

JUDICIARY COMMITTEE
PUBLIC HEARING

August 12, 2020
10:00 a.m.

CHAIRPERSON: Senator Gary Winfield,
Representative Steve
Stafstrom

SENATORS: Kissel, Bizzarro,
Champagne, Flexer,
Haskell, Lesser, McCrory

REPRESENTATIVES: Blumenthal, Carpino,
Concepcion, Conley,
Cummings, Currey, Dillon,
DiMassa, Dubitsky, Fox,
Godfrey, Harding, Hill,
Horn, Labriola, Luxenberg,
Miller, O'Dea, O'Neil,
Palm, Porter, Riley,
Smith, Walker, Young

SENATOR WINFIELD (10TH): Good morning. We will now commence the Judiciary Committee public hearing for Wednesday, August 12th. This is a hearing that will deal with judicial nominations. Before we -- can you hear me? Before we commence, I'll read for those who are present, the obligatory announcement about evacuation.

In the interest of safety, I would ask you to note the location of and access to the exits in this hearing room. The two doors through which you entered the room are the emergency exits and are marked with exit signs. In the event of an emergency, please walk quickly to the nearest exit.

After exiting the room, go to your right and proceed to the main stairs or follow the exit signs to one of the fire stairs. Please quickly exit the

building and follow any instructions from Capitol Police. Do not delay, and do not return, unless, and until, you are advised that it is safe to do so. In the event of a lockdown announcement, please remain in the hearing room, and stay away from the exit doors until an all clear announcement is heard. Thank you.

And just some information for those who are members of the Committee, when you're not speaking, please remember to mute your microphone. And I -- I think that's one of the more important things that we need to remember. We have several individuals who will be testifying before us. You can also raise your hand virtually, so when you raise your hand to question a nominee, you will be called upon and you'll be given the opportunity to ask questions. And I -- I believe -- one second, and I believe we are going to be in recess for a short period of time, and then begin with Judge Keller.

Okay. We are -- we are going to recommence the Judiciary Committee public hearing. Judge Keller is in the -- the room with us. I'd ask that you stand and I'll read the oath to you. If you -- if you might raise -- oh, you have your right hand raised. Do you swear or affirm, as the case may be, that the information you will provide to this Committee will be the truth, the whole truth, and nothing but the truth, so help you God, or under penalty of perjury?

HONORABLE JUDGE KELLER: I do.

SENATOR WINFIELD (10TH): Okay. Thank you very much. Please have a seat and you may give your statement.

HONORABLE JUDGE KELLER: Is it all right if I remove my mask?

SENATOR WINFIELD (10TH): You are 25, 30 feet away from me. Go ahead.

HONORABLE JUDGE KELLER: Okay. All right. Good morning, Chairman Winfield, Chairman Stafstrom, Ranking Members Senator Kissel and Representative Rebimbas, Vice-Chair Senator Kasser and Representative Blumenthal, and esteemed members of the Judiciary Committee. Thank you very much for the opportunity to be here today for possible approval of my appointment to be an Associate Justice of the Supreme Court.

I wish to thank Governor Lamont for the confidence he has shown in me by this appointment. And I want to thank all of you for your public service during this extraordinary time. I also want to thank my family, especially my husband and my two children, of whom I am immensely proud, for the loving support they have given me and the sacrifices they have made in support of my legal career. I wish my parents, Hayden and Wanda Keller, who did so much for me, could have lived to be here.

I also want to thank my judicial colleagues, the judicial branch employees, members of the bar, and all the service providers, without, who's help the work I have done as a Judge would not have been possible. It has been a privilege to have worked in such a professional and caring atmosphere for so many years.

I was born in Hartford and I've lived in -- in Hartford most of my life. I attended Wethersfield High School, Smith College, and the University of

Connecticut School of Law. When I finished law school, I worked for a legal aid agency in Hartford, where I practiced primarily family and personal injury law. I then went to work as an assistant corporation counsel for the City, primarily litigating personal injury cases. Then I briefly practiced real estate law.

From 1989 to 1993, I served as a Family Support Magistrate, deciding cases to establish, enforce, and modify child support orders. In 1993, I was appointed a Judge of the Superior Court by Governor Lowell Weicker. As a Trial Level Judge, I presided in all of the Divisions, criminal, civil, family, and juvenile. And I've sat, primarily, in the Hartford, New Britain, Waterbury, and Middlesex Judicial Districts.

While on the trial bench, I served two five-year terms as the Chief Administrative Judge for juvenile matters, and I also served as the Administrative Judge for the Judicial District of Hartford. In these two roles, I was able to not only preside over individual cases, but to help determine systematic needs and ways to address both.

Over the years, I've served on a number of important committees including the Rules Committee of the Superior Court, the Juvenile Justice Policy Oversight Coordinating Council, which helped to implement the Raise the Age juvenile legislation. On the Council, I shared the legislative subcommittee, a task which was quite broad because we had to really overhaul a number of statutes. I also served on the Family with Service Needs Advisory Board, the Committee on Judicial Ethnics, which I chaired for several years, the Public Access

and Trust Commission, and the Judicial Review Council.

In 2013, Governor Malloy appointed me to the Appellate Court. I have authored over 200 Appellate opinions and have been a member of the three-judge panel deciding many other appeals. On four occasions, by designation, I have sat on cases argued to the Supreme Court.

Shifting from the Trial Court to the Appellate level was a major transition. But I think that my Appellate Court experience will prove invaluable in -- in my new role if I am confirmed.

As a result of my courtroom experience, I believe I will bring to the Supreme Court a solid familiarity with many different areas of the law, an understanding of court procedures and practices at the Trial and Appellate levels, and a strong commitment to ensuring that litigants are treated fairly and their cases are disposed of as expeditiously as possible.

My administrative experience, especially in the area of juvenile law, has taught me the benefit of fully preparing individually in order to work collaboratively, listening, which is not just waiting for your turn to speak, and being open to different points of view in attempting to reach compromise.

Being a Judge has not always been easy and I haven't always been right. But I always strive to do the best that I can. And when a case provides you with an opportunity to not just uphold or clarify the law, but make a positive change in someone's life,

the job is the most rewarding. I welcome any questions you may have. Thank you.

SENATOR WINFIELD (10TH): Thank you. Are there questions or comments from members of the Committee?

SENATOR KISSEL (7TH): Mr. Chairman, can you hear me?

SENATOR WINFIELD (10TH): I -- I do hear Senator Kissel. And I assume --

SENATOR KISSEL (7TH): Yes.

SENATOR WINFIELD (10TH): -- you would --

SENATOR KISSEL (7TH): I just --

SENATOR WINFIELD (10TH): -- like to say something, so go ahead.

SENATOR KISSEL (7TH): I would, sir. Thank you, Mr. Chairman. Judge Keller?

HONORABLE JUDGE KELLER: Good morning, Senator Kissel.

SENATOR KISSEL (7TH): Good morning, I've had the -- the -- after serving for 28 years now, I've had the tremendous honor of serving with your husband and now your son. But in your opening statement, you had a little pause, when you took a breath, when you talked about Raise the Age. And I just wanted to put on the record my huge thanks to you. You said a -- a good amount of laws had to be revised to make that -- that operation change. And I was there in the trenches with you, seeing how hard you worked to make all those changes. And I think you'll make a tremendous Justice to our Supreme Court. And I'm -- just want it on the record that I'm very happy to support you. You've done just a huge amount work in

so many capacities for the people of the State of Connecticut. Thank you, Mr. Chairman.

HONORABLE JUDGE KELLER: Thank you, Senator.

SENATOR WINFIELD (10TH): Thank you, Senator. Other comments or questions from members of the Committee? Representative Walker.

REP. WALKER (93RD): Good afternoon, Mr. Chair. And good afternoon, Judiciary Committee. And good afternoon, Judge Keller. It is a pleasure for me to -- to be here right now talking to my Committee about how much admiration I have for you. As Senator Kissel talked about was our collaboration that we started back in 2007 when we started to actually look at how do we change the way we interact with our children in this -- in the State and giving our children an opportunity to survive. And the number of kids that your work has -- has affected for all the kids in the State of Connecticut is amazing. And you are somebody who I admire for your fortitude, for your tenacity, and for your commitment to the State.

So, I can't say more how pleased I am for your nomination and thrilled because I know everything that you've done with me in training me and teaching me a lot of things about law, because I'm not a lawyer, I'm a social worker, have been -- just have been amazing. And I thank you for that. And I look so forward to working with you in the future once we get past this process. So, congratulations for your nomination. And congratulations for all that you've already done for the State of Connecticut. So, thank you.

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HONORABLE JUDGE KELLER: Thank you, Representative -
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REP. WALKER (93RD): Thank you.

HONORABLE JUDGE KELLER: -- Walker. And I -- I would just like to add that my admiration for you is mutual.

