalty trial, *State v. Steven Hayes*, in January 2010. The trial involved accusations of seventeen felony counts including six counts of capital felony murder. There were three victims; a mother and her two daughters, one of whom was under the age of sixteen. Evidence for the trial had not commenced at the conclusion of the fiscal year, but since that time, Mr. Hayes was convicted of multiple counts of capital felony murder and sentenced to death.

Also during 2009/10 three capital felony non-death penalty trials were conducted. The trials were in the New London Judicial District and the New Haven Judicial District. Jury trials for both *State v. George Leniart* and *State v. Ian Cooke* were held in the New London Judicial District. Mr. Leniart was represented by Special Public Defender Norman Pattis. This was a "cold case" prosecution. The victim died in 1996. She was 15 years old and her body was never recovered. Mr. Leniart was accused of three counts of capital felony murder. He was found guilty of all three counts in March 2010, and was sentenced to life imprisonment without the possibility of release.



Mr. Cooke was represented by Special Public Defender John Walkley. Mr. Cooke was accused of murdering two adult brothers by shooting them in their apartment. He was convicted in April 2010, and was sentenced to life imprisonment without the possibility of release.

Mr. Markease Hill, represented by Special Public Defender Tom Farver, was prosecuted in the New Haven Judicial District for the murders of two men outside of a entertainment club. He was sentenced to life imprisonment without the possibility of release.

In the 2009/10 fiscal year, three capital felony prosecutions were resolved by plea agreements. One Capital Defense and Trial Services Unit client, Jose Miguel Guzman pleaded guilty in the Hartford Judicial District court to two counts of capital felony in a murder for hire of three victims. In August 2009 he was sentenced to two consecutive sentences of life imprisonment without the possibility of release for the murders. One of his two co-defendants, Erik Martinez, also pleaded guilty to three counts of murder and was sentenced to three concurrent twenty-five (25) year sentences. Mr. Martinez was represented by Special Public Defender attorney Shari Bornstein. At Bridgeport in the Fairfield Judicial District, public defender client Kadir Babiso pleaded guilty to three counts of Murder, and was sentenced in June 2010 to sixty years in prison.

As of October 1, 2010 there were nineteen (19) unresolved pending capital felony cases in which the Division of Public Defender Services was responsible for the defense representation. The State is seeking the death penalty in thirteen (13) of these cases. Nine (9) of the capital felony clients are assigned to the Capital Defense and Trial Services Unit. Four (4) capital felony clients are represented by public defender attorneys assigned to Judicial District courthouses. Six (6) capital felony clients are represented by Special Public Defenders.

There are currently three public defender appellate attorneys specifically assigned to represent clients convicted of capital offenses. Attorneys Judith Borman and Ann Parrent are based in the Capital Defense Unit in Hartford and Mark Rademacher is based in the Appellate Unit in Hamden. Currently under appeal is *State v. Todd Rizzo*, out of the Waterbury Judicial District. Mr. Rizzo's case, argued by Attorneys Borman and Parrent, is awaiting decision from the Connecticut Supreme Court. *State v. Lazale Ashby* and *State v. Jessie Campbell* are on appeal from sentences of death in the Hartford Judicial District and *State v. Santiago* will be argued in February. *State v. Russell Peeler* has been under appeal since last fiscal year.

## LEGAL SERVICES UNIT (APPELLATE)

### Staffing

The Legal Services Unit (LSU) is staffed by a Chief of Legal Services, eleven (11) full-time staff attorneys and one (1) full-time per diem attorney. The present support staff consists of two paralegals and one clerk. This staff is the central provider of appellate services for the Division statewide.

LSU has historically experienced very little attorney turnover or transition. In July 2009, Suzanne Zitser, who was in the Division for thirty years, almost all of them in the Legal Services Unit, retired. Sadly, Kent Drager, who had been in the Legal Services Unit for more than twenty-five years, passed away in September 2010. His brilliance and his kindness will be missed by all of us forever.



## Caseloads

In 2009/10, the Legal Services Unit received court appointments with 307 cases opened for indigent defendants in the Supreme and Appellate Courts. This number of appointments/appeals filed is higher than the 234 appointments/appeals filed in FY 2008/09 but lower than the 320 appointments/appeals filed in FY 2007/08. As in all previous reports, the number of new cases continues to greatly exceed the ability of the Unit to handle with existing staff. Therefore, many of the cases where the Legal Services Unit is appointed must be assigned to Special Public Defenders (SPD). As detailed below, the number of SPD appointments for fiscal year 2009/10 continues a downward trend. Another trend that was noted in last year's report—pressure being exerted primarily by the Appellate Court regarding delays in the appellate process caused by unreasonable requests for extensions of time—seems to have subsided at this time. Both the Supreme and Appellate Courts appear committed to speeding up the appellate process which manifests itself in efforts to get quicker transcript completion and to cut back on extensions of time for brief filing.

Assignments to Special Public Defenders are down for the third year in a row: From 215 in FY 2006/07 to 203 in FY 2007/08 to 188 in FY2008/09 to 177 this year<sup>1</sup>. Of the 177 SPD assignments, 87 were habeas corpus appeals or about 49%. The number of habeas corpus SPD appellate assignments was down slightly from last year (from 91 to 87) while the percentage of SPD habeas corpus appellate assignments was up fractionally (from 48% to 49%). Habeas corpus appeals do now and will for at least the immediate future account for a high percentage of the cases handled by this office and assigned to SPDs.

Although we do have a number of qualified and experienced attorneys willing to do Special Public Defender work, many of our Special Public Defenders have been reluctant to do habeas appeals. This is because of issues that are unique to habeas corpus appeals that require a different approach and different skill sets when compared to handling direct appeals. Since habeas corpus appeals represent nearly half of this unit's SPD assignments, there has been some concern about our continued ability to provide qualified and quality representation in this significant service area. At least as a partial response to this concern, this office, in conjunction with the Office of the Director of Special Public Defenders developed a contract plan for handling a number of habeas corpus appeals. Under this plan, attorneys who have significant appellate and habeas corpus experience agree to take up to a certain number of habeas corpus appeals for the year at a set total fee per appeal handled. We were able to get a number of qualified attorneys to take habeas corpus appeals on this basis and the plan became operational on July 1, 2010. This approach appears to be successful, and expansion of this contract approach to a higher percentage of habeas appeals is likely in the next fiscal year. This practice will stabilize the assignment process for habeas corpus appeals; result in more uniform and competent representation of habeas corpus appellate clients; prevent excessive billing; and conserve Division resources.

At this moment there is no shortage of qualified attorneys willing to do SPD work in direct appeals. Nonetheless, the high level of need for SPDs by the Legal Services Unit continues to strain the system especially in these difficult economic times. An articulated goal last year was to bring under control the cost and methods for providing Appellate Special Public Defender representation in light of current concerns, trends and needs. Partial solutions that were then suggested were to have access to the amount billed by SPDs per case and per attorney as well as the establishment of guidelines for the normal amount of time that various appellate functions should take by counsel. During the past fiscal year

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<sup>1</sup>This 177 number includes a significant number of granted petitions for certification to the Connecticut Supreme Court which although technically new appeals do not entail a new assignment. The existing assignment is continuing and automatic.





both these goals have been realized. This Office, through the Office of the Director of Special Public Defenders, now has ready access to billing information for individual cases and individual attorneys which has been very helpful in auditing SPD billing costs.

Further, in April 2010 this office implemented suggested standards and guidelines for various appellate tasks and functions which appear to have had a number of beneficial effects. Expressed standards allow this office to more authoritatively request invoice adjustments where guidelines are exceeded without good explanation. It further gives SPDs more clear performance expectations. The implementation of these guidelines has resulted in cost savings and a higher quality of work performed by appellate SPDs.

Finally, while there is now no shortage of qualified attorneys to do most appellate SPD work, a goal for this upcoming year must be to bring in additional qualified attorneys who have the talent and desire to do appellate Special Public Defender work in death penalty appeals.

### Capital Cases and Caselaw Developments Impacting the Legal Services Unit

An area where there has historically been substantial utilization of LSU resources is death penalty appeals. Although LSU attorneys were involved in non-death penalty capital cases during the past year, only one LSU attorney in the Hamden Office focused primarily on death penalty cases. Over the past year he has been involved in a number of pending death penalty cases, including preparation of *State v. Peeler* as well as *State v. Santiago*. Even though the Capital Defense and Trial Services Unit, based in the Office of Chief Public Defender in Hartford, also has two capital appellate attorneys assigned to it, the recent influx of capital appeals is overwhelming both offices. As a result of both conflicts and volume, it will be necessary to develop more Special Public Defenders that are capable of doing death penalty appeals. This will not be an easy task due to the complexity of these appeals and American Bar Association standards that require a high level of appellate experience for these cases.

It has long been a goal of this office to strengthen its connections to the Public Defender trial offices. Each attorney in this office is assigned to answer questions and to provide assistance to trial offices, trial public defenders, trial Special Public Defenders and appellate Special Public Defenders. This year LSU worked intensively with several trial offices on issues regarding Youthful Offender and Juvenile transfers culminating with recent oral arguments the Connecticut Supreme Court. These collaborative efforts with the trial offices have in part been responsible for most courts choosing to conduct Juvenile and Youthful Offender transfer hearings. Further, in a joint effort with a Willimantic public defender, an appeal regarding the legality of a vehicle stop was won in a 4-3 decision from the Connecticut Supreme Court. Finally, an attorney in this office is available to assist with Motions for Review coming from the trial courts around the state. There are many more examples of this office connecting to other public defender offices to provide assistance wherever possible. To date these connections have been advantageous to everyone and it is necessary to continue to expand our efforts to be available to the trial offices.

### Appellate Training and *New Case News*

On the education front, the Legal Services Unit has entered its sixteenth year of conducting the Criminal Appellate Clinic at Quinnipiac School of Law, through which law students assist in the briefing and arguing of selected appeals that are assigned to the LSU. Our Clinic remains vibrant with a full contingent of qualified students who are selectively chosen. In addition, the Legal Services Unit works closely with the University of Connecticut Law School Criminal Clinic. These UCONN students, who are supervised by a professor at the Law School, are presently handling two to three LSU appeals a year.



*New Case News*, a cooperative venture with the OCPD Training Unit, which spotlights, summarizes and ultimately stores and indexes the most recent Connecticut cases, is into its fourth year; is gaining momentum; and is being utilized more and more by Division attorneys as well as many SPDs. It is expected that in the upcoming year it will gain a wider and larger audience and efforts are underway to expand the offerings of *New Case News*. In March, in conjunction with the Office of the Director of Special Public Defenders, this office sponsored a very successful full day training session at which Appellate Court Judge Thomas Bishop was a guest speaker. Additionally, an attorney from this office is a member of a statewide panel which is trying to revamp and modernize the transcript process. Members of the LSU Office continue to participate in the Appellate Rules Advisory Committee and the Bar Association's Appellate Group where their advocacy has resulted in some significant changes in the Rules and appellate practice in Connecticut. Outside of their work in the Division, two attorneys from this office teach an Appellate Moot Court class at the University of Connecticut School of Law.

### Successful Appeals and Other Legal Services Unit Litigation

Although Appellate wins are difficult to achieve, the Legal Services Unit continues to have a substantial number of successes which are cited below.

**STATE V. COURCHESNE, 296 Conn. 622 (2010), Mark Rademacher with John Holdridge.** In a death penalty decision that took over two years for a decision the Supreme Court reversed the convictions that related to the child who was in utero at the time of the killing. As a result, Mr. Courchesne was subsequently sentenced to sixty (60) years.

**FURS V. SUPERIOR COURT, 298 Conn. (2010), Neal Cone.** It was improper to find witness contempt for the witness' refusal to testify where there were questions raised regarding immunity.

**STATE V. CYRUS, 297 Conn. 929 (2010), Martin Zeldis and Ernest Green.** There was no reasonable and articulable suspicion to stop a vehicle when the stop was based only on a chain hanging from the rear-view mirror.

**STATE V. NATHAN J., 294 Conn. 243 (2010), Richard Condon.** For the charge of risk of injury allegedly committed by the father to his son, there is a right to an instruction regarding parental justification.

