

February 27, 2007

Dear Members of the Legislature's Judiciary Committee,

I would like to present my story on how I became a victim, the obstacles I had to go through with both the judicial system and the court based victim's advocate and suggestions on how to improve such services for victims.

On April 29, 2005, my brother, Leo S. Carrier, was tragically killed in a motorcycle accident while on his way to work at Ct. Natural Gas. Mourning him are: his wife, his three minor children, Leo age 16, Brian age 14, Brittany age 11, my mother, my sister and of course myself. Our dad passed away six years prior to my brother's death.

The defendant was arrested on or about July 11, 2005 and was charged with negligent homicide with a motor vehicle and failure to grant right of way: private road / driveway. I am unsure of the arrest date because at no time were any family members notified of the defendant's arrest.

After reading about other court cases that happened after my brother's accident; I called the court on Jan. 10, 2006, to find out what was going on with my brother's court case. I was told the next court date was three days later on Jan. 13, 2006. Both my mother and I attended this and all subsequent court hearings that we knew about. My sister was extremely close to my brother and very emotional so therefore could not and did not attend any of the proceedings.

After speaking with the prosecutor, my mom and I realized that we had missed four court dates since the offender had been arrested because no one from the court, including the court-based victim advocate notified us. I asked the prosecutor and the victim advocate why we were never notified and the victim advocate's response was pointed towards the East Hartford Police Department. Imagine the shock in finding out that court process was already under way without our knowledge! We can only imagine how things may have differed if we had been included from the start.

Since this was the first time my family has had any dealings with the court system, we had no idea on what to expect or what was going on inside the courtroom. My family and I were not told of our right to object or support any plea agreement **or** of our right to address the court regarding any proposed plea agreement. We were only informed that we could address the court at the sentencing hearing and we were **not given the opportunity to object or support the plea.**

So, what were we told? We were provided a booklet entitled *Rights of Crime Victims in Connecticut*. Going through a traumatic experience such as this, this booklet did not do us victims any justice. One is confused, numb and just baffled over the whole court experience, terms, process and seeing the defendant. Crime victims would benefit greatly from a guide, as proposed in Raised Senate Bill No. 7235, that inform crime victims of their rights and instructions on how best to exercise those rights.

I had to complete a research paper for school and wrote my hypothesis on whether or not the Judicial Branch court-based victim advocate should be held accountable for notifying all immediate family members of court dates. After a thorough review of the rights that crime victims have and while writing this paper, it occurred to me that several of our Ct. State constitutional rights had been broken.

CT. law Article XXIX establishes that **victims in all criminal prosecutions have the following rights:**

- the **right to notification of court proceedings;**
- the **right to attend the trial and all other court proceedings** the accused has the right to attend;
- the **right to object to or support any plea agreement** entered into by the accused and the prosecution **and to make a statement to the court prior to the acceptance by the court of the plea of guilty or nolo contendere** (defendant does not contest charges but does not admit guilt) by the accused

Connecticut crime victims have rights which are protected by law such as the right to be notified of court proceedings, including arrest, arraignment, and release of the offender (Victim Rights). Two noted requirements of **Connecticut's statutory citations are:** the state's attorney shall notify any victim, upon request, of all judicial proceedings including **defendant's arrest**, arraignment, release, guilty plea, trial and sentencing per Ct. General Statute 51-286e and the state's attorney shall notify homicide victim's family of **arraignment date, time, place and contact person** for case status per Ct. General Statute 51-286d (Right of Notification). We were never notified when the defendant was arrested and further of the four subsequent court proceedings. It wasn't until I contacted the court for information—and even then, our rights were again violated.

I am pleading to you as lawmakers to make it right for victims. The voices of victims must be heard. Just imagine for one moment if you were in my shoes. Victims look just like you and me. Victims don't choose to become victims.

I strongly urge the committee to support the following proposals contained in Raised House Bill No. 7235 to better the treatment and services available to crime victims:

- 1) Provide the State Victim Advocate with the authority to pursue appellate relief on behalf of a crime victim;
- 2) Improve all notification requirements for crime victims;
- 3) Publish meaningful information that will truly assist crime victims throughout the criminal justice process and make the information readily available;
- 4) Develop forms so that crime victims have the proper tools to fulfill their obligations by law;
- 5) Further protect crime victims by ensuring that their personal contact information remains confidential when informing the court and the state's attorney of their intent to exercise rights.

Thank you for the opportunity to testify and for your consideration.

Regards,  
Barbara Carrier Leitao