REP. WALKER (93RD): Thank you.

HONORABLE JUDGE KELLER: It couldn't have happened without you.

REP. WALKER (93RD): Thank you.

SENATOR WINFIELD (10TH): Thank -- thank you both. Representation Dillon, and be followed by Representative Porter.

REP. DILLON (92ND): Good morning, Your Honor.

HONORABLE JUDGE KELLER: Good morning, Representative Dillon.

REP. DILLON (92ND): I -- I just want to congratulate you. We -- we actually met on a -- on an opening day, many, many years ago. And in the -- in the later years, I -- I became aware of your work really as an Administrative Judge in juvenile which is not a glamor position and was really impressed at the reports that I got from advocates and also from members of the Bar. I'm really, really happy at -- at this validation. And I wish you well. I know you'll be great.

HONORABLE JUDGE KELLER: Thank you very much.

SENATOR WINFIELD (10TH): Thank you, Representative. Representative Porter.

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REP. PORTER (94TH): Thank you, Mr. Chair. And good morning, Judge Keller.

HONORABLE JUDGE KELLER: Good morning, Representative Porter.

REP. PORTER (94TH): Good to see and congratulations on this nomination. I chime in with all that's been said thus far. And I do have a question for you. When you talk about being an Administrative Judge in Hartford, you said that there were some systematic issues that you -- you had to deal with. I wondered if you could just share with us, maybe, you know, what one or two of those were and how you were able to address them?

HONORABLE JUDGE KELLER: Well, I think the systematic issues were probably more related to my service as an Administrative Judge -- Chief Administrative Judge for juveniles. That's where I would really get involved in looking at legislation, working on crafting legislation that would be affective and accomplished, what purpose we wanted to accomplish. An Administrative -- an Administrative Judge is really in charge of the Judicial District. A lot of what you do as an Administrative Judge is basically make sure the courts are functioning well every day. A big portion of that is making sure that Judges are having their needs meet, sometimes you deal with employee problems, staffing problems, sometimes you deal with coverage issues; for example, as Administrative Judge of Hartford I found myself very often traveling to the Enfield G.A., the Manchester G.A., or looking around for a Judge who I could send out there because we didn't have anybody to cover the Court that day. You do meet with the Chief

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Court Administrator and we do talk about important issues that might affect all of the courts; for example, right now, I know, that the Administrative Judges all over the State have met very frequently with Judge Carroll to address how specifically to run Courts with the advent of COVID-19. So, that would be a systematic issue I could point to.

REP. PORTER (94TH): Well, thank you so much for that. There -- there are members like myself that are not lawyers, attorneys, so I ask that question so that not just -- you know, other members like myself get a full understanding of what you're expressing, but also the public has an opportunity to understand the process in the judicial system. And that was the only question I have for you.

You did say something that resonated with me during your statement. You said that, you know, you're not perfect but you do strive to get it right. And that really struck a chord with me. And I admire that statement. And I just wanted to put that on the record and say that. And I, too, look forward to working with you in the future. Thank you, Mr. Chair.

HONORABLE JUDGE KELLER: All right. Thank you. Nice talking to you.

SENATOR WINFIELD (10TH): Thank you, Representative. Other questions and comments from other members? I do not see any --

REP. REBIMBAS (70TH): Mr. Chairman?

SENATOR WINFIELD (10TH): -- questions -- questions, comments from other members?

REP. REBIMBAS (70TH): Mr. Chairman?

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SENATOR WINFIELD (10TH): Yeah. Yes.
Representative --

REP. REBIMBAS (70TH): I don't --

SENATOR WINFIELD (10TH): -- Rebimbas.

REP. REBIMBAS (70TH): Thank you. My apologies. I don't have the raise the hand feature on my -- on my screen. I just wanted to take this opportunity to congratulate Judge Keller certainly on her nomination and the anticipation of her movement to the Supreme Court. I do just have a brief question -- maybe one question or two, then. Through you, Mr. Chairman.

SENATOR WINFIELD (10TH): Proceed.

REP. REBIMBAS (70TH): Thank you. Your Honor, while serving on the Appellate -- Appellate Court, did you find yourself at any time having to recuse yourself from any particular case?

HONORABLE JUDGE KELLER: I often recuse myself from -- from cases that involve the law firms for -- for which my husband and my two children work for. I also disqualify myself on cases where I feel I have too close a relationship with the Trial Judge and that might affect my ability to be impartial. So, there's a handful of Judges whose cases I don't sit on because I have social relationships with them or a long friendship with them that I think it might not be appropriate.

I also look carefully, even though the law firms are not representing the parties, to see whether the particular party also has some involvement with my husband's law firm or my son's and daughter's law firm. Fortunately, they both work for the same law

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firm, so that does eliminate the number of disqualifications.

There was one case where I disqualified myself on a juvenile matter. If had to do with the juvenile transfer law because when the case was below in the Superior Court, the Judge who was hearing the case had called me for advice on what the statute meant. It was a statute I had helped to draft as part of the Raise the Age legislation. So, I didn't feel it was appropriate for me to sit on that one. Those are the main reasons why I disqualify myself.

Also, obviously, if I had been the Trial Judge, although after the first year or two, that wasn't a problem on the Appellate Court because anything I had handled at the trial level had already been appealed or was not going to be appealed.

REP. REBIMBAS (70TH): Thank you, Your Honor, for those responses. That was very thorough, as well as your Questionnaire. So, I certainly appreciate that. As -- as we review all the questions and responses, I think that's probably an indication of why you're not getting so many questions, you've done such a good job in that regard. And certainly, your experience speaks for itself. So, I -- I think it's certainly an asset as you move to the Supreme Court, your experience, and your involvement in a variety of different -- you know, being exposed to different positions even beforehand, not just strictly as a Trial Judge. So, that's certainly appreciated as well. So, thank you for your responses. And thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you, Representative.

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HONORABLE JUDGE KELLER: Thank you, Representative Rebinbas.

SENATOR WINFIELD (10TH): Other -- other comments or questions from members of the Committee? Representative Stafstrom.

REP. STAFSTROM (129TH): Thank you, Mr. Chair. And thank you, Judge Keller. Good to see you. I just wanted to take the opportunity to say good morning and thank you for your long and distinguished service on the Court. I know we had a chance to speak late last week. And I want to thank you for being -- making yourself available to the Chairs and to the members of this Committee and for -- for going through this process. So, thank you very much.

HONORABLE JUDGE KELLER: Thank you, Representative Stafstrom.

SENATOR WINFIELD (10TH): Thank you, Representative. Are there any other comments or questions? Seeing none, hearing none, I'd like to thank you for -- for joining us today. I align myself with the comments of my Co-Chair and also with the comments of Representative Porter, your recognition of the imperfect nature of all us that is often one of the -- the sticking points in these hearings. So -- so, thank you for your work, particularly around things such as Raise the Age. And thank you for joining us this morning.

HONORABLE JUDGE KELLER: All right. Thank you, Senator.

SENATOR WINFIELD (10TH): Thank you. Next, we will hear from the Honorable Joan Alexander of Cromwell. Then, we'll take a moment for her to get into the

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room. We're -- how -- I'm going to put us into recess while we set up again for the next judge.

Okay. We'll recommence the Committee. If you would stand and raise your right hand. Do you swear or affirm, as the case may be, that the information you will provide to this Committee will be the truth, the whole truth, and nothing but the truth, so help you God, or under penalty of perjury?

HONORABLE JUDGE ALEXANDER: I do.

SENATOR WINFIELD (10TH): You may have a seat and begin your testimony. Remember to turn your microphone on.

HONORABLE JUDGE ALEXANDER: Thank you. Good morning, Senator Winfield, Representative Stafstrom, Senator Kissel, and Representative Rebimbas, and members of the Judiciary Committee. My name is Joan Alexander and I'm honored to appear before you today. I would also like to express my sincere thanks to Governor Lamont for nominating me to serve on the Appellate Court.

I would like to tell you briefly about myself and my background. I grew up in Bristol, Connecticut. And I'm the youngest of three children. My father worked in a factory as a tool and die maker. And my mother was an elementary school crossing guard. Neither of my parents went to college. My parents impressed the importance of education to each of us and referred to school as our "job," where they expected us to be committed to learning and to make a positive contribution to our community.

I attended public schools in Bristol and was accepted by Yale University as an early admissions applicant. I studied mechanical engineering at Yale

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University and received my Bachelor of Science Degree in 1984. I then attended the University of Connecticut School of Law and graduated in 1987. Subsequently, I served as a Prosecutor for the State of Connecticut for 12 years. It has been my privilege to serve as a Judge of the Superior Court since March of 2000.

