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**DIVISION OF PUBLIC DEFENDER SERVICES**

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**Testimony of Renee Cimino  
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Office of Chief Public Defender  
Raised Bill No. 6670 - An Act Concerning the Rights of Crime Victims and the Duties of  
the Office of the Victim Advocate  
Judiciary Committee Public Hearing  
March 16, 2009**

The Office of Chief Public Defender opposes sections 6 and 8 of **Raised Bill 6670, AN ACT CONCERNING THE RIGHTS OF CRIME VICTIMS AND THE DUTIES OF THE OFFICE OF THE VICTIM ADVOCATE.**

This agency is specifically concerned with Section 6, which will require judges to impose additional fees upon clients placed into the pretrial program for accelerated rehabilitation under section 54-56e of the general statutes, convicted of a crime or adjudicated a youthful offender regardless of their financial situation. All public defender clients are required to file an affidavit of indigency and will only qualify for our services if they fall within the income eligibility guidelines adopted by the Public Defender Services Commission and are determined indigent. In many cases a client's indigency is a direct result of mental health/medical issues and/or child care responsibilities.

We respectfully suggest the following language be added at line 232 after the word "court" and again after the word "record" in line 241:

*"except the fees shall be waived by the court if the person has been determined indigent and is represented by a public defender appointed pursuant to C.G.S. 51-296, Designation of Public Defender for Indigent Defendant, Co-Defendant"*

The Office of Chief Public Defender opposes Section 8. The proposed language could infringe upon the due process rights of all clients in the criminal justice system regardless of the type of crime charged. The proposed legislation requires the court in criminal

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Re: Raised Bill No. 6670 - An Act Concerning the Rights of Crime Victims and the Duties  
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proceedings involving an alleged sexual assault of a minor or in which a minor is expected to testify as a witness, to expedite the proceedings and trial without regard or inquiry as to whether the defense has completed all investigations, expert witness preparation and received all available discovery. This bill proposes that the trial court only consider the best interest of the child when deciding not to expedite the trial. The result is that the constitutional rights of the accused to due process and the right to effective assistance of counsel are ignored.

Also of concern to this office are the many clients who are incarcerated awaiting their trial whose criminal proceedings do not include sexual assault of a minor or in which a minor is expected to testify as a witness. These clients have a constitutional right to a speedy trial and this proposed legislation which would force them to wait until all cases involving sexual assaults of minors or where a minor may appear as a witness has been resolved by trial.

Finally, this proposed legislation would require that any request for a continuance in proceedings involving an alleged sexual assault of a minor or in which a person under the age of 18 is expected to testify as a witness involve lengthy impact statements from the state's attorney and minor and/or the minor's representative to state the impact on the minor being filed with the court. Such requirements could further increase costs to the criminal justice system by requiring additional and lengthier hearings, cause delay in proceedings and dispositions of cases, incur additional costs for transportation of prisoners for additional court dates and could further impact the minor victim or minor witness in a case.