

Attn: William Zenko

Ref: Public Hearing, Raised Bill No 5524, March 19, 2010

My name is Ruth U. Germano of 10 Long Street, Newington, Ct. I would like an additional change to be added to Raised Bill No. 5524 LCO No. 2376:

**AN ACT CONCERNING CRIMINAL RECORDS AND SENTENCE REVIEW**

I would like the previous effort of HB 543, 2009 to be added again to Section 53a-39 of the general statutes as follows:

**Be it enacted by the Senate and House of Representatives in General Assembly convened:**

**Section 1. Section 53a-39 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2010):**

(a) At any time during the period of a definite sentence of three years or less, the sentencing court or judge may, after hearing and for good cause shown, reduce the sentence, order the defendant discharged, or order the defendant discharged on probation or conditional discharge for a period not to exceed that to which the defendant could have been originally sentenced.

(b) At any time during the period of a definite sentence of more than three years, upon agreement of the defendant [and the state's attorney] to seek review of the sentence, the sentencing court or judge may, after hearing and for good cause shown, reduce the sentence, [order the defendant discharged,] or order the defendant discharged on probation or conditional discharge for a period not to exceed that to which the defendant could have been originally sentenced. The defendant may seek modification of the sentence pursuant to this section, except that a defendant may not seek such modification for a second or subsequent time without the written agreement of the state's attorney.

(c) The provisions of this section shall not apply to any portion of a sentence imposed that is a mandatory minimum sentence for an offense which may not be suspended or reduced by the court.

(d) At a hearing held by the sentencing court or judge under this section, such court or judge shall permit any victim of the crime to appear before the court or judge for the purpose of making a statement for the record concerning whether or not the sentence of the defendant should be reduced, the defendant discharged or the defendant discharged on probation or conditional discharge pursuant to subsection (a) or (b) of this section. In lieu of such appearance, the victim may submit a written statement to the court or judge and the court or judge shall make such statement a part of the record at the hearing. For the purposes of this subsection, "victim" means the victim, the legal representative of the victim or a member of the deceased victim's immediate family.

[Proposed deletions enclosed in brackets. Proposed additions in blue/underlined]

My reasons are as follows:

- I have a mentally ill adult male son incarcerated at Garner Correction, Newtown, Ct. receiving minimal mental health treatment due to budget constraints. Treatment is deemed adequate due to guidelines, however he would have better access to treatment that would actually help on the outside. Incarcerated for 12 years, his medication has been successfully adjusted within the last 5 years so that he would be medication compliant if release, and thus not a threat.
- I went through the process of hiring attorneys to file for a sentence modification thru the State's attorney of New Britain, Ct. where my son's case resides. I was told the preliminary reports looked good and future reports would be looked at to see if my son's improvement could result in a sentence modification.
- After \$10,000 of attorney fees and outside psychiatric reports I was told in no way would my son receive a modification. I feel totally ripped off. I should have been told upfront before any monetary expenditure that the DA was against my son and not willing to look at his improvements, no matter how good.
- I believe it is detrimental to the community to allow the practice of one state employee who may have a political agenda or be prejudiced to 100% dictate the future of an inmate who is trying to rehabilitate himself. It is unethical to pretend to an inmate's family that outside reports paid for by the family will get actual attention when prejudice prevails. I feel that an unbiased person (a judge), other than the state's attorney , at least once should be able to oversee the improvements that an inmate has made. I believe we are not in a dictatorship.
- I also believe the courts should be educated in the realm of mental illness to assess the current status of inmates in order to serve the public better. At the moment the courts have no actual understanding of how mental illness plays into criminal acts or what to do about it. This defeats the entire picture of rehabilitation for mentally ill inmates. The current rehabilitation of mentally ill inmates is only to stabilize them. No actual effort is being made to make them better.. so a revolving door or the Cheshire incident happen. Since Garner Correction cannot provide the same therapy available on the outside on a continuous basis, I would like my son to have a chance to receive a sentence modification and outside psychiatric treatment before he becomes a successful suicide attempt at Garner Correction.