I am presently assigned to the Fairfield Judicial District as the Administrative Judge and the Presiding Judge of the Part A Criminal Division. In addition, I serve as the Chief Administrative Judge for the Criminal Division. Since my appointment to the bench, I have served as Presiding Judge in Part A Criminal Divisions in Litchfield, Waterbury, Hartford, and New Britain Judicial Districts as well as in G.A. 23 in New Haven. I also served in the Child Protection Court of the Juvenile Division in Middletown.

In addition to my regular courtroom assignments, I serve as the Chair of Sentence Review. Sentence Review consists of a three-judge panel, assigned to examine criminal sentences that are not the result of a plea agreement. These cases are from all of the State's Judicial Districts. The Judges in Sentence Review determine if the sentence imposed by a Trial Court is appropriate and not disproportionate. Sentence Review has the authority to raise, lower, or affirm the original Judge's sentence.

I also serve as the Co-Chair of the Judicial Media Committee which is comprised of journalists, judges, and attorneys, whose charge is to foster and improve better understanding and relationships between the Judicial Branch and the media, both print and

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electronic, and to discuss and recommend resolutions of problems confronted by the media and the public in gaining access to court proceedings and documents.

As a Judge, I have been involved in all aspects of criminal proceedings from arraignments to jury trials, many cases involved victims. It is essential that an accused person's rights are protected while still addressing the needs of a victim. The decisions a Criminal Judge makes affect many peoples' lives. For a Criminal Court to have integrity in our community, it is essential that all participants be treated fairly, consistently, and with respect.

I will bring my commitment to equal justice and to fairness to the Appellate Court if confirmed. Thank you for the opportunity to appear before you today. I appreciate this Committee's consideration of my nomination. And I would be pleased to answer any questions that you may have for me.

SENATOR WINFIELD (10TH): Thank you very much. Are there questions or comments from members of the committee? Representative Stafstrom.

REP. STAFSTROM (129TH): Oh, thank you, Mr. Chair. And Judge, thanks for being with us today. Obviously --

HONORABLE JUDGE ALEXANDER: Thank you.

REP. STAFSTROM (129TH): -- you have a -- and congratulations on your nomination, certainly.

HONORABLE JUDGE ALEXANDER: Thank you.

REP. STAFSTROM (129TH): Certainly, you have a long and very distinguished career as a Criminal Judge in

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our system, and as you mentioned, serving on some of the highest positions in our criminal system. But one of the -- when you -- if you are elevated up to the Appellate Court, certainly your caseload will change significantly and you'll be dealing with civil cases, family cases, and the like.

I'm wondering how you anticipate making that adjustment. And as somebody who doesn't have much of a -- as I understand it, doesn't have much of a background in -- in civil litigation or civil law, how you would approach those types of cases?

HONORABLE JUDGE ALEXANDER: Well, I think first and foremost, I would thoroughly review the record before me. I think that trial courts are similar in that nature in that we all create a record. And I think it's a very incumbent upon an Appellate Judge to understand that Trial Court's record.

The second, I would then take a very careful look and analysis of the law that applies to those issues. I do not hold myself out to be an expert in civil, but I know my work ethic and I know that I would immerse myself in the topic, discuss it with the other Appellate Judges, and do my best to come to a very fair resolution regardless of the topic or my familiarity with the topic.

REP. STAFSTROM (129TH): Judge, I know you're familiar with some written testimony this Committee received, I believe, yesterday from a LaShawne Houston Sowell, who, I believe, is scheduled to testify later today. And unfortunately, sometimes the nature of these hearings, we almost, you know, we have the Judges go first, and we almost have to ask you to anticipate some of the critique or

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criticism we may hear later in the day from members of the public.

So, before I ask any specific questions, I want to ask have you had an opportunity to review that testimony? And would you like to respond to it in your own words?

HONORABLE JUDGE ALEXANDER: I did review the testimony of Mrs. Sowell. And I did look into the case so that I could be familiar with it before you here today. I was the Arraignment Judge, even though I was the Part A Criminal Judge in Hartford on that day.

The incident occurred the day before and what was not contained in her letter was the nature of the incident. It occurred at a cemetery in Bloomfield. And a pair women had gone there to pay their respects to their deceased relatives. And one woman left the vehicle with the keys in it to get water for flowers at the cemetery.

The 86-year-old woman was left in the car, that Mrs. Sowell's son then jumped into the car and began to steal and drive off with. The 86-year-old woman jumped from the vehicle in fear, fortunately was not injured. Mr. Sowell continued through the cemetery, knocking over gravestones and there was another family of about 30 there attending a funeral or -- the mourning of their loved one. He drove towards them and struck a 10-year-old who was with that family during their cemetery visit. Eventually, he was stopped and apprehended.

He was, again, by all accounts, severely mentally ill at the moment and I certainly acknowledge that. I did the bond hearing first, and was told at the

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time of the bond hearing, that there would be additional warrants. And based on that and the danger to the community, I did set the bond as indicated by Mrs. Sowell.

I'd like to just -- because of my role as Administrative -- Chief Administrative Judge for Criminal, I know the kinds of bond reviews we've been looking at. And what I would say is, even if we were in a situation where it was bond or no bond release or not, which I know has been discussed through sentencing commissions, this situation, again, in my opinion, required the -- the denial of bail. I set it at a substantial amount, but I did so out of my concern for the community and the fact that this was occurring at a cemetery. And -- but for really some very good guardian angels, I guess at the cemetery, no one was seriously injured.

She later discussed that I did not grant a diversionary program for first time offenders to her son. And with respect to it, I did not, and for two reasons. One, I know she claims that he is eligible, but actually the marking comes in as ineligible because of the felony charges except for good cause shown. And the second legislative portion of this, is that a Court must find that the offense is not of a serious nature. I could not find either of those factors. And that is not to discount, in any way, the fact that he had the verifiable mental health issue that is required as the final prong of the supervised diversion program but the first two factors good cause and serious crime could not be met.

Subsequently, that case went on to two further Judge because I was transferred out of the Hartford

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District to another Court. A second Judge, Judge Taylor, again with no interaction between us, accepted a plea from Mr. Sowell for felony charges in order to be committed to the Psychiatric Security Review Board. Judge Bentivegna actually did the final hearing, where he did commit Mr. Sowell to 21 years under the supervision of that Board.

And I would offer, in my opinion, as -- as a Criminal Judge that that was the most appropriate outcome. It may not have been the outcome that the family was anticipating, but it balanced the needs of protecting society with his mental health needs. The diversion programs don't necessarily give the level of services that an individual like Mr. Sowell may need. And I think that the Psychiatric Security Review Board where it has doctors embedded in the team is a much more helpful.

I hope that's answered your question. If you need any further information, I would be happy to provide it.

REP. STAFSTROM (129TH): Sure. So, Judge, just -- just to be clear, so you don't -- you don't believe the bond that was set in this case to be excessive, as you look back it, in hindsight?

HONORABLE JUDGE ALEXANDER: No, not given the danger to the community. Again, you know, I -- I think Judges, when you look at schools, you look at places of worship, if some kind of unexpected and violent action occurs there, I think there is an obligation, based on the laws that we have to apply, to protect the community. I also think the fact that there are additional warrants coming that's a factor that a court considers in setting bail.

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REP. STAFSTROM (129TH): So, Judge, just -- just to be clear, we -- certainly, it's not the role of this Committee to second guess kind of an individual decision made in any individual case. But -- but what we need to look at is sort of your decision making process. And so, when you talk about these other considerations that went in, is that your typical process or normal -- normal way of looking at whether -- whether an -- at what amount a bond should be set?

HONORABLE JUDGE ALEXANDER: Correct. The -- the -- any Criminal Judge, myself included, is going to look to the legislation as to conditions of release and factors to be considered that are codified in our Practice Book Rules. And if I'm anything, I'm analytical and consistent. I guess it's based on my dad being a tool and die maker and myself being trained as a mechanical engineer.

You will see me apply exactly what you write as legislation to the letter because I think that's my obligation as a Court to apply the law that you set as our policy. And I have always been committed to do that. And I believe I did so on this case.

I spoke to his mother at virtually every Court appearance. I can remember her at the arraignment where I told her she should talk to the Public Defender Social Workers, get us information. I never, again, excluded her or did not acknowledge her or her mental health concerns for her son.

Candidly, Mr. Sowell is -- is blessed to have a mother who is such a great advocate for him and strives to do better. I don't think that mental health is easy to deal with. I think that's something every branch of government struggles with.

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And sometimes when it comes into the Court, again, I -- and I don't mean to take Judge Keller's words, we're -- we're not perfect, but we try to do the best that we can.

REP. STAFSTROM (129TH): Thank you, Judge.

SENATOR WINFIELD (10TH): Thank you, Representative Stafstrom. Comments, questions from other members of the Committee?

SENATOR KISSEL (7TH): Mr. Chair? This is John.

