REP. STAFSTROM (129TH): Thank you, Representative. We're just gonna wait one second for our administrator to return and then -- There she is. All right. So we are gonna call up Robert J. Devlin, nomination to be a judge of the appellate court. Judge, before you get settled in, I know you're -- I know you're used to the protocol here. This one's a little different. I need you to raise your right hand for me. If you might raise your right hand. Do you swear or affirm, as the case may be, that the information you've provided to this committee will be the truth, the whole truth, and nothing but truth, so help you God, or under penalty of perjury?

JUDGE DEVLIN: I do.

REP. STAFSTROM (129TH): Thank you, Judge. Judge, if you have an opening statement, you can feel free to read it and go from there.

JUDGE DEVLIN: Sure. Good afternoon.
Representative Stafstrom, Senator Kissel, Representative Rebimbas, distinguished members of
the Judiciary Committee. Thank you very much for the opportunity to be here today in connection with my nomination to be a judge of the Connecticut Appellate Court. First and foremost, I wish to thank Governor Lamont for this nomination. I am gratified and humbled by it. I would also like to thank my family, particularly my wife, Kathy, for her support throughout my judicial career, and my colleagues on the superior court with whom I've had the great privilege to work over these years. So I've been a criminal trial judge in our state for 26 years. I have handled many cases, rendered many decisions in the courthouses of our state. And I think I've learned a few things. For the past ten years or so, I've also had the opportunity to participate in some other initiatives of the Judicial Branch. From 2010 until 2017, I served as the chief administrative judge for the Criminal Division of our court assisting Chief Court Administrator Judge Patrick Harrell on a variety of tasks.

In 2011, I was named to the Connecticut Sentencing Commission as a judicial member, and I currently chair that commission. The commission's composed of 23 members covering a cross section of stakeholders in our criminal justice system in Connecticut. And they examine various criminal justice policies and occasionally make recommendations to the legislature. I'm currently chair of our Criminal Jury Instruction Committee. We craft pattern jury instructions for judges to use in criminal trials. It's actually -- I won't take credit for it, but I think it's quite good work that we've done over the years and it's a real asset to our courts. And finally, I co-chair along with Karen Florin, of the New London Day, our Judicial Media Committee which is comprised of one-half journalists and one-half Judicial Branch officials. And we consider various
issues surrounding media coverage of our courts. All in all, it's been a really terrific experience, one that has been not always easy. I mean, there's hard days with this job. But always interesting and quite rewarding. So I think with this experience, I'm prepared to serve our state as an appellate court judge. I enjoy research and writing, and I've authored almost 400 decisions as a superior court judge. And while my principle experience has been in the criminal law, I'm certainly prepared to do the hard work to prepare myself on other areas where I do not have quite as much experience. If confirmed, I look forward to joining the distinguished judges on the appellate court and participating in the important work that they do. So thank you very much for your attention. I'm happy to answer any questions that you might have.

REP. STAFSTROM (129TH): Questions from the committee. Senator Kissel.

SENATOR KISSEL (7TH): Thank you very much, Chairman Stafstrom. Your Honor, great to see you. Congratulations.

JUDGE DEVLIN: Thank you.

SENATOR KISSEL (7TH): Some folks have said because of your age -- I believe you're 69 now?

JUDGE DEVLIN: I am.

SENATOR KISSEL (7TH): And you'll have to go into forced retirement in about a year, although you'll still be able to do work for the appellate court in other capacities. We look forward to that. But I don't view that as a minus at all. I think it's important. What we've done, and we've really tried very hard to diversify our bench as a whole, but also the appellate and supreme courts. And what
I've seen over these last several years is that people sort of get plunked right out, not having served many years in the superior court level and go right to either the appellate court or supreme court. And that's all well and good. But I think your nomination sends also a very positive message to those other superior court judges that have been out there year in and year out that there's no period of time where you will not be looked at if you have the qualifications to move to either the appellate court or the supreme court. So I think a) that's an important message that we send to everybody who's out there doing, you know, the really hard work either in our criminal court system or various capacities, Part A, GA, on the civil side, wherever. The other thing is, I think that you -- and this is not a statement of criticism to the Appellate Bench. But I think that with your vast criminal background, you fill an important need that's out there. And I think that you'll bring a wealth of knowledge that will help round out the Appellate Bench, especially when it comes to matters that you do have familiarity with.