**STATE V. HOLLOWAY, 117 Conn. App. 798 (2010), Mark Rademacher.** Conviction reversed because trial court gave improper instruction as to a drug dependent person.

**STATE V. ADORNO, 121 Conn. App. 534 (2010), Alice Osedach.** Risk of Injury conviction reversed where the trial court improperly excluded evidence regarding the victim's sexual history.

**STATE V. HUDSON, 122 Conn. App. 804 (2010), Annacarina Jacob.** As to three credit card forgery convictions, these convictions were reversed and the case remanded to the trial court for resentencing on the remaining convictions. On remand, the overall sentence was reduced.

**STATE V. MOULTON, 120 Conn. App. 330 (2010), Annacarina Jacob.** Breach of Peace and Harassment convictions reversed because the complained of phone call was protected by the defendant's first amendment rights.

**STATE V. MOYE, 119 Conn. App. 143 (2010) Kent Drager.** It was reversible error not to canvass the



defendant regarding the core rights he relinquished when he pled guilty under the *Alford* Doctrine.

**STATE V. GAINNEY, 116 Conn. App. 710 (2009) Kent Drager.** There was instructional error regarding nonexclusive possession and the evidence was insufficient to convict that the defendant constructively possessed the drugs found hidden in his car.

**STATE V. JOSEPH, 116 Conn. App. 339 (2009) Elizabeth Inkster with Matthew Popilowski.** Trial court erred when it refused to instruct on the lesser offense of reckless endangerment in the second degree.

**MICHAEL T. V. COMMISSIONER OF CORRECTION, 122 Conn. App. 416 (2010) Temmy Pieszak.** Trial counsel was found to be ineffective for not presenting expert evidence regarding a sexually transmitted disease.

**STATE V. ATKINS, 118 Conn. App. 520 (2009) Heather Wood.** A sexual assault in the fourth degree conviction was reversed because the conviction was improperly based on uncharged misconduct.

**GAINES V. COMMISSIONER OF CORRECTION, 125 Conn. App. 97 (2010) James Streeto.** Trial counsel was ineffective for not doing investigation regarding potential alibi witnesses.

**STATE V. BILLIE, 123 Conn. App. 690 (2010) James Streeto.** Since the evidence only supported that the defendant possessed a single packet of drugs, his conviction for possession of drugs with intent to sell was reversed.

**STATE V. OUTING, 298 Conn. 34 (2010) James Streeto.** While not a win for the client it was an apparent win for the law. In Outing, both the majority and concurring opinions agreed that it is time to consider expert testimony on the reliability of eyewitness identifications as admissible evidence. Trial attorneys would be wise as a result to raise this claim whenever appropriate.

## HABEAS CORPUS UNIT

### Staffing

The Habeas Corpus Unit is responsible for the representation of petitioners in habeas corpus cases arising from a criminal matter. During Fiscal Year 2009/10, the Habeas Corpus Unit was staffed by a Chief of Habeas Corpus Services, a Supervisory Assistant Public Defender (on loan to the Unit from another office), four (4) permanent attorneys assigned to the unit, two (2) permanent attorneys on loan from other offices for part of the fiscal year, and a per diem attorney for a total of five (5) staff attorneys for the majority of the fiscal year. The non-attorney staff consists of two (2) investigators, two (2) paralegals, a secretary and a clerk. All are permanent employees assigned to the Habeas Unit.

### Caseloads

The Habeas Corpus Unit opened 371 new cases during Fiscal Year 2009/10. The number of new cases was comparable to the number of cases (372) opened during Fiscal Year 2008/09. Of these cases, 138 were assigned to the Habeas Corpus Unit staff attorneys. At the end of the fiscal year there were no cases awaiting assignment to staff attorneys. This was in contrast to 87 cases awaiting such assignment at the end of Fiscal Year 2008/09. Despite the end of in-house delays for assignment of counsel, the



backlog of cases awaiting assignment to Special Public Defenders continued with 158 such cases to be assigned. The number of unassigned Special Public Defender cases was comparable to the unassigned at the end of Fiscal Year 2008/09.

Public defenders and Special Public Defenders resolved 421 cases during 2009/10 (an approximate 28% increase over Fiscal Year 2008/09 when in-house attorneys and Special Public Defenders disposed of a total of 328 cases). Special Public Defenders resolved 270 cases, while in-house attorneys resolved 64. The 270 cases disposed by Special Public Defenders in Fiscal Year 2009/10 was a 35% increase as compared to the 200 such cases during Fiscal Year 2008/09. Last fiscal year in-house attorneys disposed of 64 cases.

Habeas Unit staff also responded to 146 inmate inquiries regarding habeas corpus matters compared with 144 during Fiscal Year 2008/09, and 113 in Fiscal Year 2007/08. Seventy-eight (78) of the inquiries received during Fiscal Year 2009/10 resulted in 47 opened cases, as compared to 92 in the previous fiscal year.

There were 1118 habeas cases (habeas unit staff and Special Public Defenders) pending at the end of Fiscal Year 2009/10. This represents a decrease of 39 cases or 3.3% decrease when compared to the 1157 habeas cases pending at the end of Fiscal Year 2008/09. It is also 44 more cases than 2007/08's 1077 cases.

## PSYCHIATRIC DEFENSE UNIT

### Staffing and Caseload

The Psychiatric Defense Unit is responsible for the representation of persons acquitted of crimes by reason of insanity and committed to the state's Psychiatric Security Review Board (PSRB). The Psychiatric Defense Unit also serves as a division wide advisory and educational resource on legal issues related to competency to stand trial and involuntary medication of criminal defendants as well as to other legal issues related to the insanity defense and mitigation based on the presence of mental illness.

Pursuant to an agreement with the Department of Mental Health and Addiction Services, the Unit is conveniently located on the grounds of Connecticut Valley Hospital to accommodate Psychiatric Defense Unit staff's frequent visits to clients who are not permitted to leave the hospital grounds or who are confined to the maximum security facility, Whiting Forensic Institute.

The Unit is currently staffed by a Chief of Psychiatric Defense Services, one (1) additional staff attorney, one (1) social worker and a paralegal. Currently the Office represents 100 clients residing at the facility or conditionally released to the community. Clients are represented at treatment team meetings, PSRB hearings, discharge hearings before the trial court, and appeals. The Unit was successful in securing the discharge of eight (8) clients from Board jurisdiction during the past fiscal year.

### Litigation

The Unit is also pursuing constitutional challenges to the recommitment statute. *State v. Long*, 258 Conn. 508 (2004) is back before the Connecticut Supreme Court and with oral argument scheduled for January 13, 2011. The Chief of Psychiatric Defense Services also serves as the designee of the Chief



Public Defender on the Behavioral Health Subcommittee of the Criminal Justice Policy Advisory Commission in order to create diversion opportunities for mentally ill persons involved in the criminal justice system. The Chief of Psychiatric Defense Services is also periodically called to serve as the designee of the Chief Public Defender on special committees created to deal with special issues related to the mentally ill population in the criminal justice system.

## CONNECTICUT INNOCENCE PROJECT

### Staffing and Caseload

In 2010, Connecticut Innocence Project (CTIP) began its work on the collaborative effort known as the “Connecticut Post-Conviction DNA Testing Program”. The DNA Testing Program is a collaboration between CTIP, the Office of the Chief State’s Attorney and the State of Connecticut Forensic Laboratory. In the Fall of 2009, the U.S. National Institute of Justice awarded the Program approximately \$1.5 million to be shared by the three agencies. The design of the Post-Conviction DNA Testing Program isolates cases of murder, non-negligent manslaughter and intentional rape where DNA testing might reasonably prove an inmate’s innocence. As a result of the funding, CTIP was able to hire Attorneys John Watson and Darcy McGraw, as well as Investigator Edward Niezgorski for a period of 18 months to review cases of eligible inmates who are asserting their innocence. Ed, who has been a member of the Division for some years, and worked previously as a career police officer, was transferred temporarily from the Enfield G.A. Office to work with CTIP on the DNA Program. Attorney John Watson is retired from the Division, and comes to CTIP with enormous criminal practice experience and expertise, including trial, appellate and habeas experience. Attorney Darcy McGraw joined CTIP from private practice in New Haven, where she specialized in criminal appeals. Darcy has also served in various legal capacities in her career, including as a prosecutor in the District Attorney’s Office in Manhattan handling sex crimes. Although the DNA Testing Program was initially an 18-month program, in December, 2009, the National Institute of Justice (NIJ) extended the Program through December, 2011. Presently, there are a number of cases in the review process, as well as a number of cases in the process of DNA testing at the State Lab.

In addition to the potential DNA cases that have been identified through the DNA Testing Program, the Connecticut Innocence Project continues to maintain approximately 100 cases in various stages of review, with claims of innocence based on both DNA and non-DNA evidence. CTIP Director, Attorney Karen Goodrow, Attorney Mike Lefebvre, Investigator Pete Palmer, and Paralegal Joan O’Rourke continue to serve as an inspiration with their hard work and dedication. Although CTIP’s three exonerations to date were based on post-conviction DNA testing, the majority of the cases reviewed by CTIP (as well as cases from other jurisdictions) are non-DNA determinative. The nature of the review process, particularly in non-DNA cases, requires a sense of curiosity, careful investigation, and determination.

CTIP continues to enjoy the collaborative relationship it has had with the law firm of McCarter & English in Hartford since February, 2006. McCarter provides pro bono office space, legal support and advice to CTIP and the clients it serves. In December, 2010, Attorneys Charlie Ray and Matt Weiner of McCarter successfully represented CTIP in an application for Amicus Curiae status in the case of *State v. Brady Guilbert*, which is presently pending before the Connecticut Supreme Court. The Court in *Guilbert* will, again, have the opportunity to address the admissibility of eye-witness identification experts. Through the efforts of McCarter & English, particularly on the Amicus brief, we are hopeful that the Connecticut Supreme Court will overrule its prior precedent and allow the admission of expert testimony in ID cases. The issue of eyewitness misidentification is at the core of many wrongful convictions. As a Special Unit of the Office of Chief Public Defender, CTIP assists to promote legislative changes in best



practices for eye-witness ID procedures. It is a rare and exciting opportunity for CTIP to be involved with the *Guilbert* case, and its potential for policy changes in eye-witness identification in our state.

In addition to the pro bono work of McCarter & English, CTIP continues to rely on its dedicated volunteer and intern staff, and on volunteers from the Public Defender Division and in private practice. Public Defender social workers Mary Hoban, Suzanne Andreyev, Katie Heffernan, and Sue Lucas-Deneen volunteered their expertise to assist clients both during the case review process and the inevitable post-exoneration transition period. Their work has been instrumental in the success of our clients, both before and after release. Engaging our volunteer social workers as a member of our team has been particularly satisfying for CTIP because they bring to the table a crucial mental health contribution to our clients which is otherwise not part of the team's expertise. Working with our social workers, and non-legal volunteers and contributors, is a welcome reminder that the success of our clients depends upon the strength and diversity of our team.

## Exonerations

To date, the Connecticut Innocence Project has had three clients released and exonerated based on new DNA evidence. James Calvin Tillman was released in 2006, after serving 18 ½ years in prison for crimes he did not commit. Miguel Roman was released in 2008 after serving over 20 years in prison for crimes he did not commit. Kenneth Ireland was released in 2009 after serving almost 21 years in prison for crimes he did not commit. In each of the three cases, the post-conviction DNA testing which proved the client's innocence led to the arrest of the actual perpetrator of the offense. Additionally, in Mr. Roman's case, the actual perpetrator was arrested for two additional cold case murders. In addition to case reviews and representing individuals in claims of innocence, CTIP has been involved in consulting, education and policy roles involving issues of criminal procedure best practices, eyewitness identification, informant testimony, and other causes of wrongful convictions.

## SPECIAL PUBLIC DEFENDERS

### Resources and Assignments

In 2009/10, Special Public Defenders were assigned to 8543 cases. This includes 2277 non-contractual and 6266 contractual cases. In accordance with the *Rivera v. Rowland* settlement agreement, capital felonies, murders, appeals and serious juvenile offenses are assigned on a non-contractual basis. An additional 616 habeas and appeals cases were handled by Special Public Defenders.