SENATOR WINFIELD (10TH): Senator Kissel.

SENATOR KISSEL (7TH): Thank you, Mr. Chair. Your Honor, congratulations.

HONORABLE JUDGE ALEXANDER: Thank you.

SENATOR KISSEL (7TH): So, did this gentleman, when -- when you talk about this -- this case, and the procedure you went through to evaluate his application, was that accelerated rehabilitation?

HONORABLE JUDGE ALEXANDER: It was the Supervised Diversion Program, which is the accelerated rehabilitation for persons with mental health issues.

SENATOR KISSEL (7TH): Okay. And I -- I just want to remind other members of the Committee, if Judge Bentivegna sent this gentleman away for 21 years, Judge Bentivegna is the individual that raised the red flag regarding Mr. Komisarjevsky as well. And that was a terror to our State and created huge ramifications for many, many years.

So, as this moved out of your hands, in -- in my opinion, and I know Judge Taylor as well, former staffer of Senate Democrats, I mean there was some

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really smart folks that reviewed this case, I appreciate the love a mother has for her child, son or daughter, but the -- the fact pattern that you -- you -- you stated just now, in my opinion, is -- is horrific. I mean, you got this elderly woman and it's -- in my view, that's a carjacking and then running into a group of people mourning at a cemetery and wounding a 10-year-old kid, I think that's about bad as it gets.

Yeah, bail should not be used to just sort of like not allow people out of jail until they are arraigned or face the Prosecutor. But this is a string of really bad events. And you know, a lot of folks on this Committee worked real hard on a hate crimes bill, and while this may not rise to the level of a hate crime, when you're doing malicious damage and putting people in peril in a graveyard while they're mourning -- you know, spray painting a church or a synagogue that's real, real bad. But this is really, really bad too. And this puts peoples' lives in danger.

This is going to be an oddball question. When you read your opening statement, Your Honor, you sounded so serious. You didn't sound exuberant, and you didn't sound excited to be going to the Appellate Court. And I'm just wondering if there's some sort of trepidation there or -- or hesitancy because I'm -- I'm happy to support your nomination to the Appellate Court, and I think you've done an outstanding job your entire career.

HONORABLE JUDGE ALEXANDER: I think you hear the seriousness, because I'm -- I'm still in shock and humbled that I've been offered this opportunity. And I think that what I bring is an extensive

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knowledge of what a Trial Court is like. Criminal courts are certainly chaotic places. They don't always run smoothly. But we do our best to be fair and consistent. So, I think I'm still -- I would say in shock and that's probably not the best word, but I am extraordinarily humbled by this opportunity.

SENATOR KISSEL (7TH): Well, one of the things that we always watch out for, and I hope I'm still on -- yeah, I am, is what we colloquially call robotitus when becoming a Judge or wearing the gown goes to a person's head, and the fact that you are humbled by this nomination to the Appellate Court and sort of have that kind of hesitancy, actually it's quite reassuring. And the fact, again, when you said you didn't want to take from Judge Keller, but the fact that you have also acknowledged, I do the best I can, but we're all mortals and we make mistakes, you know, as legislators, we're in the same boat. We're all mortals. We make mistakes. But again, I just want it on the record that I think your clarification of what took place in this matter was -- was excellent. I support your nomination to the Appellate Court and I congratulate you. Thank --

HONORABLE JUDGE ALEXANDER: Thank you.

SENATOR KISSEL (7TH): -- you, Mr. Chair.

HONORABLE JUDGE ALEXANDER: Thank you very much. Mr. -- Mr. Chair, may I just -- because I don't want the wrong Judge to be assigned to it, it was Judge Carl Taylor, I know both Judges Taylor and it was Carl Taylor.

SENATOR WINFIELD (10TH): Thank you.

SENATOR KISSEL (7TH): Okay. Sorry. But I know --

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HONORABLE JUDGE ALEXANDER: It's okay.

SENATOR KISSEL (7TH): -- Judge Carl Taylor, too, and he's a great Judge.

HONORABLE JUDGE ALEXANDER: I -- I'm just -- I -- I -- I -- I'm sorry, I just wanted to get the record straight.

SENATOR WINFIELD (10TH): No, we appreciate that.

SENATOR KISSEL (7TH): Mark, Carl, too many Taylors.

HONORABLE JUDGE ALEXANDER: [Laughing].

SENATOR WINFIELD (10TH): Appreciate the clarification. Thank you, Senator Kissel. Senator McCrory.

SENATOR MCCRORY (2ND): Thank you, Mr. Chair. I -- I'm sorry, I came a little late. I just got on like 10 minutes ago, so I missed the other Judge's [inaudible 57:33] --

SENATOR WINFIELD (10TH): Senator McCrory?

SENATOR MCCRORY (2ND): Can you hear me? Can you hear me?

SENATOR WINFIELD (10TH): I feel like I faintly hear something, but I --

SENATOR MCCRORY (2ND): Can you hear me now?

SENATOR WINFIELD (10TH): Okay. We'll -- we'll skip Senator McCrory. And the -- there was Senator Lesser.

SENATOR LESSER (9TH): Yes. Thank you, Mr. Chairman. And thank you, Judge Alexander for your testimony. And -- and congratulations again on your -- on your proposed elevation. It's good to

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see you. And it's an honor to represent you in -- in Cromwell.

Prior to your service as a Judge, you served for, I think 12 years in the Department -- Division of Criminal Justice. And I was just wondering, could you talk a little bit more about that? I know theories and attitudes towards justice have evolved over the past 8 years -- and would just love to hear more about -- about your experience there and, you know, particularly any -- any work at the time involving the Appellate Court?

HONORABLE JUDGE ALEXANDER: With respect to my time as a Prosecutor, I worked in Waterbury, Hartford, and then at statewide prosecution. I had been assigned a lot of the forensic cases. And I -- it seems strange to talk about it now, but when we started as a Prosecutor -- uh -- the level of forensics evaluation was for type A, B, O positive and negative blood. As the -- my career progressed, it added things like DNA, all of which were kind of natural from my college days.

I think that being a Prosecutor is one of the most important functions in the Criminal Justice System because you have the power to prosecute or not prosecute someone. And I -- I submit to this Committee that the -- the greater power is to not prosecute, to show compassion and -- and kindness, and to do the right thing. And that was always my -- my belief as a Prosecutor. I never wanted anyone to be put through a system and be wrongfully convicted.

And again, as a Judge that has carried on where I will, again, carefully analyze every aspect of the case to make sure that the person before a Court is

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treated fairly and in a consistent manner. And that's why the Constitution is important and that's why you're legislation is important. And I was always grateful for the Appellate Court system that is part of Judicial Branch because a lot of times at the trial court level, we are rushed, it's a much faster pace. And I think that, as a Judge, I would want three component Judges to look at my work. And if I'm wrong, I want to be corrected. And I think that's just an exceptional part of our system.

SENATOR LESSER (9TH): Thank you. And the pandemic, in particular, has created new challenges for access to justice and fairness, particularly for the indigent, for people with mental illness, both civilly and -- and on the criminal side. But can you just talk about how you think the Judicial Branch should continue to balance competing issues about access to justice and fairness during the present situation?

HONORABLE JUDGE ALEXANDER: I -- I think that through this pandemic, the Judicial Branch has done an extraordinary job. When we had to consolidate into six courthouse locations, Bridgeport was one of the ones that remained open, and I went in daily. And I think one of the primary concerns, obviously, was the health and safety of everyone, but we never stopped taking in cases, especially cases through Family Court, through Juvenile Court, and through Criminal Court, where important cases were being litigated.

One of the things that, and I know Judge Carroll and Judge Bozzuto heard me say all the time, if we can't do it for all people, then we shouldn't do it. And by that, I mean, simply because the Stanford Court

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was closed or Milford Court was closed, all of those individuals who had needs before the Court had to get access to that Court and couldn't be told because their Court was closed, they couldn't access us. And I think we really made a concentrated effort to keep ourselves open to everyone who lives in the State.

SENATOR LESSER (9TH): Thank you.

SENATOR WINFIELD (10TH): Senator Lesser, are you done?

SENATOR LESSER (9TH): I am, yes. Thank you. Thank you, Judge Alexander.

HONORABLE JUDGE ALEXANDER: Thank you.

SENATOR LESSER (9TH): And thank you, Mr. Chairman.

HONORABLE JUDGE ALEXANDER: Thank you.

SENATOR WINFIELD (10TH): Thank you, Senator. Representative Horn and then we'll try Senator McCrory again.

REP. HORN (64TH): Thank you, Mr. Chair. I just wanted to -- Judge Alexander, I just -- I was very much struck by a comment that, Senator Lesser, about being as proud of the cases that you didn't prosecute as of the ones that you did because I, too, am a Former Prosecutor and that is something that I carry with me every day.