I appreciate the fact that you want to bone up on the civil side and the things that you may not have been involved with recently. But I think that the wealth of knowledge that you bring regarding criminal issues will be a real benefit to the appellate court. I don't know if you'll be able to juggle all the other things that you have going on. That'll be a question for yourself in your own time management. But certainly, you've been a fantastic public servant. Enjoy working with you on Sentencing Commission matters. And again, I just wish you the very best. Thank you, Mr. Chair.

JUDGE DEVLIN: Thank you, Senator.
REP. STAFSTROM (129TH): Thank you, Senator. Further questions from the committee? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. And still -- Oh, no! Good afternoon, Your Honor. Congratulations on your nomination. I certainly want to associate my remarks in support with Senator Kissel's that he just gave right now. I guess I just want to kind of -- You know, his last point regarding taking the opportunity to thank you for all of the obviously long hours, hard work that you've put on obviously in the many committees and commissions, especially the Sentencing Commission that you've put forward already. If you could just kind of share with us. Obviously, chairing that commission is not the easiest. And then having to deal with the legislature after obviously all the hard work that's done on that commission, you know, is also not easy at all, I'm sure. I just -- If you've got any points or recommendations for us as legislators as to that commission itself or any points of improvement and things of that nature. If you could just give some insight into that for us.

JUDGE DEVLIN: Well, the commission has 23 members, and they really do -- I mean, truly, it's a cross section of our criminal justice stakeholders. We've got the Chief State's Attorney, the Chief Public Defender. We have the head of the State Police. We have the chairman of the Board of Pardons and Parole. We have nonprofit representatives that are named by legislative leaders. We work almost exclusively, not a hundred percent, but almost exclusively on a consensus basis. We -- Some of our topics of investigation come from the legislature. Statutes are passed asking us to look into things. Other things are just members themselves generate interest. We operate on sort of a subcommittee
level. We create working groups. But we really try to look at these issues from an evidence-based standpoint. We try to solicit views from experts on the various topics that we look at. So I don't think we bring anything to this body unless we've really given it quite a bit of thought. And so I would hope that you would just take it in that late. We are -- These are people that don't have a particular agenda. We're just trying to make the system better. And try to do it in a very methodical approach. So I'm quite proud of the work that we've done. I think the law has been strengthened by some of the proposals that we've made and have been adopted. Some of them are really quite mundane. We've recommended some revisions on our narcotics statutes that had nothing to do with the penalties, nothing to do with what is sort of in or out of the line, but really just made the statutes stronger in the sense of redrafting it. So we've done several things like that of a technical nature, plus some of the other initiatives that are more substantive. So I hope that answers your question. But that's sort of what we do.

REP. REBIMBAS (70TH): It certainly does. And once again, I agree with Senator Kissel that your experience, knowledge, having served obviously in our judiciary for so long is just gonna be an asset on the appellate court. So I certainly support that nomination and look forward to seeing you through. I also just wanted to make a note that State Representative Ben McGorty, who's also a member of this committee, unfortunately had a passing in his family. So he's not going to be able to be here. But he wanted to make sure that I informed not only you but this committee that he is in full support of your nomination and certainly then looked forward to voting in your favor on the floor of the House.
JUDGE DEVLIN: Thank you.

REP. REBIMBAS (70TH): So, again, Your Honor, congratulations on the nomination. I certainly do believe that it's one well deserved.

JUDGE DEVLIN: Thank you very much.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions or comments from the committee? Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chair. Good afternoon, Your Honor. I just have a question about one of your answers. I'm just curious about your answer to the question about the interpretation of the Constitution and how and if it should evolve. And you said that while the state and federal constitutions provide the organizing structure for our government, you did believe that society has changed and that constitutional interpretation should be relevant to changing social norms. I just think this is a fascinating and really central argument that we see on a national level. And I'm just curious about if you could give me a couple examples of what you might mean by changing societal norms?