The policy for entering into written agreements with the Commission changed for the 2010/11 fiscal year. Beginning July 1, 2010 every private attorney receiving case assignments as a Special Public Defender was required to sign an agreement to do so. Three hundred eighty five (385) members of the private bar entered into a total of eight hundred and twelve (812) separate agreements to represent indigent clients as Special Public Defenders. In addition to JD, GA and Juvenile conflict cases, the Division continued to rely on Special Public Defenders to handle significant percentages of appeals and habeas corpus matters. The Special Public Defender annual agreement now focuses on each specific area of practice. In an effort to fulfill the Commission's commitment to quality legal representation, the Special Public Defender Guidelines are continually reviewed and revised to ensure the currency and efficiency of policies.



Consistent with the Commission's commitment to sustain and strengthen the quality of Special Public Defender representation, significant resources were dedicated to Special Public Defender services this past year. The compensation rates remained constant at \$50/hour for misdemeanors, \$75/hour for felonies and \$100/hour for capital cases. Contract cases remained at \$350/case for Geographical Area (GA) and Juvenile and \$1000/case for Judicial District (JD) assignments. These compensation rates are reviewed regularly to ensure they remain appropriately current with other assigned counsel rates.

Substantial resources were also allocated for supplementary Special Public Defender expenses, including expert witness and investigative service expenditures. Special Public Defenders accepting flat rate assignments continue to bill hourly for professional prison visits, for trial preparation and while on trial. In accordance with the Commission's commitment to quality legal representation, the Division promotes and compensates for client visitation and rigorous trial preparation among Special Public Defenders.

### Special Public Defender Training

Every attorney awarded a Special Public Defender assignment for the first time in a specific area of practice is required to participate in the Mentoring Program which spans the fiscal year. This program pairs experienced Special Public Defenders with new attorneys who will act as a resource and ensure quality client representation.

Special Public Defenders must attend six (6) hours of training annually. They are offered a wide range of legal training opportunities throughout the year. Each new Special Public Defender is required to attend the full day *Basic Orientation Courses* offered each year which focuses on basic criminal practice and ethics. In addition to the *Basic Orientation Course*, many Special Public Defenders took the opportunity to attend seminars focusing on Juvenile Delinquency Defense, Calculation of Sentences & Eligibility for Release, The Defense of Sexual Assault Cases and Collateral Consequences of Arrest. Two practice specific trainings for Special Public Defenders were held in 2010: an all day Appellate Seminar in April and an all day Habeas Seminar in December. Many Special Public Defenders received scholarships from the Chief Public Defender's Office and the Civil Justice Foundation, Inc. to attend the annual *Criminal Litigation Seminar*, sponsored by the Connecticut Trial Lawyers Association.

In addition to the extensive coverage of expenses incurred in the representation of clients, support for Special Public Defenders also includes access to and support from the Director of Special Public Defenders and his staff, the Division's Director of Training and whenever appropriate, the Division's Legal Counsel, the Director of Juvenile Delinquency Defense, members of the Office of Chief Public Defender and members of the Division's field offices.

In 2010, vital resources were devoted to enhance Special Public Defender services. The significant level at which the services were allocated greatly facilitated the ability of these attorneys to represent their clients to the best of their abilities. Such investment is necessary to ensure that the private bar continues to demonstrate a strong willingness to serve as Special Public Defenders.



# SOCIAL WORK

## Staffing and Caseloads

The Division is fortunate to have a total of thirty-nine (39) permanent social work staff, many of whom have or are pursuing advanced Masters of Social Work Degrees and clinical licensing requirements. Social workers are situated in field offices and specialized units throughout the state. Social workers are an integral and indispensable part of the defense team and recommend pretrial and sentencing alternatives to incarceration to the court on behalf of clients. They are also skilled in arranging appropriate expert evaluations for clients who require medical, psychiatric, educational testing, or community services for purposes of their defense. A new social work position was added to the Hartford Community Court as a result of converting the retired investigator's position to a social work position. An additional social work position was added to Geographical Area (GA)14 Hartford office to provide additional support to the two existing social workers who carry high caseloads.

Public defender social workers also act as the principal referral source to the Department of Mental Health and Addiction Services Diversion Program and Court Support Services Division (CSSD) Jail Re-interviewers. Public Defender social workers first assess the needs of the clients and their appropriateness for alternative programs. Our collaboration with other state agencies for client programming is critical to the goals of reducing recidivism and prison overcrowding as well as protecting the safety of both clients and communities.

Furthermore, social workers in the GA, Judicial District (JD) and Juvenile offices also assisted nearly 6800 public defender clients with crisis intervention and alternative court sentencing plans. Approximately 62% of the alternative plans and recommendations developed by public defender social workers were totally or partially accepted by the court as alternatives to incarceration.

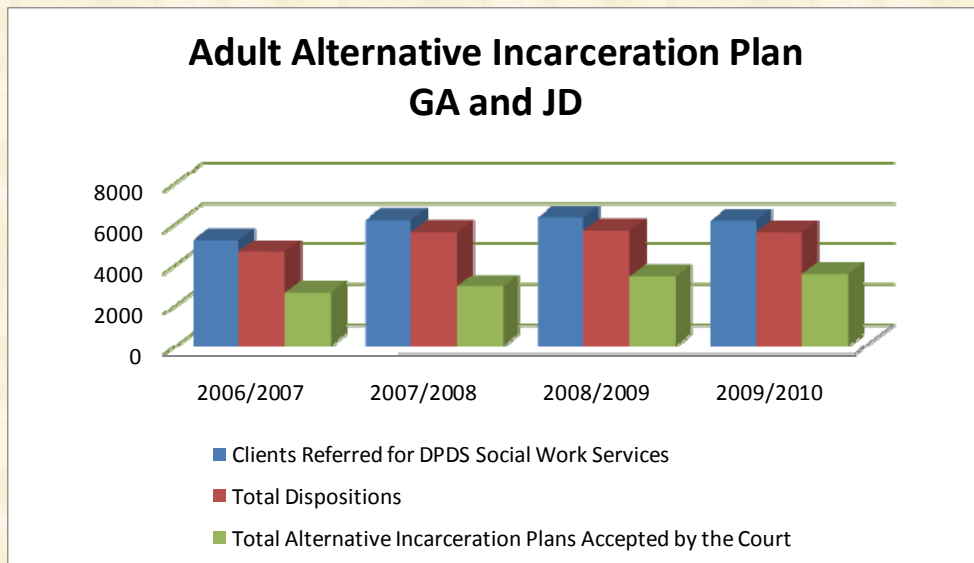


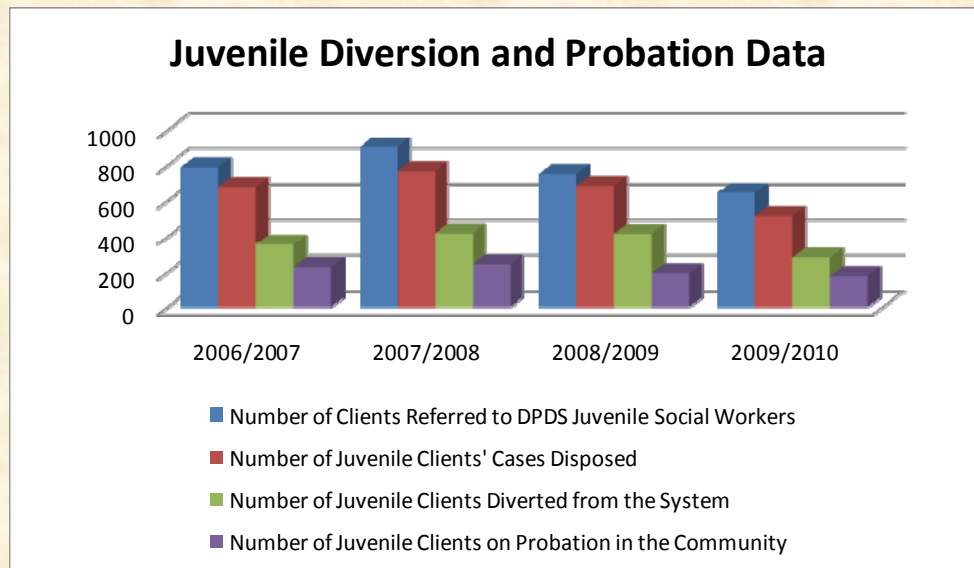
Chart 2: CTDPS Social Work Plans Accepted by the Court 2006-2010

2006/07	-	56% client plans accepted
2007/08	-	52% client plans accepted
2008/09	-	60% client plans accepted
2009/10	-	63% client plans accepted





In 2010, more than 646 court-involved children were assisted by public defender social workers in the juvenile offices. These offices have made a concerted effort to keep children in their communities, whenever possible, with comprehensive support services. Approximately 54% of the children receiving social work services were successfully diverted from the delinquency docket altogether and an additional 34% remained in their communities on probation.



**Chart 3: Juvenile Clients Diverted from the Delinquency Docket or Placed on Probation in the Community 2006-2010**

2006/07	-	52% diverted; 33% on probation
2007/08	-	54% diverted; 31% on probation
2008/09	-	60% diverted; 28% on probation
2009/10	-	54% diverted; 35% on probation

Approximately 400 juvenile clients in the Juvenile Post Conviction and Reentry Unit received public defender social work services while committed to the Department of Children and Families (DCF) for delinquency charges and in residential placement, both in and out of state. The Unit's social worker tracks and meets with all delinquency or dually committed children to insure that appropriate treatment plans are in place, assist with crisis intervention, develop plans to divert juveniles from the adult court, and collaborate with DCF to develop client discharge plans that will maximize the successful reentry of the child to school and community.

More than 100 clients committed to the state's Psychiatric Security Review Board (PSRB) are assisted by an experienced social worker from the Public Defender Psychiatric Defense Unit. The social worker assigned to this Unit attends treatment team meetings with clients, makes recommendations for the development of individual treatment plans, community conditional release, and discharge plans for clients acquitted by reason of insanity who are committed to the Psychiatric Security Review Board at Connecticut Valley Hospital and Whiting Forensic Hospital.

## Trends and Forecasts

The social work staff has reached out to other state and community agencies in an effort to coordinate services. The social work staff continues to work cooperatively with the Mental Health Jail Diver-



sion staff and the CSSD re-interviewers. This past year the social work staff has received more in depth training from staff at the Social Security Administration. The staff has established an excellent working relationship with Department of Social Services, Department of Correction (DOC) and the liaison worker in helping clients gain entitlements before they are released or to help avoid incarceration by reinstating their benefits. The social work staff is also working closely with the Correctional Managed Health Care discharge planners at the correctional facilities to facilitate clients in pretrial status, released from jail with appropriate services and medications.

The social workers have participated in local Project Homeless Connect Days; an initiative that has provided homeless individuals with critical services and resources in one place. The social workers also participated in Veteran's Stand Down in September. The Chief Social Worker is a member of the Connecticut Veteran's Jail Diversion State Advisory Board.

## TRAINING AND PROFESSIONAL EDUCATION

### Funding for Professional Education Programs 2009-2010

The 2009/10 Fiscal Year was an exciting year for the training and education department. The final appropriation for the training department was \$99,480 (\$116,852 decreased by \$5,843 in the mitigation plan for the budget shortfall and then further decreased another \$5,943 after the 5% rescission). The training department made every effort to cut costs in light of the state's difficult financial situation.

In spite of the financial conditions, the Division continued to give priority to intensive trial skills programs and was able to send seven public defenders to two nationally recognized programs in 2010. Over the years, our public defender graduates of both programs have always returned with new ideas and renewed enthusiasm for defending our clients, which they eagerly share with their co-workers. Additionally, this year our newly trained lawyers made a commitment to the Division and have participated in training our newest lawyers. This year's group included both experienced and new lawyers from Judicial District (JD), Geographical Area (GA) and Habeas courts.