And -- and I -- I just -- I wanted to just take note of the importance of that because it's not about -- you know, when you -- when you are a Prosecutor you have a special set of [laughing] responsibilities, and it is not just devil's advocacy, it is about trying to find the truth and do the right thing.

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And I just wanted to make a special note of how important it is to me to have heard you say that. And -- and also note just the gravity with which you clearly take your position. And -- and that, combined with your very distinguished record, clearly make you a -- an excellent [inaudible 01:04:06] and I look forward to your -- to your long service. Thank you. Thank you, Mr. Chair.

HONORABLE JUDGE ALEXANDER: Thank you.

SENATOR WINFIELD (10TH): Thank you, Representative. Senator McCrory.

SENATOR MCCRORY (2ND): Yes. Mr. Chair, can you hear me now?

SENATOR WINFIELD (10TH): We do hear you.

SENATOR MCCRORY (2ND): Okay. Thank you. And Your Honor, congratulations on being nominated.

HONORABLE JUDGE ALEXANDER: Thank you.

SENATOR MCCRORY (2ND): I believe we met a couple years ago out in Britain.

HONORABLE JUDGE ALEXANDER: Correct.

SENATOR MCCRORY (2ND): Yes. And I was -- I was extremely impressed with the -- the time I had to spend out there with you and the people that work in the court system out there. I -- I -- I am -- I still remember the conversations we have about the criminal justice system and how things work, and given the opportunity to watch a case before you.

But my question is, and I'm -- and I -- I just got on, so forgive me if I missed someone else who went before you. And -- and my -- my question or comment is pretty much going -- is going to be asked -- I'm

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going to ask everyone, in this concept of criminal justice reform, and I heard earlier you said that you -- you're not perfect, but you do the best you can. I agree. However, for some folks in this system -- this system -- in the society, there's a perception, whether it's real or -- or belief that they always get the short end of the stick and the criminal justice system is never or rarely works in their favor. And I'm talking about people who are from marginalized community. I'm talking about poor people. I'm talking about people who don't have access to buy a higher private attorney. In -- in your eyes and your experience, do you think any of that is true? Yes or no.

And if yes, what do you think needs to be done or what can you do from your vantage point to change the system so that that perception, whether it's real or fake, and I believe it's true because I studied this, even though I'm not a lawyer, what can be done to fix it?

HONORABLE JUDGE ALEXANDER: I believe -- yes, my answer is yes. I'm going to do it the way you asked. And then, I'm going to say that I think that we can always strive to be better. I think one of the difficulties in Criminal Court, again is the chaotic nature of some peoples' lives. And -- and I say that, again, out of the thousands of cases I have -- I have looked at, and we become the end of their -- where they don't want to be. And I candidly think that, if I could read reports where children were educated, and I didn't have to rely on the Department of Corrections to get them a GED, but they actually had it strong enough in their community that their education, kind of like what my parents said to me, is your job and they should get

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it. Stabilized housing, extraordinarily important but again missing.

And I think there was an initiative several years ago, and I think it was the Amends Initiative, it was called Cradle to College and I thought that -- how much better a program can you get that that you keep out of the system. And -- and that's really what should be our goal. The system should invest in programs that allow for education, programs that address substance issues, programs that take care of PTSD and mental health issues. And I think that judicial has responded. Certainly, from the time when I started as a Prosecutor to the time I am, you know, here 30 plus years later, I think there's been tremendous advancements. But do I think there can be more? Absolutely. And I hope that we could sit down together and come up with the best solutions.

SENATOR MCCRORY (2ND): Well, I -- I thank you for your response and I would love to do that. I think some of the things you highlighted around education stuff, that's like changing -- turning on the Titanic, that's going to take a lot of time. Unfortunately, we have people that's already in the system and they're looking for justice and with -- with -- of -- of not blind justice but open-eye justice. And if you're willing to do that, I'm willing to help -- you'll be hearing from me as we move forward. And congratulations. And again, I really do appreciate you spending time with me a couple years ago and I was really -- really impressed with the way you operate. Thank you.

HONORABLE JUDGE ALEXANDER: Thank you, Senator.

SENATOR WINFIELD (10TH): Thank you, Senator McCrory. Are there comments or questions from other

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members of the Committee? I do not see any. I want to just take a moment to thank you for joining us today. And just a little bit to the -- the last exchange with Senator McCrory, I -- I appreciate your answer. I -- I, as an individual, feel as though I would like for the people who, from time to time, sit in the seat that you're in to have an answer about not just a commentary on a system itself, but what their role can be in this.

And while I appreciate the -- the potential of sitting together, I would also say to the branch as a whole, that you are experiencing what it is to have those people before. And I -- I recognize the separations we have. But the -- the people here coming to you and saying we want to do certain things is -- is good. But it's probably, to some degree, more important that you all come to us on a more regular basis and say what it is that actually needs to happen. But again, thank you for joining us today. And we will now move to the next individual.

HONORABLE JUDGE ALEXANDER: Thank you for your consideration.

SENATOR WINFIELD (10TH): And while we clean up between individuals, I will recess the Committee.

We will resume the Committee meeting. If you will raise your right hand? Do you swear or affirm, as the case may be, that the information you will provide to this Committee will be the truth, the whole truth, and nothing but the truth, so help you God, or under penalty of perjury?

HONORABLE JUDGE CRADLE: Yes, I do.

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SENATOR WINFIELD (10TH): Thank you. You may have a seat and begin your testimony. Turn your microphone on as well.

HONORABLE JUDGE CRADLE: Thank you very much. Good morning, Chairman Winfield, Chairman Stafstrom, Senator Kissel, Representative Rebimbas, and distinguished members of the Judiciary Committee. It is a distinct honor to appear before you today. And I would like to take the opportunity to thank Governor Lamont for his trust in nominating me for a position as a Judge of the Appellate Court.

By way of background, I grew up in the town of Hammond, where I attended public schools, and graduated from Hammond High School in 1989. My father is African-American and my mother is a native of Germany. My mother earned her citizenship of the United States when I was in elementary school. My parents were married during a time when interracial marriages were illegal in many states. And the year they wed, the constitutionality of those laws were challenged before the United States Supreme Court.

At that time, my parents could not have envisioned that their daughter would become a Judge of the Superior Court, let alone a nominee for a position as a Judge of the Appellate Court. The lessons that I have learned from them have provided me with a strong positive value system that has shaped the person that I am today, and it is very reason I'm committed to public service.

After attending college at Adelphi University and graduating from Seton Hall University School of Law in 1998, I briefly practiced at a small general practice firm in Hartford.

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In 2000, I was appointed an Assistant State's Attorney, where I prosecuted and tried misdemeanor and felony cases to conclusion. I was appointed a Superior Court Judge by Governor Malloy in 2013. My first assignment was in Bridgeport G.A. 2 where I presided over a heavy and challenging domestic violence and motor vehicle docket.

In 2014, I was assigned to G.A. 23 in New Haven where I'm currently serving as the Presiding Judge. As Presiding Judge, I handle a heavy pretrial docket where I assist parties in the resolution of their cases. This process requires a thoughtful analysis of the factual and legal issues of this -- of each case. My work has included trials, evidentiary hearings, administrative appeals, and writing memorandum of decisions.

I mentor young lawyers and students, which I find particularly rewarding. I help train newly appointed Judges and have served as a mentor to many of them through the Branch's mentorship program. I have been privileged to serve on various committees and commissions with my colleagues such as the Rules Committee, the Law Library Committee, the Criminal Justice System -- Commission, I'm sorry, and the Connecticut Bar Association Opioid Task Force Committee.

I'm fortunate to have been afforded diverse opportunities and experience that provided me with a solid foundation as a Trial Court Judge. The myriad of challenging cases that I've handled will enable me to take on the intellectual challenges and the awesome responsibility that is required to be an Appellate Court Judge.

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I'm thankful to have had the opportunity to work with many talented and experienced Judges who have supported me. I'm indebted [sic] to -- indebted to my mentors who have encouraged my every step and instilled in me my responsibility to pay it forward, and I'm committed to doing just that.

I would be remiss if I did not take the opportunity to thank my husband, who has always given me his full -- full support despite his own obligations. I would also like to thank my daughters, Sydney (phonetic) and Payton (phonetic) for their love and their patience.

I realize that, if approved, this next step in my career will provide new, fascinating, and exciting challenges. I eagerly welcome them. I'm proud to have served the State of Connecticut and its citizens for the past 20 years, and it would be an honor and a privilege for me to do so -- to continue to do so as a Judge of the Appellate Court. I would be happy to answer any questions that you may have.

SENATOR WINFIELD (10TH): Thank you. Are there questions or comments from others -- from members of the Committee?

SENATOR KISSEL (7TH): Mr. Chair?

SENATOR WINFIELD (10TH): Senator Kissel.

