



State of Connecticut

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Testimony of
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Committee Bill No. 543
An Act Concerning Sentence Review

Judiciary Committee Public Hearing
March 24, 2009

The Office of Chief Public Defender supports *Committee Bill No. 543, An Act Concerning Sentence Review* which if enacted, would delete section 1 (b) of C.G.S. §53a-39, *Reduction of sentence or discharge of defendant by sentencing court or judge. Statement by victim*, which prohibits the sentencing court from reviewing any sentence in excess of three years unless the state's attorney agrees to such *review*.

The proposed legislation would give the sentencing court the authority and discretion to reduce a sentence or, order the defendant discharged (possibly on probation or conditional discharge) for a period of time not to exceed that to which the defendant could have originally been sentenced. This authority could be used by the court during the period of any non-mandatory minimum definite sentence.

C.G.S. §53a-39, *Reduction of sentence or discharge of defendant by sentencing court or judge. Statement by victim* has successfully provided the courts with the authority to reduce a defendant's sentence upon good cause shown. Possible reasons for such a decision include jail credit issues, completion of educational and/or substance abuse programs, cooperation with law enforcement and/or the state's attorney office in criminal investigations and medical hardships. Expanding the authority to include all non-mandatory minimum sentences will allow the court the sole discretion to decide which cases warrant such review, and after hearing from all parties, including the victim, the authority to reduce the sentence as the court deems appropriate. Additionally, the reduction of a sentence for a defendant who, in the discretion of the court, has shown good cause could reduce prison population, thus saving valuable prison resources and services for more serious offenders.