Three attorneys attended the *National Criminal Defense College's Trial Practice Institute* in Macon, Georgia. Two of the public defenders were newly appointed to a JD office and the third has spent many years representing clients who are seeking habeas relief. This renowned two-week trial skills program is the most highly regarded and rigorous of criminal defense trial advocacy institutes. Their highly selective admission process restricts an organization to only two or three attorneys per year. We were very fortunate to have been granted three slots this year.

Four GA attorneys attended the weeklong *Western Trial Advocacy Institute* in Laramie, Wyoming. The program lived up to its reputation; all of the lawyers found it to be a stimulating and rewarding experience. As more public defenders attend and return to their offices, more of our lawyers are interested in participating in these intensive trainings. Trial skills programs are a valuable training ground for more experienced public defenders and an excellent follow-up to the year-long new lawyer curriculum; therefore it is the Division's priority to send both groups to these trial schools and trainings. In addition, the lawyers who go to these programs have all agreed to support our in-state training programs. We are finding that this commitment to training is allowing the training department to provide even more Division-wide training opportunities. As in the past, we were unable to send all of the attorneys who wanted to participate.



## Technology Training and Trial Work

Fiscal Year 2009/10 has also been an extremely busy and productive year for technology training. As part of our Annual Meeting, the Division of Public Defender Services offered a training session in digital photography.

The use of technology for case preparation and electronic evidence has become an integral part of trial work in the State of Connecticut. Judges, jurors and attorneys benefit from the clarity and efficiency electronics bring to the court room. To this end, the Legal Technology Training Specialist has created, upon request, several 3-D and 2-D graphics used for demonstrative purposes at both trials and hearings in the courtroom. The technology specialist has also provided consultations to many of our staff attorneys in the areas of digital and photographic enhancement, provided electronics data support, and prepared electronic courtroom presentations.

In addition to the technology, the training specialist provided assistance and support in death penalty cases. The specialist provided daily assistance and support for electronic presentations during capital trials and organized massive quantities of information in text, photo, video and audio files.

Death penalty cases are especially complex and specialized training is critical. One social worker and the Legal Technology Specialist attended the National Legal Aid and Defender Association's annual conference *Life in the Balance*. Another attorney attended the highly regarded Airlie Death Penalty Conference in Virginia. Two attorneys attended the highly regarded Santa Clara Death Penalty College where participants bring their own cases for group study and analysis.

The Division's commitment to training related to capital defense is unwavering. Unfortunately, the Division is representing several clients who are facing the death penalty. As the cost of defending clients who have been charged with capital felony murder increases, the need for specialized training increases; creating a strain on training resources.

## Training for New Attorneys, Division-Wide Staff and Special Public Defenders

The training department has a long established skills program that has been created for our newly appointed attorneys. The first year curriculum is an ongoing program to help support our new attorneys. In addition to the group learning, this year we have added a tutorial component to the training. The goal of this program is to meet with all new attorneys as they begin employment, and provide one-on-one attention, guide them through the complexities of interviewing clients and representing people in court. This one-on-one attention is complementing the new lawyer training that already exists and is helping to increase the level of competence of our newest attorneys.

The first year curriculum continues to educate and challenge our new attorneys. The nineteen days of training, spread out over the course of a year, combine lecture and training exercises. The experienced employees of the Division participate in these training sessions as lecturers, group leaders and witnesses. New public defenders are trained on: client counseling, arraignments, motions practice, cross examination of both police officers and victims, use of expert witnesses, negotiation, mental health issues, alternative dispositions, sentencing calculations, collateral consequences and professional ethics. The Mental Health training has two components: one session is spent delving into competency and broad mental health issues; the second session is called *Hearing Voices*. The purpose of the training is to learn to recognize signs of mental illness and better communicate with clients who are suffering with mental



illness. In addition, every new lawyer attends our annual weeklong trial advocacy program at Quinnipiac University. During Fiscal Year 2009/10, fourteen (14) new attorneys participated in the trial advocacy program. Trial school begins with a daylong brainstorming session about the case, jury instructions and a visit to the crime scene and is followed by a variety of lecture and practice sessions that cover all aspects of the case presentation from jury selection through closing arguments.

Some of the first year curriculum sessions were taught by experts from other fields. We rely on Connecticut Legal Services to train all of our lawyers on collateral consequences of conviction. Collateral consequences training, which has always been well-attended, focuses on the devastating effects of arrest and/or conviction on education, homelessness, employment, immigration and enhanced penalties in federal court. The Division also relies on the Connecticut Department of Correction and Board of Pardons and Parole to train our lawyers on Sentencing Calculations and Eligibility for release. This training concentrates on the intricacies and vagaries of jail credit, understanding concurrent sentencing, and issues and pitfalls of early release and parole. This is a critical area of practice because poorly structured sentences create issues for the department of correction, our clients and habeas court. A final area in which the Division relies on outside experts is the State Forensic Lab. New attorneys and investigators are required to participate in forensic lab training two days per year where Forensic Lab scientists train Division employees on a wide variety of topics. This training is invaluable; it allows Division employees to gain knowledge regarding a wide array of sciences and has also helped to open lines of communication between the Division and the State Forensics Lab. All of these trainings are open to all Division attorneys as well as SPDs and the private bar.

The training department offers training to the Special Public Defenders in the area of basic criminal practice, counseling a client and alternative dispositions. This training is designed specifically for the Special Public Defenders.

As part of the ongoing goal of the Division to encourage and support professional growth and knowledge, we sent twenty-four investigators to a well respected Investigative Training Seminar. Additionally 34 members of the Division participated in 47 classes offered by the Department of Administrative Services. These classes offered a wide range of topics from computer technology to stress management.

Many social workers and public defenders attended seminars relating to mental health and addiction. Topics included: understanding trauma, compulsive gambling, understanding the intersection between mental health and the criminal justice system, human trafficking, deviant sexual behavior and the national conference for social workers. Thirty-five Division employees participated in mental health training. One Division social worker participated in the *Department of Mental Health and Addiction Services Multicultural Training Program*. This is a ten month program that is designed to delve into identifying cultural biases, understand them and influence personnel and policy changes.

While attendance at annual and regional conferences of national organizations was curtailed due to budget constraints, some participation was possible. Three attorneys attended the National Legal Aid and Defender Association's Annual Conference, which offered specialized training in results-based accountability for indigent defense organizations. Attorneys attended two different seminars dealing with the growing concerns regarding forensic science, and five lawyers were able to participate in the juvenile crime scene investigation offered by the Henry Lee Institute. Forensic Science is playing such a large role in criminal defense work that the Division began the process of creating a Forensics unit.



The Division played an integral role in presenting training on *Implicit Bias*. Implicit bias is best described as an unconscious preference, positive or negative, for certain social characteristics. This training was spear headed by Judge Bishop of the Connecticut Appellate Court, sponsored by the Division and offered to both Division attorneys and state's attorney employees. The training was well attended; each agency had one hundred participants in the room. The morning was devoted to a lecture on the issue of implicit bias and the afternoon was a panel discussion discussing the problems and concerns surrounding eyewitness identification.

The Division offered a large training in the fall of Fiscal Year 2009/10 on the issue of defending people charged with Operating Under the Influence. Speakers from several states presented on topics such as cross examining scientific experts, review of OUI law and understanding field sobriety testing. We were fortunate that Hansueli Ryser, the Vice President of Draeger Safety Diagnostics, Inc, came to Connecticut to talk to our defense attorneys about the new breathalyzer machine that our State Police had purchased. This seminar was open to Special Public Defenders, private bar and Division employees and 188 people registered for the event.

For the seventeenth year, public defenders and one former public defender taught a Basic Criminal Practice for the Connecticut Bar Association. This class is designed to introduce lawyers to the art of criminal defense work. Attendees ranged from new lawyers to established practioners who were interested in expanding their practice.

### *Stand Down* for Connecticut Veterans Since 1994

This year 36 social workers, secretaries, clerks, investigators and attorneys again represented the Division at *Stand Down*, an annual event dedicated to meeting needs of homeless and indigent veterans. The Division helped many needy veterans with motor vehicle and minor criminal matters and parking tickets as well as social work services.

### *New Case News*

The Division continued to support the on-line research tool which is a joint effort between the Training Department and the Legal Services Unit. *New Case News* was created in 2007. A small group of Division lawyers summarize Appellate and Supreme Court decisions as they are issued. The summaries are categorized by topic and accessible from the Public Defender website. To date approximately 800 cases have been summarized. This service is used by both Division employees and Special Public Defenders.

### Division-Wide Annual Meeting

Due to financial constraints, we were unable to have an annual meeting In Fiscal Year 2008/09, therefore it was very important to the Division to have an annual meeting in the 2009/10 Fiscal Year. The June 18, 2010 event was well-attended by Division employees. Among the topics covered was a panel discussion on representing both veterans and active members of the military that facilitated communication between the individual offices and military support services. The day concluded with guest speaker Jeffrey Deskovic's moving account of his wrongful conviction and ultimate exoneration.



## Forecast for the 2010/11 Fiscal Year

Training during Fiscal Year 2009/10 was curtailed in response to the budget crisis. The Training Department is committed in its efforts to support and educate all Division employees and Special Public Defenders. Criminal law is ever-changing and training is essential to maintain standards of competency required by the Constitution. The appropriation for 2010/11 is \$29,579 less than it was for 2009/10 per capita training appropriation.

## INFORMATION TECHNOLOGY

The Division was able to make many technology improvements in 2010. This Agency purchased and installed 110 desktop computers, 2 laptop computers, 1 office server and 15 printers to replace older and less functional equipment. With the increased threat of computer viruses in 2010, the Division began to replace its McAfee total protection licenses with VIPRE antivirus/antispyware software on all computers. The new virus protection software will further combat the threat of spyware and viruses on all 520 computers. The Systems Department has also upgraded all computer systems to Microsoft Office 2007 Professional Suite, which includes Microsoft Word, Excel, Access, PowerPoint, Publisher and Outlook. With the availability of these systems and software, every employee continues to have email, internet access, high speed printer capabilities, the most advanced processing software and faster network connectivity. The Systems Department also continues to work diligently in maintaining the Division's increasing network of computers and peripheral equipment throughout the year. Additional responsibilities also include assistance to the Office of the Chief Child Protection Attorney's computers systems, printers and server needs in 2010.

The Division signed a new five year contract with Lexis/Nexis. This research tool has been extremely helpful to the Division by allowing attorneys quick and easy access to Internet based computerized legal research, including all Federal and State court decisions, Shepard's citations, and law journals. All Attorneys can conduct legal research either in the office or from remote locations with search and save capabilities. Every attorney also receives BNA's Criminal Law Reporter electronically each week.

Included in the new five year contract with Lexis/Nexis is access for our investigator staff. Our investigators have access to LexisNexis Investigative Portal, a search engine that quickly delivers information to help locate individuals, businesses and assets. Lexis/Nexis's vast internet database allows investigators to more quickly conduct client eligibility and criminal investigations, locate witnesses more readily, and many other client related purposes. This tool has improved investigative services by increasing the number of investigators with internet search capabilities, improving communications between offices, and providing instantaneous access to information.

The Systems Department recently has completed its implementation of its new integrated SQL internet based case tracking/case management system. This conversion from a Microsoft Access based case tracking system has included 30 separate access databases in 20 adult public defender offices. In addition to the converted offices, the systems department has also installed the case tracking/case management system to all the remaining GA and JD offices. This new system of case tracking and case management allows data from all offices to be consolidated into one system. This increases ease of use, better reporting and statistic analysis, increased reliability and functionality. This system will also allow better caseload management, scheduling, reporting, and statistics from any division computer.



In the past year the Division has also expanded and improved its web site, which can be found at [www.ocpd.state.ct.us](http://www.ocpd.state.ct.us). The Division's website now includes a link to *New Case News*. *New Case News* (NCN) is a combined effort between the Training Department and the Appellate Unit to provide weekly summaries of all Connecticut Supreme Court cases and most Connecticut Appellate Court cases starting from the fall of 2004.