SENATOR KISSEL (7TH): Thank you very much, Chairman Winfield. Well, congratulations, Your Honor.

HONORABLE JUDGE CRADLE: Thank you.

SENATOR KISSEL (7TH): It seems like around -- you know, occasionally we get these stellar candidates that just move up the ladder real, real fast. And

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did I hear you correctly in saying that you've been a Judge for just seven years?

HONORABLE JUDGE CRADLE: I did.

SENATOR KISSEL (7TH): All right. So, that -- I appreciate your self-confidence, but what can tell us that you have as a wealth of experience that would allow you to move up even quicker than an eight-year term that a regular Superior Court Judge would have in their first term?

HONORABLE JUDGE CRADLE: All right. Well, I think the way I would answer that is the nature of my assignments. I have sat, like I indicated in my opening statement, in Bridgeport where I handled a -- you know, a very challenging domestic violence and motor vehicle docket. I was in Bridgeport in that assignment for approximately 13 months until I was assigned to New Haven, where I became the Presiding Judge and have handled a -- a variety of difficult and challenging matters.

As I had indicated, I've had the opportunity to do, you know, evidentiary hearings, trials, have sat on three-judge panels, I've handled administrative appeals which is somewhat akin to the responsibilities and the nature of the work as an Appellate Court Judge would do.

I've had a diverse amount of experiences. I've handled a heavy caseload in a very fast-paced environment as Presiding Judge again and discussing cases with the parties, your -- you know, careful -- carefully analyzing legal issues, you're discussing them with the parties in an attempt to see whether not you can resolve a case or whether or not you can assign it for trial. I think my experience and my

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assignments have quite well prepared me for this new challenge if I'm approved.

SENATOR KISSEL (7TH): Well, I don't -- I -- I'm not going to not support you, that's certain. Part of me sort of feels bad for people that have been in the trenches for decades and they get passed over and then other individuals just seem to like hop on forward. And I -- I don't know the magic or the mystery to it, to be quite frank. I don't diminish your experience. But it seems to me that the Appellate Court is going to be a different place and a different skillset than -- because you're not going to be interacting with other individuals or doing pretrial conferences or trying to negotiate settlements.

And I'm just wondering -- I just need that other piece of a puzzle, if you have it, that the scholarly side of you can do what the Appellate Court does, because you're just going to have folks coming in, pitching their, you know, two sides, and then you got to go back into the law library, the computer, the database and crunch it all down and work with your colleagues on the Appellate Court and figure out what's the most just verdict at that point that can be gotten. And I -- and again I'm not trying to -- I'm not trying to be heavy-handed at all. I'm very happy for you. But I always get a little hesitant when people rise up through the ranks superfast.

HONORABLE JUDGE CRADLE: Right. I can't -- I can't answer why me, you know. Certainly, I can say, I think that I am prepared and my experiences prepared me for this -- for this opportunity, if I'm fortunate to get this opportunity. I think that,

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you know, an analysis in the Appellate Court -- you know, in my position now, I consistently have to analyze the law and apply the facts to it.

As I indicated, also I've had the opportunity to sit on three-judges panel. That has been quite a rewarding experience for me also because I'm able to engage in the collaborative process with my colleagues and I've enjoyed doing that very much. I think, you know, analysis of legal issues in -- in a sense is the same. I'm certainly prepared to put in the work. And you know, and I'm excited if I'm provided with this opportunity.

SENATOR KISSEL (7TH): And I guess my last question, Mr. Chair, is the whole [inaudible 1:21:19] thing when you -- when you rise up through the ranks real fast, it -- it might have the potential to go to your head. You don't strike me as an individual where that would happen. But what assurances can you give us that you will stay grounded and humble in your new position?

HONORABLE JUDGE CRADLE: I don't think that that has been an issue for me before, and I don't anticipate that ever changing. You know, I have -- I come from a family that is extremely humble. And certainly, if I ever thought I was more than what I am, they would certainly be quick to put me in my place. I am grateful for every opportunity that I've had. I've grateful to be a Superior Court Judge. I feel very fortunate for every opportunity that I've had, not -- not just getting to the bench, but since I've been on the bench, and I don't think that'll ever change.

SENATOR KISSEL (7TH): That's terrific. I'm sorry I said that was my last question. I'm going to throw

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one last, it's not a curveball. How old are your kids?

HONORABLE JUDGE CRADLE: Thirteen and 8.

SENATOR KISSEL (7TH): They will keep you humble.

HONORABLE JUDGE CRADLE: They will. [Laughing].

SENATOR KISSEL (7TH): So, I congratulate you. [Laughing]. And I thank you for your openness and answers. Thank you, Mr. Chairman.

HONORABLE JUDGE CRADLE: I appreciate it, thank you.

SENATOR WINFIELD (10TH): Thank you, Senator McCrory. We will hear from Senator Bradley, followed by Rep. Miller and then Rep. Porter. Senator Bradley.

HONORABLE JUDGE CRADLE: Thank you.

SENATOR WINFIELD (10TH): Senator Bradley? We will skip to Rep. Miller and then see if we can Senator Bradley to go.

SENATOR KISSEL (7TH): By the way, I'm Senator Kissel not Senator McCrory.

HONORABLE JUDGE CRADLE: [Laughing].

SENATOR WINFIELD (10TH): Sorry.

REP. MILLER (145TH): Okay. Thank you, Mr. Chair. Can you hear me?

SENATOR WINFIELD (10TH): I do hear you. Proceed.

REP. MILLER (145TH): Thank you. Thank you very much. Good afternoon, Judge Cradle. And congratulations on your nomination.

HONORABLE JUDGE CRADLE: Thank you.

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REP. MILLER (145TH): I just wanted some clarification on Number 21 of the Questionnaire. It talks about -- asks about complaints. In October of 2017, a Paul -- is it Martoni [phonetic] --

HONORABLE JUDGE CRADLE: Martone.

REP. MILLER (145TH): -- filed a plaintiff issue alleging that you imposed an indeterminate sentence and -- and properly denied his request for sentence modification. I was wondering if you could expound on that somewhat some?

HONORABLE JUDGE CRADLE: Sure, I certainly can. Mr. Martone -- thank you very much. Mr. Martone was before me, he was represented by an attorney. I do not recall the -- the charges, but at the time of sentencing, I imposed his sentence, and it was -- it was a split sentence, if I remember correctly. I had indicated on the record that I was sentencing him to a certain period of time, execution suspended after six months.

As I said six months, I somewhat stuttered, I said three -- I said three -- six months and then followed by a period of probation. I had clarified that -- the attorney understood it to be a sentence after six months. The Courtroom Clerk understood it to be six -- a sentence after six months. Mr. Martone thought that I imposed a -- a split sentence between three and six months. I brought him back to clarify what I said. And -- and his attorney, again, as I said, understood it to be a split sentence after six months. He did file a complaint. The complaint was dismissed. It didn't require any further input from me.

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REP. MILLER (145TH): Thank you for that clarification. And again, I want to say congratulations. I think the fact that you've only been a Judge for seven years and now being considered for the Appellate Court, speaks volume -- volumes to who you are. And so, thank you again and congratulations.

HONORABLE JUDGE CRADLE: Thank you.

SENATOR WINFIELD (10TH): Thank you, Representative Miller. Is Senator Bradley able to communicate? I know that he called, and because he had issues with Zoom, so he may be muted. Senator Bradley? We'll find out what number he's on and make sure he's unmuted. Representative Porter, followed by Senator McCrory.

REP. PORTER (94TH): Thank you, Mr. Chair. And congratulations Judge Cradle on your nomination. I actually have been in Court in support of people that have come before you. So, I just want to say that I -- it -- it -- I am really pleased to see you sitting before us being considered for this nomination. I believe, as the good Representative Miller just stated, I'm proud and I believe that your record speaks volumes. [Laughing].

I laugh because it's something we call black girl magic, just listening to your story and -- and -- and your journey and how you have arrived at this point, I know makes your family proud. But I just basically wanted to let you know how proud it makes me, personally. And I wholeheartedly support your nomination for this position and wish you all the best moving forward. Thank you, Mr. Chair.

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HONORABLE JUDGE CRADLE: I appreciate your comments very much. Thank you.

SENATOR WINFIELD (10TH): Thank you, Representative Porter. Senator McCrory.

SENATOR MCCRORY (2ND): Can you -- Mr. Chair --

SENATOR WINFIELD (10TH): Yes.

SENATOR MCCRORY (2ND): Can you hear me?

SENATOR WINFIELD (10TH): Yes.

SENATOR MCCRORY (2ND): Great. Thank you, Mr. Chair. And Your Honor, congratulations on being nominated. Like I said, my line of questioning is going to be consistent with everyone that come before us. There's a perception out there real or imagined if -- that the criminal justice system isn't quite fair to everyone, especially those who are from marginalized community, especially those who are black, brown.