JUDGE DEVLIN: Well, let's just take technology. Probably a medium-size flash drive now has as much data on it as a public library did in 1789 or 1818. And so I think the law is really looking at this whole concept of searching. You know, you search a box and it has some things in a box. You search a flash drive, it may have enormous amounts of data. And so I think that's the situation, where, you know, the Fourth Amendment and our Connecticut constitution protects the right of people to be secure in our houses, papers, and effects. So this word "effects," people's possessions and things like
that, but it really has a sort of different connotation when you think about something that is so dense in terms of the data. So that's one area where I think the Constitution helps us get part of the way, but maybe not all the way to applying that constitutional principle in the 21st century. You look at things like the ability of the police department to remotely look at people's houses. You know, a case came out a few years ago where they had a thermal imaging device. They suspected that the person had a marijuana-growing operation in this particular house. They didn't have enough evidence to get a search warrant. So they set up this thermal imaging device, not on the person's property, but on the property across the street. So it was the street and the other property. And they determined that there was a tremendous amount of heat coming out of that property, which was very unusual given the neighborhood at 2 o'clock in the morning. And so they used that evidence to get a search warrant. And the U.S. Supreme Court had to consider whether that, pointing that object on someone's house from across the street was a search or not. And just -- In 1789, you're not gonna have that kind of instrument that the police can use. So the U.S. Supreme Court said that was a search and did require probably cause because it had this sense of invasion of someone's home in a way that deserved the protection of the Fourth Amendment. So those are just a couple of examples of things that we're dealing with in the Fourth Amendment area.

REP. PALM (36TH): Thank you, Judge. And great examples. Thanks.

REP. STAFSTROM (129TH): Thank you. Further questions from the committee? If not, Judge Devlin, I just want to certainly associate myself with the remarks of the ranking members, and I think part of
the reason that you're not getting as many questions from this committee as, you know, maybe some other nominees in the past or whatever is you have -- you certainly have a broad familiarity to the members of this committee. I think the work you have done, not just on the bench but also your service to the state in the Sentencing Commission and any number of other committees that you've served on in the Judicial Branch truly is an asset to the state. And I really commend the governor for this appointment. I think, as Senator Kissel said, it's important that we recognize a career and a body of work that you've done, and I think you'll be a tremendous asset to the appellate court bench being somebody who comes with such a breadth of experience within our criminal justice system.

JUDGE DEVLIN: Thank you very much. Thank you for your voice.

REP. STAFSTROM (129TH): So thank you. The only member of the public I have signed up is Kim Kelly Myers. Kim Kelly Myers. Please come forward.

KIM KELLY MYERS: (off mic) Good afternoon to everybody.

REP. STAFSTROM (129TH): Just -- If you could just hit your microphone button there, please.

KIM KELLY MYERS: Oh, here?


KIM KELLY MYERS: Good afternoon. My name is Kim Kelly Myers. Thank you for the opportunity to speak on behalf of Judge Robert Devlin. I had the pleasure of taking a few legal courses with him in Naugatuck Valley Community College. There, I met a professional, sincere, diligent teacher of the law. He has a plethora of knowledge. And he continues today to be a really great mentor. And I had the
contentment of knowing that I was supported. I was encouraged to challenge myself. And his mentorship began back in 2012 when I was a paralegal student. And today, I stand before you as a PhD student, and he has mentored me all the way. He is excellent. And I heard about his nomination. I was delighted. And I think that he is -- His strengths lie that he has true discernment, he's dedicated to his craft, and he has wisdom. And he possess -- It's phenomenal if you have him as a professor. He's really, really great. Without reservation, I support his nomination to the appellate court and I think that he has drive. I think he's hard working, and I think he's committed to improving lives and communing [sic] the law, and I'm just happy to be able to make it up here and say my piece. Thank you so much for having me. Thank you.

REP. STAFSTROM (129TH): Thank you. We appreciate you taking the time to come up here and certainly commend you on all of your success as well.