In addition to NCN, the Division's website hosts our legislative summary, legislative testimony, Special Public Defender information, income eligibility guidelines, the Annual Report, *Discovery Magazine*, specialized forms and other Division information. One of the more visited areas of our site is "Job Openings", which features current employment opportunities within the Division as well as on-line access to the "attorney questionnaire." The Systems Department has also continued to expand the Division's intranet server to allow all personnel access the latest forms online in fill-able adobe format.

The Division continues to have on-line access to data from the Judicial Information System's *Criminal/Motor Vehicle System*, the Department of Motor Vehicles and portions of Department of Corrections *Inmate Information System*. The continuing support of the Judicial Branch, the Department of Motor Vehicles, the Department of Correction and the Department of Information Technology has been vital to these efforts, and the efficiencies that have been achieved would not have been possible without their cooperation.





# COST<sup>1</sup>

## EXPENDITURES 2009/10

During FY 2010 expenditures for public defender services totaled \$48,402,881 distributed as follows:

### Personal Services

Permanent staff	33,322,942	
Temporary staff	967,729	
Longevity payments	873,323	
Accrued leave payments	5,711	
Court reporters' transcript	198,293	
		35,367,998 <sup>2</sup>

### Other Expenses

Operating expenses (e.g., supplies, postage, telephone)		1,504,692
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### Other Current Expenses

Special Public Defenders-Contractual	2,987,185	
Special Public Defenders-Non Contractual	5,728,464 <sup>3</sup>	
Expert Witnesses	2,025,757	
Training and Education	83,828	
		10,825,234

Equipment		205,109 <sup>4</sup>
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Federal Funds and Private Contributions		499,848
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Total Expenditures		48,402,881
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<sup>1</sup>This chapter was contributed by Priscilla S. Kokinis, Financial Director.

<sup>2</sup> Net of client reimbursement receipts in the amount of \$135,917



The Commission's FY 2010 expenditures of \$48.4 million supported a permanent staff of 400 full time and seven (7) part-time employees, 213 of whom were attorneys. Other staff consisted of administrative, social work, investigative, secretarial and clerical personnel. In addition, the Commission employed one attorney and one investigator under the DNA grant for the Connecticut Innocence Project and one clerical support person under the Juvenile Public Defender Expansion grant. For this expenditure a caseload of approximately 93,000 was handled by the Commission's staff, at a cost per case of \$522, an amount indicative of the cost-effectiveness of maintaining a statewide public defender system for the representation of indigent accused.

### APPROPRIATION 2010-11

In FY 2011, the Commission's available appropriation, as adjusted for savings under the Appropriation Act, is \$48,590,418 to support a staff of 400 authorized full time positions, seven (7) part time permanent positions and three (3) federal grant positions is distributed as follows:

#### Personal Services

Permanent staff	34,495,166	
Temporary staff	500,000	
Longevity payments	910,000	
Court reporters' transcripts	250,000	
		36,155,166

#### Other Expenses

Operating expenses (e.g., supplies, postage, telephone)		1,339,365
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#### Other Current Expenses

Special Public Defenders-Contractual	3,094,467	
Special Public Defenders-Non Contractual	5,000,000	
Expert Witnesses	1,531,615	
Training and Education	69,901	9,695,983

Equipment		309,800 <sup>1</sup>
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Federal Funds and Private Contributions		1,090,104
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<b>Total Appropriation</b>		<b>48,590,418</b>
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1. FY10 Carry forward of Capital Equipment Purchase Fund \$309,794; plus \$6 from General Fund in FY 11



## FEDERAL GRANTS

### **FY 2010 GRANT FUNDING AVAILABLE: \$815,520**

In FY2010, \$175,218 in continued and additional federal and state match funds was available to the Division under the Juvenile Accountability Incentive Block Grant Program and the Byrne Memorial Law Enforcement Assistance Grant Program. This total was allocated as follows: \$120,218, under the Juvenile Accountability Public Defender Expansion grant to fund (1) clerical support staff, together with juvenile training and \$55,000 under the Byrne Fund/JAG program to fund the Public Defender Technology Grant for the purchase of electronic equipment and software.

A federal grant funded by the Office of Justice Programs under the Post-Conviction DNA Testing Assistance Program in the amount of \$640,302 was received in FY2010, with \$204,574 expended during that fiscal year. This funding is for a collaborative effort by the Chief Public Defender's Office, Office of Chief State's Attorney, and the Office of Connecticut Forensic Sciences Laboratory to identify cases of forcible rape, murder and non-negligent homicide in which incarcerated individuals were wrongfully convicted and are innocent. This grant will provide our agency with funding for two (2) attorneys and one (1) investigator for a period of eighteen (18) months.

### **FY 2011 GRANT FUNDING AVAILABLE: \$1,090,104**

The Post-Conviction DNA Testing Assistance Program grant was continued into FY2011 with the remaining balance of \$435,728 to fund the two (2) attorneys and one (1) investigator for the remaining period of the grant.

The Juvenile Accountability Public Defender Expansion grant was continued and expanded into FY2011 with continued and new funding awarded for a total of \$104,376 in grant funding available. This will provide the Division with the continued services of one clerical support staff, together with funding available for juvenile training.

In FY 2011, a federal grant in the amount of \$300,000 was awarded to the Division for a period of two (2) years under the JAG grant program entitled Innovating Public Defender Juvenile Representation: Development of a Juvenile Case Management Database. This funding is to develop a case management system for the juvenile public defender offices. This system will enhance juvenile public defender offices in their ability to provide better services to clients and criminal justice partners within the State and the community. This would be accomplished by improving service delivery, administration of the offices and foster better realization of criminal justice objectives. These improvements are in the areas of treatment and litigation decisions, staffing and resource allocation, caseload limits, statistical analysis and increasing the knowledge base of technology in the juvenile justice field.

In addition, a federal grant under the JAG grant program entitled, Public Defender Social Workers and Connecticut Domestic Violence Dockets: Managing Collateral Consequences, in the amount of \$200,000 was awarded to the Division in FY 2011. This funding is to develop a link of the Connecticut Public Defender Social Workers with domestic violence defendants on the domestic violence dockets of two urban Geographical Area Courts in Connecticut in order to coordinate individualized case management and monitoring plans that will enhance the defendant's ability to successfully participate and complete the court-ordered domestic violence programming. This grant will provide our agency with funding for two (2) contractual social workers for a period of two (2) years.



Through the collaboration of the Division of Public Defender Services and the Division of Criminal Justice, a federal grant under the John R. Justice (JRJ) Grant Program in the amount of \$50,000 is available to the Division in FY 2011. This will provide student loan repayment assistance to full time public defenders, including full time federal public defenders, and prosecutors employed in Connecticut.

## CLIENT REIMBURSEMENT PROGRAM

A client reimbursement program was implemented by the Commission in 1992-93 at the direction of the Appropriations Committee of the General Assembly, and has continued in effect with full implementation at (20) G.A. offices. All clients, except those in custody, are requested to reimburse the system \$25 toward the cost of their defense. A minimal, flat amount was set in order to simplify the collection process and to encourage clients to make some effort at payment.

A total of \$135,917 was collected in FY 2010. Over the past ten (10) years of full implementation, the average collected has been \$100,491. While some public defender clients are able to meet this minimal reimbursement charge, these clients are entitled to services of the public defender, by constitution and by statute, regardless of whether they make payment. As such, the agency must rely on voluntary payment by financially able clients in order to collect these funds. Given these limitations, it would appear that these revenues are likely to remain at current levels in the years to come.

## COST ATTRIBUTABLE TO THE DEATH PENALTY

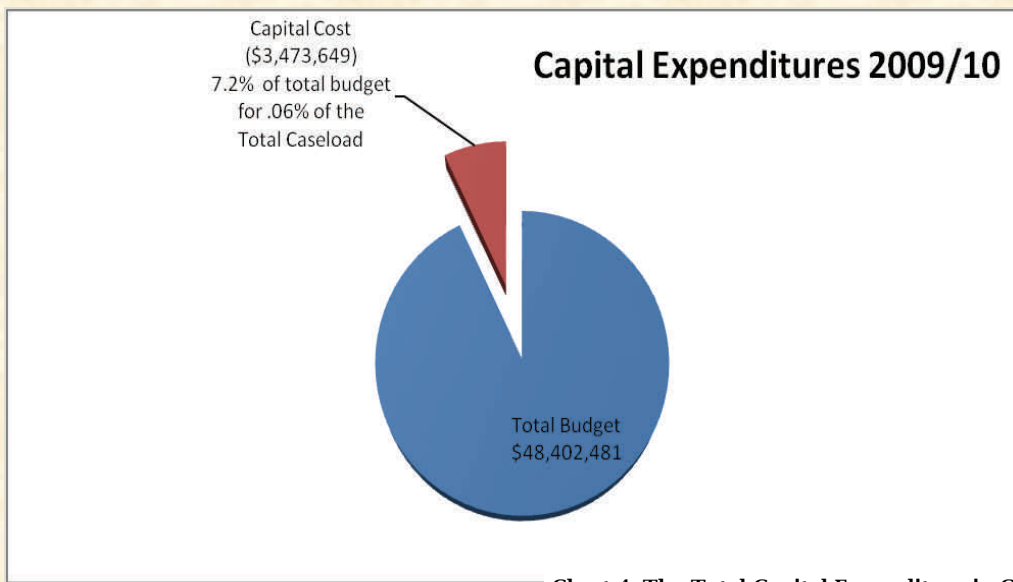
The increasing number of death penalty cases has continued to have a significant cost impact on the Division. In 2009-10 the annual cost of staffing the Capital Defense & Trial Services Unit alone was \$1,485,252. This does not include the expenses of expert witnesses or Special Public Defenders that must be retained in many of these cases.

When these expenses are added, along with the costs attributable to field offices for the trial and appeal of capital cases, the best estimate of the major portion of the cost of defending capital cases in 2009-10 was \$3,473,649 or 7.2% of the entire public defender budget, an increased cost of 39% over 2008-09 capital costs at 5.2% of the Fiscal Year 2009 public defender budget. At the same time the total number of capital cases, fifty-six (56) cases handled at the trial level or on appeal and in habeas matters represented .06% of the Division's total caseload. Fifteen (15) of these cases were death penalty cases pending at the trial level or on appeal, as well as four (4) habeas corpus cases in which the petitioner was under sentence of death. In addition, this Agency is responsible for providing post conviction counsel for eighteen (18) litigants who are either sentenced to death or have pending capital felony prosecutions in the *Racial Disparity in Death Penalty Cases* litigation.



The cost analysis for defending capital cases during Fiscal Year 2009/10 is as follows:

Trial Services Unit	
Salaries and Other Expenses	1,485,252
Salaries of PDS attorneys handling capital cases	844,248
Appellate Unit Salaries	
PD attorneys handling capital cases	117,445
Experts:	496,295
Special Public Defender Non-Contractual	503,347
Transcript Costs	27,062
<b>Total Capital Case Costs FY 2009/10</b>	<b>3,473,649</b>



**Chart 4: The Total Capital Expenditure in Comparison to Entire Public Defender Budget 2009/10 of \$48.4M.**

In addition to the expenses of cases defended by the Division's own staff, there are capital cases which require the services of Special Public Defenders where a conflict of interest exists between multiple accused.. There were 34 such cases including the 6 racial disparity cases currently in litigation in 2010. In accordance with Commission policy and accepted national ABA professional standards, two (2) attorneys must be assigned to represent each defendant charged with a capital crime.



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## COMMISSION ON CHILD PROTECTION

Effective October 1, 2005, under Public Act 05-3, of the June 2005 Special Session, “AAC the Implementation of Various Budgetary Provisions,” the Legislature shifted responsibility for the provision of contracted attorneys for child protection from the Judicial Department to the Commission on Child Protection within the Division of Public Defender Services for administrative purposes only.

For clarity, in FY 2007-08, the Legislature established a separate budget for the Commission of Child Protection from the budget of the Public Defender Services Commission. However, the Commission on Child Protection continues to remain within the Division of Public Defender Services for administrative purposes, (APO) only, with assistance in human resources, payroll and information technology.





