



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER
30 TRINITY STREET - 4th Floor
HARTFORD, CONNECTICUT 06106
(860) 509-6405 Telephone
(860) 509-6495 Fax

DEBORAH Del PRETE SULLIVAN
LEGAL COUNSEL/
EXECUTIVE ASSISTANT PUBLIC DEFENDER
deborah.d.sullivan@jud.ct.gov

**Testimony of Deborah Del Prete Sullivan,
Legal Counsel/Executive Assistant Public Defender
Office of Chief Public Defender
Raised Bill No. 703 - An Act Concerning Court Operations and
Related Matters, Protection Orders and Judgments of Paternity
Judiciary Committee Public Hearing - March 19, 2008**

While not opposed to Raised Bill 703 in its entirety, the Office of Chief Public Defender is opposed to certain language proposed in Section 12. This section would amend C.G.S. §51-243 as it pertains to alternate jurors in trials, including capital felony trials in which a person can be sentenced to death. The proposed language provides at line 354 that an alternate juror "may remain in service on the case under the direction of the court."

In a capital felony prosecution, there are two phases, the "guilty phase" and the "penalty phase". The "guilt phase" is that part of the trial wherein, after presentation of evidence by the parties, the jury or 3 judge panel, if tried to the court, determines the guilt or innocence of the defendant. If the defendant is found guilty of capital felony, a "penalty phase" is conducted, wherein a determination is made as to whether the defendant should be sentenced to death or life without the possibility of release. Current law provides that the penalty hearing "shall be conducted before the jury which determined the defendant's guilt."

See C.G.S. §53a-46a(b).

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Defender, Office of Chief Public Defender
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This office suggests that language be inserted in line 351 that exempts this subsection from those alternate jurors selected in a capital felony matter. By adding such language, this section would not be inconsistent with current law regarding those trials in which the most serious penalty, death, can be imposed.