Well, my question and comment will be, do you perceive -- do you believe that it is true and if it is, what can you do about it and what should we do about it? Me, personally, as an educator I know there's a lot of issues in education. And in -- in my seat, while being an educator, I also studied these issues around education.

And my last question will be, do you study the issues around the sometimes -- the criminal justice system as it's viewed through the eyes of those who feel as though it's not just? I guess those are my two comments. And then, if I have to follow up, I'll follow up, ma'am.

HONORABLE JUDGE CRADLE: Sure.

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SENATOR MCCRORY (2ND): But --

HONORABLE JUDGE CRADLE: All right. Thank you, Senator McCrory. I -- you know, certainly -- excuse me, certainly I think there are issues in the criminal justice system, and I understand and appreciate why people can perceive that sometimes. Earlier, I -- I know you were talking with -- speaking with Judge Alexander, you -- you mentioned that sometimes people feel that they don't have the benefit of hiring a private attorney.

And I would say though, that some of the Public Defenders that we have and especially in -- in New Haven are -- are some of the best attorneys. The criminal justice system is not perfect. And it continues to be something that I think could have all parties need to -- to -- to work on in the system, including the legislature, and I know that you have all been hard at work recently.

In terms of how a Judge can handle these -- these issues or these inequalities, so to speak, I think it's important that we are, you know, we're mindful also of our own implicit biases. I think it's important that we -- when someone comes before us, we treat them with dignity and we treat with them respect. We ensure that they have ability to be heard, I think that's very important.

And then I think there's, you know, some simple things that we can do is ensure that people feel like human beings before us, make sure you get their name correctly. For some individuals, I know that have difficulty and feel like they're in the position where they may lose their jobs, sometimes I give them the alternative of perhaps giving them

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a -- a later -- a later marking, in other words an afternoon Court date.

And I think just, you know, openness, transparency and also making sure that people feel heard, and that they're people. I think you know, it -- it helps. And that's -- those are things that Judges can do.

In terms of reading, you know, I try my best to keep up with reading on -- on different social issues. I'm -- like I'm concurrently reading Emily Bazelon's, *Charged*. I've been trying to get through that book during quarantine. I'm familiar with Michelle Alexander's work. She wrote a book a -- *New Jim Crow*, that is on mass incarceration and, also the effect that the war on drugs has had on -- on leading to individuals being incarcerated in black, people of color at a higher rate. I also follow her. She writes -- she's an opinion writer for the *New York Times*, so I try to read her articles as well. You know, things I come across, if I come across a podcast, if I -- I -- I try to keep myself abreast of the issues, you know, that we -- that the -- our criminal justice system faces and, you know, what improvements, you know, are necessary.

SENATOR MCCRORY (2ND): Well, one thing I like so far, [laughing] I mean I like a lot of things, I heard you -- I listened to your testimony and I read about you -- and I, myself, I'm reading *Charged*, too [laughter], and I'm trying to get through it through the pandemic also. So, at least we got a couple things in common. But I appreciate your commentary and -- and the fact that you only have seven years' experience doesn't really trouble me as much because

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your experience has been in large -- large cities where you have an opportunity to explore, learn, and go -- have a lot of cases before you. So, the fact that only -- you've only been on the bench for seven years isn't a deterrent for me. So, I -- but I appreciate your answers and I look forward to our voting. Thank you.

HONORABLE JUDGE CRADLE: Thank you very much.

SENATOR WINFIELD (10TH): Thank you, Senator McCrory. Representative Carpino.

REP. CARPINO (32ND): Thank you, Mr. Chairman. Good morning and congratulations.

HONORABLE JUDGE CRADLE: Thank you.

REP. CARPINO (32ND): I just want to ask you a question of, to clarify Number 17 on the Questionnaire, and hopefully, it's front of you. But it's really just meant to flush out a little bit, it talks about consensus. And --

HONORABLE JUDGE CRADLE: Which Questionnaire are you referring to? The --

REP. CARPINO (32ND): The one given to --

HONORABLE JUDGE CRADLE: Okay.

REP. CARPINO (32ND): -- us. It's your Judicial Questionnaire. And -- and I can state the question for you, I suspect you'll be able to answer it. It talks about whether you'd be willing to be openminded and being on the Appellate Court, the ability to build a consensus. And I really did want to commend you on your -- your answer about being openminded and listening to your fellow colleagues.

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But sometimes, I suspect, good Judges are like good lawyers, and they'll disagree.

So, my question to you is, although it may be unpopular, if after listening to your fellow -- your colleagues, are you going to be willing to -- to stand on your own if you are the -- the one vote that disagrees with your colleagues, because in this building, and -- and I've seen in -- in the court system, sometimes a decision can be unpopular and -- and you're left to stand alone, and would you be comfortable doing that after doing your research and your review of what's before you, will you be comfortable standing on your own, if that's truly what you believe is the right answer?

HONORABLE JUDGE CRADLE: I -- I think that, you know, I would be. I think that -- I think the whole point you do want to try to reach a consensus. It is a collaborative process. You do want to try to do that. But if, based on my research, if based on my discussions with my colleagues, I came to a -- a conclusion, based on the law that was contrary to theirs, then yes, I would -- I believe I would be able to stand by that. But again, we look to the law. We apply the law. So, my -- my reasoning would have to be grounded in the law.

REP. CARPINO (32ND): And I appreciate that. And I think that's important for the public to know that people can disagree on their reading of the law and that the public needs to understand that individual Judges will do what they believe to be the correct application of the law, whether it is popular or unpopular. So, thank you.

And then, I really did want to commend you on a couple of your other answers. Number 7 has to do

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with conflicts, and that's a -- that's a personal pet peeve of mine because we do talk about perception being reality and -- and you took the time to note that, even the appearance of a conflict, would cause you to recuse yourself. And -- and I really want to commend you for that --

HONORABLE JUDGE CRADLE: Thank you.

REP. CARPINO (32ND): -- because perception is sometimes reality. So, the fact that you went above and beyond and made that point clear, I -- I really do want to commend you. Congratulations on your nomination. I look forward to seeing you up there.

HONORABLE JUDGE CRADLE: Thank you. I appreciate it.

SENATOR WINFIELD (10TH): Thank you, Representative. Are there comments or questions from other members of the Committee? I don't see any further comments or questions. So, I'll just thank you for joining us today. And I was appreciative of your answers, too. And it sounds like you have a good reading list going on there.

HONORABLE JUDGE CRADLE: [Laughing].

SENATOR WINFIELD (10TH): So, thank you very much.

HONORABLE JUDGE CRADLE: All right. Thank you.

SENATOR WINFIELD (10TH): Have a great day.

REP. REBIMBAS (70TH): Mr. Chairman, this is State Representative --

SENATOR WINFIELD (10TH): Oh --

REP. REBIMBAS (70TH): -- Rosa Rebimbas.

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SENATOR WINFIELD (10TH): -- thank you, Rosa. Thank you, I --

REP. REBIMBAS (70TH): [Laughing].

SENATOR WINFIELD (10TH): Thank you. Representative Rebinbas.

REP. REBIMBAS (70TH): Thank you, my apologies. Thank you, Mr. Chairman. I -- I believe he had forgotten I had mentioned it and I understand we had heard from several other members of the Committee. With that said, I couldn't lose this opportunity, especially in light of some of the questions that have been highlighted, I want to congratulate you on your nomination.

I -- as I sit here, and I've seen over the years many different nominees come before us, some of which who have, you know, gone through judicial selection, you know, many years ago, been serving for many more years, decades, even longer than you have. And even when they come before us, I still question whether or not they've got the skillset necessary to serve in the elevated position that they've applied for. That it could not be the farthest from the truth as I am here today. With that said, I think it's pretty evident and it's been said before, I think it's your skills, your talent, your demeanor that you showcased even here today through this line of questioning, and certainly as Representative Carpino had indicated regarding the Questionnaire, so very thoroughly answered.

I've had the privilege of serving on the taskforce with you. I've seen you in -- in the Court, and you truly do have the respect of your colleagues and the attorneys who appear before you. That speaks

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volumes. And certainly the individuals who appear in Court, as you had indicated, the simple measure of even just getting the name right, the fact that even that small detail is not missed by you, it certainly, again, speaks volumes to who you are and how you conduct yourself on the bench. So, it's my honor to be here to support you in moving up on your elevation and look forward to seeing you serving in that position. So, congratulations, again.

HONORABLE JUDGE CRADLE: Thank you so much. And I really appreciate your kind words. Thank you.

SENATOR WINFIELD (10TH): And thank you again for joining us. And sorry, I almost missed that one.

HONORABLE JUDGE CRADLE: [Laughing].

SENATOR WINFIELD (10TH): Have a great day.