# LEGISLATIVE ACTION IN 2010 AND PROPOSALS FOR 2011<sup>1</sup>

## LEGISLATIVE ACTION IN 2010

The office proposed nine pieces of legislation for consideration by the General Assembly during the 2010 legislative session.

The following is a summary of the *2010 agency proposals* and the status of each at the close of the regular and special sessions:

**1. *An Act Concerning Capital Felony*** was proposed. During the 2009 legislative session, the legislature adopted legislation which would have abolished the death penalty. However, the Governor vetoed the legislation. (See H.B. No. 6578, *An Act Concerning the Penalty for a Capital Felony*, 2009 legislative session).

During the 2010 legislative session, a public hearing was held on March 5, 2010 in regard to ***Raised Bill No. 5445, An Act Concerning the Death Penalty***. The bill, however, did not get out of the Judiciary Committee.

**2. *An Act Concerning Habeas Corpus***, as proposed by this agency, was not raised by the Judiciary Committee. Although a public hearing was held before the Judiciary Committee on March 22, 2010 in regard to ***Raised Bill No. 5502, An Act Concerning Habeas Corpus***, 5502 was actually a legislative proposal submitted by the Division of Criminal Justice. This office presented testimony in opposition to 5502 and suggested alternative language for consideration by the legislature. No legislation pertaining to habeas corpus was adopted during the 2010 session.

**3. *An Act Concerning Juvenile Transfers*** was not raised as proposed by this agency. However, changes were made to the juvenile transfer statute during the June Special Session. (See sections 28, 29, 30 and 31 of ***June 2010 Special Session, P.A. 10-1, An Act Concerning The Real Estate Conveyance Tax, The Conveyance Of Certain Parcels Of State Land, Adjustments To Certain Programs Implemented Through The Department Of Social Service, A Report On Tax Credits, Juvenile Justice, Absentee Voting By Members Of The Military, Revisions To Various Task Forces, Commissions And Councils, And Amendments And Minor And Technical Changes To Certain Special And Public Acts Of The 2010 Regular Session.***)

**4. *An Act Concerning Operating Under Suspension*** was not raised by the Judiciary Committee. This proposed legislation would have provided a 10 year look back similar to that provided in the

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<sup>1</sup> This Chapter was contributed by Deborah Del Prete Sullivan, Legal Counsel/Executive Assistant Public Defender

statutes pertaining to the pretrial alcohol education system and required the court to consider whether mitigating circumstances existed before imposing a sentence.

5. ***An Act Concerning Immigration Consequences*** was not raised by the Judiciary Committee. The proposed bill would have expanded the time period from 3 to 10 years within which a person who had been convicted after pleading guilty and been subjected to certain immigration consequences as a result of such plea could file a motion to vacate the plea.

6. ***An Act Concerning Re-Entry*** was not raised by the Judiciary Committee for a public hearing. This proposed legislation would have (1) clarified that statutory fees for pre-trial diversionary program applications and program fees and probation are waived for persons represented by a public defender; (2) suspended support payments from an obligor upon his or her incarceration; and, (3) provide a 90 day credit to an inmate who earned his/her GED while incarcerated.

7. ***An Act Concerning Erasure*** was not raised by the Judiciary Committee for a public hearing. The proposal provided for the non-disclosure of all records of the *Department of Correction* which pertained to persons found not guilty of a charge or where the charges had been dismissed.

8. ***An Act Concerning Shackling of Juveniles and Credit*** was not raised. This proposed legislation would have (1) prohibited the shackling of juveniles after arrest and prior to conviction as a delinquent; (2) provided credit for a child who is arrested and held in certain facilities prior to the disposition of the juvenile matter who is subsequently convicted as a delinquent and committed to the Department of Children and Families; and, provide authorization for the Commissioner of Children and Families to waive certain requirements prior to granting a juvenile a leave when the juvenile has been transferred from one location to another.

9. ***An Act Concerning Raise the Age*** as proposed by this agency was not adopted by the legislature. However, some of the language proposed was incorporated in the changes made to the Raise the Age legislation adopted previously and certain other juvenile statutes during the June Special Session. (See sections 28, 29, 30 31 of ***June 2010 Special Session, P.A. 10-1, An Act Concerning The Real Estate Conveyance Tax, The Conveyance Of Certain Parcels Of State Land, Adjustments To Certain Programs Implemented Through The Department Of Social Service, A Report On Tax Credits, Juvenile Justice, Absentee Voting By Members Of The Military, Revisions To Various Task Forces, Commissions And Councils, And Amendments And Minor And Technical Changes To Certain Special And Public Acts Of The 2010 Regular Session.***) Raise the Age had expanded the jurisdiction of the court to include children 16 years of age.

## PROPOSALS FOR THE LEGISLATIVE SESSION 2011

The Office of Chief Public Defender has submitted several legislative proposals for consideration by the General Assembly for the 2011 session. In addition to resubmitting previous proposals, including abolition of the death penalty, the agency has submitted language pertaining to juveniles and re-entry and requested that the Chief Public Defender be added as a member of the DNA Databank *Oversight Panel*.

A proposal has also been submitted that would clearly exempt documents or records of the Division which pertain to the defense of indigent persons represented by the attorneys employed by the Divi-



sion and Special Public Defenders from disclosure under the Freedom of Information statutes. This legislation is particularly necessary as public defenders and Special Public Defenders represent indigent persons who should not possess any fewer constitutional rights or privileges merely because of their lack of financial resources to retain private counsel.

This year the agency submitted a comprehensive re-entry proposal pertaining to adults which would:

- *create a process and standards for the expungement of court files after a person successfully completes the Alternate Incarceration Program;*
- *provide a look back provision to provide the court discretion to place a person charged with an offense an additional opportunity to be placed in a pre-trial diversionary program;*
- *provide the court discretion to impose a fine or order the performance of community service if a person commits a violation;*
- *create a violation rather than a criminal conviction for the possession of paraphernalia, small amounts of marijuana or narcotic residue;*
- *eliminate mandatory minimum sentences for certain drug offenses;*
- *provide credit to an inmate who earns his/her GED while incarcerated;*
- *earned time credit as an incentive for certain inmates;*
- *require that only the instant conviction be considered when calculating 85% of a sentence to be served;*
- *allow parole for persons convicted of murder in order to provide a period of community supervision following incarceration*





## CONCLUSION

The Division of Public Defender Services is grateful for the support which it receives from the Governor, the Office of Policy and Management, the Office of Fiscal Analysis, the Legislature, and the Judicial Branch. We also sincerely appreciate the collaborative efforts of all state agencies interested in improving the Connecticut Criminal Justice System

I also wish to acknowledge the continuing support of the Public Defender Services Commission to me, to our clients, and to all of the men and women of the Division during the past year. This year we welcome Attorney Thomas Rechen as our Commission Chair, and thank Attorney Carl Eisenmann for serving as Chair for the past 15 years.

As we go forward in 2010, I express my sincere thanks and admiration to all of the attorneys, investigators, social workers, clerical and administrative staff of the Division of Public Defender Services. I also want to thank those members of the private bar who assist the Division by acting as special public defenders for indigent clients in conflict cases, habeas corpus matters, and appeals. It is through their collective dedication, vigilance, compassion, and unselfish commitment to our clients that the right to counsel is protected in Connecticut.

Respectfully submitted,  
Susan O. Storey  
*Chief Public Defender*



# 8

## APPENDIX

The following tables show the movement, activity and caseload goals of cases in each public defender office during 2009/10. In addition, there are tables ranking the offices by number of “New Cases Assigned” in 2009/10, Caseload Goals and the number of Cases Pending on July 1, 2010.



In the merged offices of Ansonia-Milford JD/GA 22, Danbury JD/GA3, Middlesex JD/GA 9, Tolland JD/GA 19 and Windham JD/GA 11, staff attorneys are shown as working in either the JD or GA, although they may handle both types of cases. Although a departure from earlier years, this change is necessary to calculate “New Cases Assigned Per Attorney” and assess Caseload Goals. During the 2009/10 fiscal year, the number of attorneys was based upon the number of attorneys in a particular office for six months or more.

The Annual Report 2010 of the Chief Public Defender was produced by Jennie J. Albert with *Microsoft Office Publisher* software. The Appendix tables were created by Marlene K. Levine, Public Defender Secretary, using *Microsoft Access* and *Excel*. The Connecticut Division of Public Defender Services Charter Oak Logo was created by Frank DiMatteo, Manager of Legal Technology Planning and Staff Development.



## NOTES

1. CASES APPOINTED are those in which the public defender is assigned to represent the accused.
2. FISCAL YEAR CASELOAD is CASES PENDING the beginning of the fiscal year plus CASES APPOINTED minus CASES TRANSFERRED i.e. cases transferred to Part A, another court for consolidation, private counsel, Special Public Defender (conflict of interest) or pro se.
3. "NEW CASES ASSIGNED" Judicial District offices calculate "new cases assigned" by weighting murder and non-death penalty capital cases as 2 cases, (by adding one additional case) and capital felony cases in which the State seeks the death penalty as 10 cases (by adding nine additional cases). After the weighting process is applied, minor felony, misdemeanor, motor vehicle and other cases are excluded. Cases transferred (Special Public Defender, private counsel, pro se) are also subtracted. A percentage of minor felonies, misdemeanors, motor vehicle and other cases is applied to "transfers" to avoid double subtraction.

Geographical Area offices calculate "new cases assigned" by excluding cases that are nolle or dismissed on the date of appointment and bail only appointments. Cases transferred are also excluded. Practically speaking, until an automated case tracking system is in place statewide, it will be difficult to track the cases that are nolle/dissmissed on the date of appointment.

Juvenile Matters offices calculate "new cases assigned" by excluding cases in which the juvenile is charged with Violation of a Court Order in a pending matter. Cases transferred are also subtracted.

4. DISPOSED CASES include inactive/diversionary cases that are not part of the FISCAL YEAR CASELOAD which were disposed upon completion of programs and counted as disposed during the fiscal year. DISPOSED CASES are therefore all cases disposed of during the fiscal year whether active, newly appointed or inactive.
5. DIVERSIONARY TRANSFER TO INACTIVE represents cases in which AR, Family Violence, Alcohol Education Program or some other diversionary program has been granted during the fiscal year.

For purposes of this report, the following inactive cases are included in this category: a) a commitment under 54-56d incompetency, b) suspended prosecution or c) rearrest has been ordered. Please note that the total for this category is omitted to avoid confusion.

6. In the merged offices of Ansonia-Milford JD/ GA 22, Danbury JD/GA 3, Middlesex JD/ GA 9, Tolland JD / GA 19 and Windham JD / GA 11 staff attorneys are shown as working in either the JD or GA, although they may handle both types of cases. Although a departure from years prior to 1999, this change is necessary to calculate "New Cases Assigned Per Attorney" and assess *Caseload Goals*.
7. TRIALS concluded are reported at the stage the trial is concluded. JURY TRIALS are concluded at one of three stages: a) Jury selection commenced b) Jury trial begun (jury sworn after voir dire) or c) Jury trial to verdict. Similarly COURT TRIALS are concluded at one of two stages: a) Court trial begun (first witness sworn) or b) Court trial to judgment.

## NOTES *continued*

### Juvenile Matters

8. The caseload for the Waterford and Willimantic offices was handled by the same attorney with support from a part-time investigator, a full-time social worker and assistance of a second attorney in Willimantic two days a week. In Danbury the caseload was handled by an attorney from the public defender's office which handles adult criminal matters supported by staff from that office. An attorney from the Waterbury office also handles the caseload in Torrington 2.4 days a week. Two of the three lawyers from the Bridgeport Juvenile Matters office handle Stamford and Norwalk business. Stamford is generally covered one day a week and 20% of the time two days; one lawyer handles Norwalk cases two days a week.

