



State of Connecticut

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Testimony of Renee Cimino
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Committee Bill No 6701

An Act Concerning Court-Appointed Trustees, Nolle, Erasure Procedures
and Temporary Detention
Judiciary Committee Public Hearing
March 26, 2009

While not opposed to Raised Bill 6701, *An Act Concerning Court-Appointed Trustees, Nolle, Erasure Procedures and Temporary Detention*, the Office of Chief Public Defender has a concern regarding Section 2 of the proposed legislation.

Section 2 of the proposed legislation would shift the burden to a defendant to file a motion, when any charge in a criminal case has been continued at the request of the prosecuting attorney and a period of thirteen months has lapsed, before a nolle will enter. It is not clear whether the defendant would be required to appear at a court date in regard to this motion. As a result, this office suggests language that would waive a defendant's appearance in regard to such motion. Requiring a defendant to appear in court for an undisputed motion to nolle, could result in an unnecessary hardship on those clients who are employed, caring for young children, living out of state, participating in an educational program, or physically and/or mentally disabled.

We respectfully suggest the following language, "the appearance of whom shall be waived by the court" be added at line 37 after the word "defendant". Thank you.