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# STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE  
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## Testimony of James Papillo, Victim Advocate Submitted to the Judiciary Committee Monday, March 20, 2006

Good afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record my name is James Papillo and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony in **SUPPORT** of:

**Raised House Bill No. 5813**, *An Act Concerning Victims of Crime*; and  
**Raised Senate Bill No. 618**, *An Act Concerning the Statute of Limitations for the Criminal Prosecution of Offences Involving the Sexual Assault of Minors*

Section 1, 2 & 3 of Raised House Bill No. 5813 address important protection issues for crime victims and should be strongly supported. Section one will improve the safe functioning of the Address Confidentiality Program for victims of domestic and family violence. What Section 1 proposes will minimize the risk that, despite being registered with the Address Confidentiality Program, victims will be served at their residence instead of at the Secretary of State's Office.

Sections 2 & 3 address problems that victims of domestic violence can experience when a convicted pro se is allowed to abuse the civil court process to harass, threaten and intimidate a crime victim. We saw this unfold in the highly publicized case involving "Isabel" who was tormented by her assailant by what can only be considered as nothing short of abuse of civil process. I was able to witness this use of the judicial system to further torment the victim. In four (4) separate actions, all patently frivolous, the criminal has brought suit against the victim as a subterfuge to avoid the no contact orders entered against him. So-called legal pleadings filed by the criminal in these actions contained threats and other inappropriate comments at the victim. Even in lawsuits in which the victim is not a named party, the criminal has subpoenaed the victim to testify and, because he represents himself, has been allowed to examine her on the witness stand. The examinations conducted by the criminal have been brutal—demoralizing, embarrassing, threatening. The history of the criminal's abuse of his victim through utilizing court proceedings to perpetuate this abuse warrants the passage of Sections 2 & 3 of Raised House Bill No. 5813 to protect victims like "Isabel" from patently frivolous litigation.

In September, 2005, the undersigned, the state Victim Advocate, filed a motion in Hartford Superior Court seeking the very same relief for "Isabel" that is being proposed here. In a written Memorandum of Decision by the Honorable Vanessa L. Bryant, dated December 22, 2005, the court ordered the relief sought by the victim which included the requirement that before the criminal issues a subpoena, a notice of deposition or any

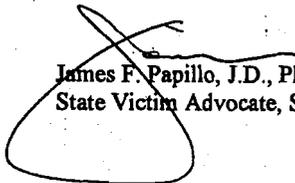
other notice in consequence of which the victim would be required to be in the presence of the criminal, the criminal must first file a motion for order; a hearing will be conducted on the motion for order; the criminal must make an offer of proof to the court regarding the testimony sought and the relevance of the testimony to a specified issue in dispute in the case. No subpoena or notice to appear shall issue absent an order of the court issued after the hearing and offer of proof and any subpoena issued absent an order of the court shall have no force or effect.

What is being proposed in Sections 2 & 3 of Raised House Bill No. 5813 is consistent with Judge Bryan's decision and constitutes a reasonable compromise protecting the interests of the criminal (access to the courts to seek redress of grievances) and of the victim (protection from frivolous litigation and the utilization of court proceedings to further harass and intimidate the victim). For these reasons, I strongly urge you to support Sections 2 & 3 of Raised House Bill No. 5813.

I support Section 4 of Raised House Bill No. 5813 which would create a task force to examine technology and other means available to provide automated notification to crime victims of court dates, etc. Notification to crime victims has been, and continues to be, the most frequent complaint registered by crime victims with the Office of the Victim Advocate. However, for obvious reasons, I would prefer Section 10 of Raised Bill No. 5799 which bypasses the examination phase and moves directly to creating such an automated notification system for crime victims.

With respect to Raised Bill No. 618, I support the proposed extension of the statute of limitations for seeking the criminal prosecution of sex offenses. Extending the statute of limitations does not, in my view, cause unfairness to defendants as the burden of proof for conviction remains the same and State's Attorneys will not prosecute cases which lack sufficient evidence of the abuse; where the evidence exists, the crimes involved here should be prosecuted—justice demands it!

I strongly urge the committee to support these important proposals for Connecticut crime victims and I thank you for considering my testimony.

  
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