## Appendix Table 1

### Judicial District Movement of Cases Division of Public Defender Services July 1, 2009 - June 30, 2010

Office	FY09-10 Attorneys	Cases Appointed	Non-Death Capital/Murder Cases Appt.	Death - Capital Cases Appt.	Other Major Felonies Appt.	VOP Appt.	Minor Felonies, Misdemeanors, MV & Other Appointed	Cases Transferred	Divers. Trans. To Inactive	Disposed	New Cases Assigned (weighted)	New Cases Assigned Per Attorney
Ansonia-Milford	1	119	2	0	60	40	17	49	0	69	60	60
Danbury	2	424	0	1	145	73	205	104	48	274	174	87
Fairfield	5	343	5	1	251	79	7	126	0	169	227	45
Hartford	8	407	9	2	204	156	24	169	0	255	231	29
Litchfield	2	218	1	0	89	54	74	70	0	139	99	50
Middlesex	1	27	0	0	12	9	6	17	0	21	8	8
New Britain	3	162	3	0	97	43	17	42	0	105	110	37
New Haven	6	396	9	0	156	105	126	118	0	341	193	32
New London	3	183	5	0	120	58	0	88	0	104	96	32
Stamford-Norwalk	1.4	153	3	0	109	38	3	28	1	69	125	89
Tolland	1	97	0	1	64	12	19	55	0	47	43	43
Waterbury	4	242	8	0	136	54	11	89	0	179	131	33
Windham	1	124	4	0	82	22	44	45	0	64	74	74
<b>Total</b>	<b>38.4</b>	<b>2895</b>	<b>49</b>	<b>5</b>	<b>1525</b>	<b>743</b>	<b>553</b>	<b>1000</b>	<b>49</b>	<b>1836</b>	<b>1571</b>	<b>41</b>

"New Cases Assigned" equals murder, accessory to murder, non-death penalty capital cases and capital cases in which the State seeks the death penalty plus Other Major Felonies minus "Cases Transferred", allocating the % of minor felonies, misdemeanors, MV and Other of the total "Cases Appointed", in order to avoid double subtraction of transfers. For weighting purposes, murder, accessory to murder, and non-death penalty capital cases equal 2 cases (add 1) and capital cases in which the State seeks the death penalty equal 10 cases (add 9). (Transfers of murder and capital are excluded prior to the weighting process).

## Appendix Table 2

### Judicial Districts Caseload Activity Division of Public Defender Services July 1, 2009 - June 30, 2010

Office	Stage Jury Trial Concluded				Court Trial Concluded		VOP Hearings	Evidentiary Hearings	Jail Sentences to Serve	Nolled/Dismiss All Charges	Appeals Filed	Other Sent. Rev. PSRB, Habeas
	Attorneys FY 09-10	Jury Selection Commenced	Jury Trials Begun	Jury Trials to Verdict	Court Trials Begun	Court Trials to Judgment						
Ansonia-Milford	1	0	0	1	0	0	0	0	51	6	0	0
Danbury	2	0	0	1	0	0	17	17	144	65	0	1
Fairfield	5	5	0	13	0	0	3	19	72	23	0	0
Hartford	8	4	2	2	0	0	0	4	148	41	0	0
Litchfield	2	0	0	1	0	1	1	1	98	19	0	1
Middlesex	1	0	0	0	0	0	0	0	15	3	0	0
New Britain	3	0	1	2	0	1	0	2	77	13	0	0
New Haven	6	0	1	2	0	1	0	1	147	92	0	2
New London	3	0	0	0	0	2	0	0	74	8	0	0
Stamford-Norwalk	1.4	0	0	2	0	0	1	0	34	22	0	0
Tolland	1	0	0	0	0	0	0	3	39	5	0	0
Waterbury	4	1	1	4	0	1	2	0	125	17	0	0
Windham	1	0	0	0	0	0	0	0	44	11	0	0
<b>Total</b>	<b>38.4</b>	<b>10</b>	<b>5</b>	<b>28</b>	<b>0</b>	<b>6</b>	<b>24</b>	<b>47</b>	<b>1068</b>	<b>325</b>	<b>0</b>	<b>4</b>

## Appendix Table 3

### Judicial Districts Caseload Goals Analysis Division of Public Defender Services July 1, 2009 - June 30, 2010

Office	FY 09-10 Attorneys	Cases Appointed	Cases Transferred	New Cases Assigned	New Cases Assigned Per Attorney
Ansonia-Milford	1	119	49	60	60
Danbury	2	424	104	174	87
Fairfield	5	343	126	227	45
Hartford	8	407	169	231	29
Litchfield	2	218	70	99	50
Middlesex	1	27	17	8	8
New Britain	3	162	42	110	37
New Haven	6	396	118	193	32
New London	3	183	88	96	32
Stamford-Norwalk	1.4	153	28	125	89
Tolland	1	97	55	43	43
Waterbury	4	242	89	131	33
Windham	1	124	45	74	74
<b>Total</b>	<b>38.4</b>	<b>2895</b>	<b>1000</b>	<b>1571</b>	<b>41</b>

"New Cases Assigned" equals murder, accessory to murder, non-death penalty capital cases and capital cases in which the State seeks the death penalty plus Other Major Felonies minus "Cases Transferred", allocating the % of minor felonies, misdemeanors, MV and Other of the total "Cases Appointed", in order to avoid double subtraction of transfers. For weighting purposes, murder, accessory to murder and non-death penalty capital cases equal 2 cases (add 1) and capital cases in which the State seeks the death penalty equal 10 cases (add 9). (Transfers of murder and capital are excluded prior to the weighting process)

## Appendix Table 4

### Geographical Areas Movement of Cases Division of Public Defender Services July 1, 2009- June 30, 2010

		FY 09-10 Attorneys	Cases Appointed	Major Felonies	VOP	Minor Felonies, Misdemeanors, MV & Other	Cases Transferred	Divers. Trans. To Inactive	Dispositions	New Cases Assigned	New Cases Assigned Per Attorney
GA 1	Stamford	5.6	2621	355	236	2030	440	241	2008	2181	389
GA 2	Bridgeport	13	6585	124	700	5761	1259	251	4489	5326	410
GA 3	Danbury	4	1485	7	149	1325	245	282	1181	1240	310
GA 4	Waterbury	7.8	4714	477	505	3637	751	138	3964	3963	508
GA 5	Derby	3	1966	222	233	1507	394	208	1652	1572	524
GA 7	Meriden	5	2921	278	505	2138	509	156	2408	2412	482
GA 9	Middletown	3	2161	203	252	1697	502	123	1707	1659	553
GA 10	New London	6	3449	46	433	2970	1208	176	1911	2241	374
GA 11	Danielson	4	2256	245	344	1663	338	185	1783	1918	480
GA 12	Manchester	6	3247	243	377	2613	426	232	2419	2821	470
GA 13	Enfield	3	1248	168	167	909	251	88	990	997	332
GA 14	Hartford	14	9848	1366	1067	7295	2208	3	7461	7640	546
GA 15	New Britain	6	3492	469	421	2599	632	228	2575	2860	477
GA 17	Bristol	3	1827	213	226	1379	393	174	1776	1434	478
GA 18	Bantam	3.5	2305	140	350	1815	348	85	2152	1957	559
GA 19	Rockville	2	1478	163	205	1093	320	135	1075	1158	579
GA 20	Norwalk	4	1909	172	218	1504	417	49	1273	1492	373
GA 21	Norwich	4	1821	161	260	1400	469	64	778	1352	338
GA 22	Milford	3	1585	223	233	1128	544	19	926	1041	347
GA 23	New Haven	14	10524	1571	1026	7862	1433	918	8280	9091	649
<b>Total</b>		<b>113.9</b>	<b>67442</b>	<b>6846</b>	<b>7907</b>	<b>52325</b>	<b>13087</b>	<b>3755</b>	<b>50808</b>	<b>54355</b>	<b>477</b>

An additional attorney from GA 14 handled 2169 appointed cases at the Community Court on a full-time basis.

During the 2009-10 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.



## Appendix Table 5

### Geographical Areas Caseload Activity Division of Public Defender Services July 1, 2009 - June 30, 2010

Office	Stage Jury Trial Concluded				Court Trial Concluded		VOP Hearings	Evidentiary Hearings	Jail Sentences to Serve	Nolled/ Dismiss All Charges	Appeals Filed	Other Sent. Rev. PSRB, Habeas
	Attorneys FY 09-10	Jury Selection Commenced	Jury Trials Begun	Jury Trials to Verdict	Court Trials Begun	Court Trials to Judgment						
GA1 Stamford	5.6	1	0	1	0	0	8	0	217	475	0	0
GA2 Bridgeport	13	0	0	1	0	0	1	0	770	1549	0	0
GA3 Danbury	4	0	0	1	0	0	27	39	390	335	0	0
GA 4 Waterbury*	7.8	0	0	1	0	0	0	13	1213	1359	0	0
GA5 Derby	3	0	0	0	0	0	0	3	377	434	0	0
GA7 Meriden	5	1	0	1	0	0	1	3	562	344	0	0
GA9 Middletown	3	0	0	0	0	0	0	0	479	457	0	0
GA10 New London	6	0	0	2	0	0	7	0	546	553	0	0
GA11 Danielson	4	0	0	0	0	0	0	0	586	584	0	0
GA12 Manchester	6	0	0	1	0	0	0	0	585	1061	0	0
GA13 Enfield	3	0	0	0	0	0	0	0	221	372	0	0
GA14 Hartford*	14	0	0	0	0	0	0	0	1397	5234	0	0
GA15 New Britain	6	0	0	1	0	0	4	11	988	975	0	0
GA17 Bristol	3	0	0	0	0	0	0	0	589	664	0	0
GA18 Bantam	3.5	0	0	2	0	0	0	1	211	528	0	0
GA19 Rockville	2	0	1	4	0	0	5	8	345	362	0	0
GA20 Norwalk	4	0	0	0	0	2	0	0	270	373	0	0
GA21 Norwich	4	0	0	2	0	0	2	0	266	472	0	0
GA22 Milford	3	0	0	0	0	0	0	0	240	264	0	0
GA23 New Haven	14	2	0	2	0	0	7	6	1081	3915	0	1
<b>Totals</b>	<b>113.9</b>	<b>4</b>	<b>1</b>	<b>19</b>	<b>0</b>	<b>2</b>	<b>62</b>	<b>84</b>	<b>11333</b>	<b>20310</b>	<b>0</b>	<b>1</b>

\*Waterbury GA 4 and Hartford GA 14 figures include Community Courts

## Appendix Table 6

### Geographical Areas Caseload Goals Analysis Division of Public Defender Services July 1, 2009 - June 30, 2010

		FY 09-10 Attorneys	Cases Appointed	Cases Transferred	New Cases Assigned	New Cases Assigned Per Attorney
GA 1	Stamford	5.6	2621	440	2181	389
GA 2	Bridgeport	13	6585	1259	5326	410
GA 3	Danbury	4	1485	245	1240	310
GA 4	Waterbury	7.8	4714	751	3963	508
GA 5	Derby	3	1966	394	1572	524
GA 7	Meriden	5	2921	509	2412	482
GA 9	Middletown	3	2161	502	1659	553
GA 10	New London	6	3449	1208	2241	374
GA 11	Danielson	4	2256	338	1918	480
GA 12	Manchester	6	3247	426	2821	470
GA 13	Enfield	3	1248	251	997	332
GA 14	Hartford	14	9848	2208	7640	546
GA 15	New Britain	6	3492	632	2860	477
GA 17	Bristol	3	1827	393	1434	478
GA 18	Bantam	3.5	2305	348	1957	559
GA 19	Rockville	2	1478	320	1158	579
GA 20	Norwalk	4	1909	417	1492	373
GA 21	Norwich	4	1821	469	1352	338
GA 22	Milford	3	1585	544	1041	347
GA 23	New Haven	14	10524	1433	9091	649
<b>Total</b>		<b>113.9</b>	<b>67442</b>	<b>13087</b>	<b>54355</b>	<b>477</b>

An additional attorney from GA14 handled 2169 appointed cases on a full-time basis at the Community Court. During the 2009-10 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

## Appendix Table 7

### Juvenile Matters Movement of Cases Division of Public Defender Services July 1, 2009 - June 30, 2010

Office	FY 09-10 Attorneys	Cases Appointed	Serious Juv. Offenses	Other Felony	Misd. & Other	Cases Transferred	Dispositions	Cases Transferred to Adult Court	New Cases Assigned	New Cases Assigned Per Attorney
Bridgeport	2	538	107	59	372	190	151	11	348	174
Danbury*	1	94	3	21	70	5	93	0	89	89
Hartford	3	1064	185	105	774	410	684	20	654	218
Middletown	1	301	14	26	261	94	184	3	207	207
New Britain	2	393	45	41	307	38	265	8	355	178
New Haven	3	797	121	43	633	189	623	0	608	203
Rockville	1	240	29	43	168	56	192	6	184	184
Stamford/Norwalk**	2	235	38	23	174	78	75	6	157	79
Waterbury/Torrington**	3	831	42	103	686	86	662	4	745	248
Waterford/Willimantic**	2	492	40	80	372	104	369	3	388	194
<b>Total</b>	<b>20</b>	<b>4985</b>	<b>624</b>	<b>544</b>	<b>3817</b>	<b>1250</b>	<b>3298</b>	<b>61</b>	<b>3735</b>	<b>187</b>

\*In Danbury, the caseload was handled by an attorney from the Public Defender's office who handles adult criminal matters.

