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**TESTIMONY OF DARNELL D. CROSLAND, ESQ. AND SIMILILARY SITUATED
DEFENSE ATTORNEY'S ACROSS THE STATE OF CONNECTICUT**

IN SUPPORT OF:

**H.B. NO. 6695: AN ACT CONCERNING MISREPRESENTATION OF TOWN OF
RESIDENCY WITH RESPECT TO SCHOOL ACCOMMODATIONS**

JOINT COMMITTEE ON JUDICIARY
April 15, 2013

Having spoken to a large number of attorneys on the issue of the court's role in addressing residency with respect to school accommodations, I on behalf of the plurality respectfully recommend that the Committee approve H.B. No. 6695, An Act Concerning Misrepresentation of Town of Residency with Respect to School Accommodations. The opponents to this proposed bill are short sighted, and have spoken out of emotions, and in fact have failed to appreciate the real issue.

In my opinion the real issue is not whether we have a problem in this country with educating our children, it is clear that we do. However, we must not create another problem in an attempt to address the need for equal education for all children, and that is exactly what we are doing by over criminalizing parents and guardians of our children. This approach will have a great impact on our court system and on our community as a whole. The law currently makes the misrepresentation of town of residency a larceny in the 1st degree, and it comes with a heavy price tag, a tuned with the penalty for robbing a bank, and a person charged with larceny in the 1st degree faces 20 years in state prison.

This approach is heavy handed and fails to address the issue. Albeit a larceny in the 1st degree, the statue as it stands places the value of such theft at *only* \$250 or above, as if it were a misdemeanor larceny in the 5th degree.¹ However, the statute appears to make a judgment call, in that it states' if the theft is deemed to be of a public community, the penalty is not akin to the penalty in a larceny in the 5th degree, the penalty is much more *severe* in that the crime is no longer deemed a misdemeanor, instead it is now a felony, and the jail time the offender faces is up to 20 years in state prison.

¹ **Sec. 53a-125a. Larceny in the fifth degree: Class B misdemeanor.** (a) A person is guilty of larceny in the fifth degree when he commits larceny as defined in section 53a-119 and the value of the property or service exceeds two hundred fifty dollars.

(b) Larceny in the fifth degree is a class B misdemeanor.

Perhaps only the legal practitioner can appreciate the problem this over criminalization causes. It gives the State's attorney's office a bargaining position that is void of any fairness in negotiation. By way of analysis it is like arming the State with an assault weapon with a high capacity magazine and asking them to be fair, such an approach is also void of reason.

The result is there is no quid pro quo and there is no bargaining, and when there is no bargaining, prosecutors, and defense attorneys become deadlocked and are unable to settle cases. I have personally experienced this before the courts on this very same issue. As in my case, the problem then becomes a problem that the judges throughout the state must handle. This over criminalization will burden dockets statewide, and the greater good of the people will not be served by our courts.²

In conclusion, again on behalf of the plurality, it is our opinion that Connecticut is a progressive state, this is demonstrated in the way we have led the charge to address gun violence in our country. The time to address the issue of equal education is now, this is not an overreaction, instead it is an appropriate action. This is not about homelessness, it is about equal education for all.³

If we look at Georgia for instance, they have an amnesty program that allows parents and guardians to avoid prosecution for having kids in out of district schools.⁴ A public school education is inherently free, there are no tuition and there are no fees, only guidelines to follow. In the rare instance that these guidelines are not followed, perhaps there should be penalties, arguably civil in nature, but if they have to be criminal, I applaud Rep. Bruce Morris for having the intelligence and the heart to address the over criminalization of this breach. The opponents of this proposed bill appear to focus on punishment. We should remember that an eye for an eye leaves both parties blind, and it is clear to see that this approach fails to address the situation in the least.

² In fact 53a-119 – Under the definition of larceny, the 17 enumerated definitions fails to define fraud on a public community. These leaves a lot to interpretation, arguably makes the statute void for vagueness, and certainly should not punish an offender to the tune of 20 years in jail.

³ This is not about a Bridgeport woman who enrolled her kid in an out of district school, it is not about the media inaccurately reporting the woman as homeless, in fact, her residency may have been a cause for her actions and a defense in her case, but here, H.B. 6695 has nothing to do with homelessness, instead it has everything to do with addressing the penalty that our residence face under the current law. It addresses the disparity that blacks seem to face greater numbers of prosecution when violating the school residency law. And it is only the first step at addressing a very important issue. However, there are some who feel this is not important, and there is no action needed. I say the time for justice is always now. And where there is no justice there is no peace.

⁴ This program allows all parents at the beginning of the school year to come forward and address the school and inform the school that they have a child that is out of district. If they can find an exception that allows the child to stay in the school that is done, if that is not possible the child is removed no questions asked, no penalty.