KIM KELLY MYERS: Thank you.

REP. STAFSTROM (129TH): Questions from the committee? Representative Miller.

REP. MILLER (145TH): Thank you. Good afternoon and thank you for being here. I just have a question. I believe in mentorship. And there are individuals that I mentor and to kind of help them along -- along the way. Excuse me. So you said that you -- that the judge mentored you.

KIM KELLY MYERS: Yes.

REP. MILLER (145TH): So can you just give me an example of what he does in mentoring you?

KIM KELLY MYERS: Well, back in 2012, I was a paralegal student. And I knew that I wanted to continue edu -- to continue. But you know, with
life, you have challenges, you have obstacles. And he just -- I'll give you a great example. He's -- His tests were tough. So if I received a 92 or a 96, I would go back to him. And I would say, huh! I would be all riled up. And he'd say, Kim Kelly! It's one question! And I said, yeah, but the way I read it and the way you said it. And he would just say, it was great that you wanted a 100, but you don't always have to get a 100. The fact that you did really well, but you want to continue to learn, just keep going. So he just would encourage me. And he would always -- He was -- liked that I would challenge why it was a 96 or why I got a 98. Why didn't I get the two points and where did I mess up or where did I not understand it? And he would break it down. And then the next -- And I was always striving to get a better grade. But he just was positive and he just pushed. He understood that I wanted to do more. I wanted to really understand and apply it. Not just know it in theory, but when I read cases to say, hm, I see how they came to that decision. Even if you don't agree, sometimes you could still see it. That's what I mean.

REP. MILLER (145TH): So my daughter had a professor in college. And she graduated in 2011. And that professor is still her mentor. So do you have that kind of relationship with the judge? You do?

KIM KELLY MYERS: Yes.

REP. MILLER (145TH): So you have a relationship with him outside of the school?

KIM KELLY MYERS: Yes.

REP. MILLER (145TH): All right. Thank you. And I appreciate -- I would like to say thank you to the judge, because it's not often that as an African American, that we have access to individuals that can give us a hand-up and can mentor us along the
way and encourage us. So I really appreciate you coming to testify on behalf of the judge. And Judge Devlin, I appreciate you taking her under your wing. Thank you.

KIM KELLY MYERS: Thank you.

REP. STAFSTROM (129TH): Further questions or comments from the committee? Seeing none. Thanks so much for being with us.

KIM KELLY MYERS: Thank you.

REP. STAFSTROM (129TH): Is there any other member of the public who would like to speak on this nomination? Is there any other member of the public who would like to speak on this nomination? Yes, sir. Come forward. If you could please identify yourself and spell your name for the record.

ANDREW CLARK: Yes. Good afternoon. Senator Kissel, Representative Stafstrom, Representative Rebimbas and Blumenthal, and members of the Judiciary Committee. I'm Andrew Clark. That's C-L-A-R-K. And I direct the Institute for Municipal and Regional Policy at Central Connecticut State University. We staff the Sentencing Commission. And although I no longer am acting director of the commission, I've had the pleasure of working with Judge Devlin since the commission started in 2011. And he's been a member since. Prior to that, I had worked with Judge Shortall and with Justice Borden as chairs of the commission. And I just -- I would be remiss if I didn't have the opportunity to say what a delightful man Judge Devlin is. And he's a tremendous individual, very fair-minded. He is, as was mentioned by the woman before, he's -- he supports members in their -- in deliberations. He brings a broad array of knowledge to the commission's work. And I simply wanted to be here
to support him and encourage him as he hopefully continues on in his judgeship.

REP. STAFSTROM (129TH): Thank you. And thanks for taking the time to come up here today. Questions or comments from the committee? Seeing none. Appreciate you being with us. Anyone else who would like to speak on this nomination? Is there anyone else here who would like to speak on this nomination? Seeing none, I will declare this public hearing closed. We will convene the committee meeting, and we are gonna break for brief caucuses to discuss the referred bills and the like on our agenda. So the Democrats will be in 1C and the Republicans will be in 1D, and we will reconvene after caucus. Stand in recess.