\*\*The caseload for the Waterford and Willimantic, Waterbury and Torrington and Stamford and Norwalk offices was handled by the same attorneys.

## Appendix Table 8

### Juvenile Matters Caseload Activity Division of Public Defender Services July 1, 2009 - June 30, 2010

Office	Attorneys FY 09-10	Detention Hearings	Court Trials Begun	Court Trials to Judgment	VOP Hearings	Evidentiary Hearings	Criminal Sentence	Nolle/ Dismissed	Clients Confined	Clients to Residential Placement	Appeals Filed	Collateral Matters
Bridgeport	2	282	0	0	0	0	0	187	1	1	0	13
Danbury	1	55	0	0	0	1	0	43	2	1	0	0
Hartford	3	357	0	2	1	1	0	296	0	26	0	0
Middletown	1	89	0	0	9	0	0	124	1	2	0	24
New Britain	2	302	0	0	0	1	0	80	1	2	0	49
New Haven	3	524	0	0	0	0	0	219	14	5	0	0
Norwalk	1	77	0	0	0	0	0	8	0	5	0	0
Rockville	1	208	0	0	0	8	0	96	1	4	0	0
Stamford	1	66	0	0	0	0	0	13	1	2	0	0
Torrington	0.6	66	0	0	0	0	0	67	0	2	0	0
Waterbury	2.4	564	0	0	1	1	0	390	7	11	0	0
Waterford	1.2	251	0	0	0	3	0	106	4	5	0	1
Willimantic	0.8	133	0	1	0	1	0	70	2	4	0	4
<b>Totals</b>	<b>20</b>	<b>2974</b>	<b>0</b>	<b>3</b>	<b>11</b>	<b>16</b>	<b>0</b>	<b>1699</b>	<b>34</b>	<b>70</b>	<b>0</b>	<b>91</b>

## Appendix Table 9

### Juvenile Matters Caseload Goals Analysis Division of Public Defender Services July 1, 2009 - June 30, 2010

	FY 09-10 Attorneys	Cases Appointed	Cases Transferred	New Cases Assigned	New Cases Assigned Per Attorney
Bridgeport	2	538	190	348	174
Danbury*	1	94	5	89	89
Hartford	3	1064	410	654	218
Middletown	1	301	94	207	207
New Britain	2	393	38	355	178
New Haven	3	797	189	608	203
Rockville	1	240	56	184	184
Stamford/Norwalk**	2	235	78	157	79
Waterbury/Torrington**	3	831	86	745	248
Waterford/Willimantic**	2	492	104	388	194
<b>Total</b>	<b>20</b>	<b>4985</b>	<b>1250</b>	<b>3735</b>	<b>187</b>

\*In Danbury, the caseload was handled by an attorney from the Public Defender's office who handles adult criminal matters.

\*\*The caseloads for the Waterford and Willimantic, Waterbury and Torrington and Stamford and Norwalk offices were handled by the same attorneys.

## Appendix Table 10

### New Cases Assigned (in rank order) Public Defender Offices Judicial Districts 2009-2010

Location	Total New Cases Assigned	Location	Attorneys	New Cases Assigned Per Attorney
Hartford	231	Stamford-Norwalk	1.4	89
Fairfield	227	Danbury	2	87
New Haven	193	Windham	1	74
Danbury	174	Ansonia-Milford	1	60
Waterbury	131	Litchfield	2	50
Stamford-Norwalk	125	Fairfield	5	45
New Britain	110	Tolland	1	43
Litchfield	99	New Britain	3	37
New London	96	Waterbury	4	33
Windham	74	New Haven	6	32
Ansonia-Milford	60	New London	3	32
Tolland	43	Hartford	8	29
Middlesex	8	Middlesex	1	8
<b>Total</b>	<b>1571</b>		<b>38.4</b>	<b>41</b>

In the merged offices of Danbury, Middlesex/Middletown GA 9, Windham/Danielson GA 11, Tolland/Rockville GA 19 and Ansonia/Milford/Milford GA 22, staff attorneys are shown as working in either the JD or GA although they may handle both types of cases. Although departure from previous years, this change is necessary to calculate New Cases Assigned Per Attorney and assess Caseload Goals.

During the 2009-10 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

## Appendix Table 11

### Active Cases Pending (in rank order) Public Defender Offices Judicial Districts 2009-2010

FY 09-10			FY 10-11		
Location	Attorneys	Active Cases Pending July 1, 2009	Location	Attorneys	Active Cases Pending July 1, 2010
New Haven	6.5	272	Hartford	8	256
Hartford	8	230	New Haven	6	233
Waterbury	4	149	Danbury	2	147
New London	3	129	Fairfield	5	135
Danbury	2	115	Waterbury	4	130
Fairfield	5	96	New London	3	106
Litchfield	2	88	New Britain	3	102
New Britain	3	83	Litchfield	2	101
Middlesex	1	61	Stamford-Norwalk	1.4	94
Windham	1	53	Windham	1	66
Stamford-Norwalk	1.4	52	Middlesex	1	51
Ansonia-Milford	1	40	Ansonia-Milford	1	44
Tolland	1	32	Tolland	1	30
	38.9	1400		38.4	1495

## Appendix Table 12

**New Cases Assigned  
(in rank order)  
Public Defender Offices  
Geographical Areas  
2009-2010**

		Total New Cases Assigned			New Cases Assigned Per Attorney	
Location			Location	Attorneys		
GA 23	New Haven	9091	GA 23	New Haven	14	649
GA 14	Hartford	7640	GA 19	Rockville	2	579
GA 2	Bridgeport	5326	GA 18	Bantam	3.5	559
GA 4	Waterbury	3963	GA 9	Middletown	3	553
GA 15	New Britain	2860	GA 14	Hartford	14	546
GA 12	Manchester	2821	GA 5	Derby	3	524
GA 7	Meriden	2412	GA 4	Waterbury	7.8	508
GA 10	New London	2241	GA 7	Meriden	5	482
GA 1	Stamford	2181	GA 11	Danielson	4	480
GA 18	Bantam	1957	GA 17	Bristol	3	478
GA 11	Danielson	1918	GA 15	New Britain	6	477
GA 9	Middletown	1659	GA 12	Manchester	6	470
GA 5	Derby	1572	GA 2	Bridgeport	13	410
GA 20	Norwalk	1492	GA 1	Stamford	5.6	389
GA 17	Bristol	1434	GA 10	New London	6	374
GA 21	Norwich	1352	GA 20	Norwalk	4	373
GA 3	Danbury	1240	GA 22	Milford	3	347
GA 19	Rockville	1158	GA 21	Norwich	4	338
GA 22	Milford	1041	GA 13	Enfield	3	332
GA 13	Enfield	997	GA 3	Danbury	4	310
<b>Total</b>		<b>54355</b>			<b>113.9</b>	<b>477</b>

In the merged offices of Danbury, Middlesex/Middletown GA 9, Windham/Danielson GA 11, Tolland/Rockville GA 19 and Ansonia/Milford/Milford GA 22, staff attorneys are shown as working in either the J.D. or G.A. although they may handle both types of cases. Although a departure from previous years, this change is necessary to calculate "New Cases Assigned Per Attorney" and assess Caseload Goals.

During the 2009-10 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.



## Appendix Table 13

### Active Cases Pending (in rank order) Public Defender Offices Geographical Areas

FY 09-10				FY 10-11			
Location	Attorneys	Active Cases Pending July 1, 2009		Location	Attorneys	Active Cases Pending July 1, 2010	
GA14	Hartford	14	3116	GA14	Hartford	14	3839
GA23	New Haven	14	2206	GA23	New Haven	14	2785
GA2	Bridgeport	13	1994	GA2	Bridgeport	13	2310
GA1	Stamford	5.6	1551	GA1	Stamford	5.6	1768
GA18	Bantam	3.5	1243	GA12	Manchester	6	1296
GA11	Danielson	4	1115	GA11	Danielson	4	1216
GA15	New Britain	6	973	GA15	New Britain	6	1151
GA21	Norwich	4	912	GA21	Norwich	4	998
GA4	Waterbury	7.8	882	GA20	Norwalk	4	953
GA12	Manchester	6	865	GA4	Waterbury	7.8	936
GA5	Derby	3	813	GA9	Middletown	3	842
GA17	Bristol	3	768	GA18	Bantam	3.5	787
GA20	Norwalk	4	729	GA5	Derby	3	705
GA9	Middletown	3	701	GA7	Meriden	5	602
GA7	Meriden	5	686	GA19	Rockville	2	518
GA10	New London	6	508	GA10	New London	6	504
GA19	Rockville	2	451	GA22	Milford	3	491
GA3	Danbury	4	446	GA17	Bristol	3	437
GA22	Milford	3	372	GA3	Danbury	4	399
GA13	Enfield	3	277	GA13	Enfield	3	296
		<b>113.9</b>	<b>20608</b>			<b>113.9</b>	<b>22833</b>

In the merged offices of Danbury, Middlesex/Middletown GA 9, Windham/Danielson GA 11, Tolland/Rockville GA 19 and Ansonia/Milford/Milford GA 22, staff attorneys are shown as working in either the J.D. or G.A. although they may handle both types of cases. Although a departure from previous years, this change is necessary to calculate "New Cases Assigned Per Attorney" and assess Caseload Goals.

## Appendix Table 14

### New Cases Assigned (in rank order) Public Defender Offices Juvenile Matters 2009-2010

Location	Total New Cases Assigned	Location	Attorneys	New Cases Assigned Per Attorney
Waterbury/Torrington	745	Waterbury/Torrington	3	248
Hartford	654	Hartford	3	218
New Haven	608	Middletown	1	207
Waterford/Willimantic	388	New Haven	3	203
New Britain	355	Waterford/Willimantic	2	194
Bridgeport	348	Rockville	1	184
Middletown	207	New Britain	2	178
Rockville	184	Bridgeport	2	174
Stamford/Norwalk	157	Danbury	1	89
Danbury	89	Stamford/Norwalk	2	79
<b>Total</b>	<b>3735</b>		<b>20.0</b>	<b>187</b>

## Appendix Table 15

### Active Cases Pending (in rank order) Public Defenders Offices Juvenile Matters 2009-2010

FY 09-10			FY 10-11		
Location	Attorneys	Active Cases Pending July 1, 2009	Location	Attorneys	Active Cases Pending July 1, 2010
Hartford	3.0	565	Hartford	3	564
Waterbury/Torrington	3.0	256	Waterbury/Torrington	3	321
New Haven	3.0	174	New Haven	3	270
Waterford/Willimantic	2.0	164	Bridgeport	2	221
Bridgeport	2.0	102	Waterford/Willimantic	2	191
Stamford/Norwalk	2.0	79	Stamford/Norwalk	2	165
New Britain	2.0	73	New Britain	2	155
Rockville	1.0	69	Middletown	1	79
Danbury	1.0	68	Danbury	1	48
Middletown	1.0	58	Rockville	1	45
<b>Total</b>	<b>20.0</b>	<b>1608</b>	<b>Total</b>	<b>20</b>	<b>2059</b>