



# STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE  
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State Victim Advocate

Testimony of Michelle Cruz, Esq., State Victim Advocate  
Submitted to the Judiciary Committee  
Thursday, March 29, 2012

Good morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

**House Bill No. 5555, *An Act Concerning Diversionary Programs***

The Office of the Victim Advocate (OVA) **opposes** Section 3 of House Bill No. 5555 as it will allow those individuals charged with subdivision (1) of subsection (a) of section 53a-71 acceptance into the accelerated rehabilitation program. Subdivision (1) of subsection (a) of section 53a-71 states, "*A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person.*" This sexual assault statute is commonly referred to as the "statutory rape" offense and, if not for the more than three year age gap between the actor and the victim, the sexual offense incident would have been consensual.

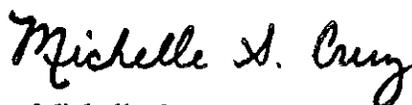
The problem with this broad brushed approach of allowing *any person* charged with subdivision (1) of subsection (a) of section 53a-71 acceptance into the accelerated rehabilitation program is the unintended consequence that individuals, such as Scott Shefelbine, an internet sexual predator, will also benefit and become eligible pursuant to the statute. You may recall, Shefelbine, 32 at the time of his arrest, was charged with numerous counts of sexual assault, including several counts of 53a-71(a)(1). The victims of Shefelbine were girls as young as fourteen and fifteen. Shefelbine pled guilty to 53a-71(a)(1) of the general statutes in three of the eight criminal dockets. He is currently serving a sentence of twenty years, which he has now appealed. Plea bargaining in sexual assault cases is more prevalent and is often the result of the tender age of the child(ren) victim (s) and the reality is that sexual predators usually ensure there are no witnesses nor DNA. The end result is serious sexual assaults that should warrant jail time and long probationary terms are often reduced to a lesser crime to avoid a trial. By allowing the accelerated rehabilitation program, as this proposal would do, the unintended consequence will be to allow accelerated rehabilitation in cases like Shefelbine.

The OVA recognizes the long standing concerns that presumably have initiated this proposal. However, sexual assault continues to be one of the most, if not the most, underreported crimes. More so, even when reported, the arrest rate, and further, the conviction rate in cases involving sexual assault, is staggeringly low. In appropriate cases where, if not for the age of the actor and victim, there would be no crime, the system is already equipped with tools to resolve the criminal matter. The plea bargain rate in criminal cases is upwards of ninety-eight percent (98%). Plea bargains often result in substituted charges being filed or a reduction of charges in exchange for a more favorable sentence. Section 3 of House Bill No. 5555 is too

broad and will allow undeserving, dangerous, sexual predators, like Scott Shefelbine, to apply for the accelerated rehabilitation program and, at the same time, send the wrong message to sexual assault victims who have courageously stepped forward against the assault.

**I strongly urge the Committee to reject Section 3 of House Bill No. 5555.** Thank you for consideration of my testimony.

Respectfully submitted,



Michelle Cruz, Esq.  
State Victim Advocate

SHEFELBINE SCOTT	1974	Tolland JD	 <u>TTD-CR06-0088165-T</u>	53a-71(a)(1) Sex 2-Vctm13-15Y,Actr>3Y Older Sentenced: 8 Years Jail, Execution Suspended After 3 Years, Probation 10 Years	Guilty
SHEFELBINE SCOTT	1974	Tolland JD	 <u>TTD-CR06-0088166-T</u>		Guilty
SHEFELBINE SCOTT	1974	Tolland JD	 <u>TTD-CR06-0088167-T</u>		Guilty
SHEFELBINE SCOTT	1974	Tolland JD	 <u>TTD-CR06-0088168-T</u>	53a-71(a)(1) Sex 2-Vctm13-15Y,Actr>3Y Older Sentenced: 8 Years Jail, Execution Suspended After 3 Years, Probation 10 Years	Guilty
SHEFELBINE SCOTT D	1974	Tolland JD	 <u>TTD-CR06-0088279-T</u>		Guilty
SHEFELBINE SCOTT D	1974	Tolland JD	 <u>TTD-CR06-0088431-T</u>		Guilty
SHEFELBINE SCOTT D	1974	Tolland JD	 <u>TTD-CR06-0605319-0</u>	53a-71(a)(1) Sex 2-Vctm13-15Y,Actr>3Y Older Sentenced: 8 Years Jail, Execution Suspended After 3 Years, Probation 10 Years	Guilty
SHEFELBINE SCOTT D	1974	Tolland JD	 <u>TTD-CR07-0088714-T</u>		Guilty

News-Times, The (Danbury, CT)

Published 08:00 p.m., Wednesday, June 27, 2007

A Rockville Superior Court judge has agreed to hold a hearing on whether to revoke the bail of an alleged Internet sexual predator from Tolland. The hearing was requested by Assistant State's Attorney Elizabeth C. Leaming who detailed the charges against Scott Shefelbine, 32, the restrictions placed upon him by judges in Rockville and the allegations against him filed last week by West Hartford police.

West Hartford police arrested Shefelbine on charges that he had inappropriate contact with a 14-year-old girl, apparently in violation of the terms of his release on the nine criminal cases pending against him. Shefelbine had been charged Oct. 10 for allegedly raping one girl and having sex with other minors. About two weeks later, he was charged with second-degree sexual assault, impairing the morals of a minor, and delivering alcohol to a minor involving a 15-year-old girl, police said. In November, Shefelbine was charged with restraining and attempting to rape a 15-year-old girl in a parking lot at Tolland High School.