



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Deborah Del Prete Sullivan, Legal Counsel, Director Office of Chief Public Defender

Raised Bill 5342

An Act Concerning the Penalty for Larceny by Defrauding a Public Community

Judiciary Committee Public Hearing March 12, 2014

The Office of Chief Public Defender opposes *Raised Bill No. 5342, An Act Concerning the Penalty for Larceny by Defrauding a Public Community*. The bill would create a mandatory minimum sentence of 5 years to be imposed upon a person convicted of defrauding a public community where the value of the property exceeds two thousand dollars. The bill would treat a person so convicted much more harshly by the imposition of a mandatory sentence. Current law already provides that a person convicted of this offense be convicted of a B felony which carries a sentence of up to 10 years imprisonment. In addition, current law provides that any person convicted of extortion of any property or service regardless of its value or of a larceny of a motor vehicle or other property valued at \$20,000, be convicted of this B felony.

The court should have the discretion to sentence the person pursuant to the statutory scheme currently in effect based upon the evidence and the circumstances in the case. Mandatory minimum sentences tie the hands of the judge when determining the appropriateness of the sentence. Prosecutors have, not only the power to charge a person with the commission of an offense but also, the discretion to charge a person with a crime for which mandatory sentence of incarceration would be required. The court, as the neutral arbiter, should be able to exercise its discretion when sentencing a person and consider facts such as whether the person is a high school or college graduate, employment history, work in the community, family support and family impact and other factors, including whether this is a first arrest.

The threat of the imposition of a mandatory minimum sentence can act coercively to induce a person to plead to the crime, even if a person pleads to a crime of a lesser degree. A person might even plead guilty to a lesser offense even if not guilty just to avoid a mandatory sentence. This coercive power actually reduces the number of cases that ultimately go to trial and increases the number of plea bargains. It also creates “assembly line” justice rather than focusing on a person’s individual frailties and vulnerabilities. For these reasons, this office urges this Committee to reject this proposal.