HONORABLE JUDGE CRADLE: Thank you. You, too.

SENATOR WINFIELD (10TH): Next we will hear from the Honorable Jose A. Suarez of Chester. And we'll stand in recess while we prepare for the next person to -- to take the seat.

Okay. We will bring this meeting back to order. If you'd stand and raise your right hand. Do you swear or affirm, as the case may be, that the information you provide to this Committee will be the truth, the whole truth and nothing but the truth, so help you God, or under penalty of perjury?

HONORABLE JUDGE SUAREZ: I do.

SENATOR WINFIELD (10TH): You may take a seat and begin your statement.

HONORABLE JUDGE SUAREZ: Thank you. Good morning, Chairman Winfield, Chairman Stafstrom, Senator

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Kissel, Senator Rebinbas, and distinguished members of the Judiciary Committee. My name is Judge Suarez. I'm honored to be given the opportunity to appear before you today. And thank you for your time and consideration. I would also like to thank Governor Lamont for nominating me to the Appellate Court and to my family for their love and support.

By way of background, I was born in San Jose, Puerto Rico in 1966 and I moved with my family to Connecticut in the summer of 1977 when I was just 11 and a half years old. It was a real struggle for our family to move from our home where we were surrounded with our family and friends to a town -- small town in Connecticut where we were different from everyone else. My siblings and I were the only non-English speaking students in the entire school system. My mother was an English, as a second language, teacher in Stanford and worked part-time in retail as a home health aide. My father worked as a Court Clerk and at times security. It was that sacrifice for our family that inspires me to work hard today.

Following my graduation from Wilton High School in 1984, I graduated from the University of Dayton in 1989 and from the University of Connecticut School of Law in 1993. I spent most of my new career in the office of the Attorney General, where I handled complex child protection and environmental matters.

I was originally appointed to the Superior Court in February 2009. I first served in the [inaudible 01:41:26] Judicial District where I presided over G.A., juvenile and family matters. In September 2012, I was assigned to the Hartford Judicial District, where I presided over criminal jury trials

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ranging from murders, sexual assaults to disorderly conduct.

In September 2015, I was transferred to the Hartford Family Court, where I served as the Presiding Judge. And from September 2017 to the present, I've served -- I've been -- I've served as the Administrative Judge of the Middlesex Judicial District where I'm also the Presiding Judge in criminal and family matters.

During my time on the bench, I have authored approximately 90 opinions, presided over approximately 50 jury trials, and countless courtside trials. In addition to my judiciary review -- my judicial responsibilities, I was appointed to serve as an alternate member on the Judicial Review Council.

I'm truly humbled and privileged to serve the people of the State of Connecticut as a Superior Court Judge. The decisions Judges make on a daily basis have a significant impact on peoples' lives. It is that important responsibility that I take very seriously, and because of that, I carefully review the law and the evidence presented in each case to reach a fair and just decision on the law as I understand it to be.

I'll be honored and most grateful to this Committee if it deems me fit and qualified to serve the people of the State of Connecticut as a Judge on the Appellate Court. I thank you for your time and your consideration. And I'm happy to answer any questions you might have.

REP. STAFSTROM (129TH): Thank you.

SENATOR KISSEL (7TH): Mr. Chairman Winfield?

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REP. STAFSTROM (129TH): Yeah. Thank you, Judge Suarez. Senator Kissel, go ahead.

SENATOR KISSEL (7TH): I'm sorry, Chairman Stafstrom. Thank you. Congratulations, sir.

HONORABLE JUDGE SUAREZ: Thank you.

SENATOR KISSEL (7TH): Just a couple of questions. First of all, when you were with the Attorney General, children and environment, that sort of seems like an odd combination to me. And I'm just wondering how you ended up with those two things?

HONORABLE JUDGE SUAREZ: Sure. Well, I started my career at the Child Protection Division of the Attorney General's Office where I handled a lot of child protection cases in Hartford, New Britain, and ultimately in the Child Protection Section in Middletown. The Child Protection Section requires a lot of trial work. And at one point, the Environment Department needed a trial attorney. So, I -- I gladly made the move and -- and moved over to the Environmental Department.

SENATOR KISSEL (7TH): Okay. All right. That makes sense. My second question is, when you say you come from -- from Puerto Rico to Connecticut, I live up here in north central Connecticut, I lived in Windsor, that's where I grew up. I picked tobacco with many people of Puerto Rican descent. So, that was not unusual in -- in my neck of the woods. But you're saying, in your part of Connecticut, it was highly unusual?

HONORABLE JUDGE SUAREZ: Well, as I mentioned in my statement, I graduated from Wilton High School. At the time, Wilton was a very small town, it's certainly not what it is today. And we were the

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only -- I believe we are still the only Hispanic family in that entire town. And I can tell you, certainly, that my brother and I were the only two non-English speaking students in the entire school system.

SENATOR KISSEL (7TH): Wow, that's sort of crazy. But congratulations for getting through that. My mom also taught English to non-English speakers up here in north central Connecticut. So, I -- I understand that aspect as well.

We have been striving for, I'd say two decades, to diversify the bench, on all levels, Superior Court, Appellate Court, Supreme Court. Do you feel that your Latino background will help reassure our residents that Connecticut is responsive to people from diverse backgrounds?

HONORABLE JUDGE SUAREZ: I hope so. I also, I'm very much in favor of diversifying the Judicial Branch as a whole. I encourage a lot of Latino lawyers to apply to become Judges because I think it's very important for the bench and the public to understand where we come from and -- and who we are.

SENATOR KISSEL (7TH): One of the things that I found frustrating, Your Honor, is that in trying to reach out to African-Americans, Latinos, Asian Pacific Islanders, Pacific Rim, Muslim, a whole panoply of diverse folks is that the private sector seems to offer better compensation. People come out of law school with huge debt loads, and we seem to have a hard time competing. At the same time, I think being a Judge for the State of Connecticut, I think it's like 160-170 hundred thousand dollars, is not -- is -- is a very good compensation. But it may not compete with the private sector. I'm

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looking for ideas as to how we can better reach out to get more applicants.

HONORABLE JUDGE SUAREZ: Well, you're absolutely right. There are students finishing law school nowadays with huge debt. Big firms provide a huge incentive for them to go there and -- and settle some of that debt. I think, however, there is a good group of people in the Latino community who are just dedicated to public service. So, I think you can find a lot of those individuals there. There are a lot of people in the State's Attorney's Office, the Public Defender's Office, the Attorney General's Office, others in public service, who are willing and are qualified to be on the bench. And I think that's a good place where you can find some good candidates as well.

SENATOR KISSEL (7TH): Well, I'm really excited about your nomination. I -- and I want to congratulate you. I think -- I commend Governor Lamont for nominating you.

Again, I -- I've worked real hard for over two decades to try to diversify the Judicial Branch. It's -- it's -- it's been an uphill battle, but I think we're making real progress, especially with the four nominees that we have before us this morning. And I appreciate your candor. And I have no problem supporting you and wish you the very best for your future.

HONORABLE JUDGE SUAREZ: Thank you, Senator.

REP. STAFSTROM (129TH): Thank you, Senator.
Representative O'Dea.

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REP. O'DEA (125TH): Thank you very much, Mr. Chairman. Thank you, Your Honor, for your responses. Hopefully, you can hear me okay.

HONORABLE JUDGE SUAREZ: I can.

REP. O'DEA (125TH): I had a hard time logging on, so I missed the earlier -- your earlier comments. But I want to congratulate you. And as someone who represents part -- part of Wilton, I'm proud to see you in your quest for elevation sitting there. One question that I -- I didn't get a chance to answer -- ask the other nominees, did you have any -- have you opined or written any decisions regarding qualified immunity?

HONORABLE JUDGE SUAREZ: I -- I have not written any decisions as a Judge on qualified immunity. But I worked as -- as a governing attorney for a number of -- a number of years. So, those issues do come up from time to time in the Attorney General's Office.

REP. O'DEA (125TH): Well, I -- I -- I won't put you on the spot because there -- there -- there may be some decisions that you may have to decide in the future on the -- the new qualified immunity piece. My -- I guess my question, more of a philosophical one, if you were sitting on the Warren Court, do you think you would have joined Justice Berger in it's descent on the initial qualified immunity decision back in '67 or would -- do you think you would have gone with the majority, if -- if you've even read it or -- or thought about it?

HONORABLE JUDGE SUAREZ: Well, I mean, I think the way I would answer that question is I -- I prefer to be able to look at the facts set before me at the time when I make that decision and look at the law

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that's before me at the time when I make that decision.

REP. O'DEA (125TH): Fair enough. I -- I guess to the argument, the reason why I -- my understanding, the reason why Justice Sotomayor and Justice Thomas both agree qualified immunity needs to be fixed, they have different reasons for it. Justice Thomas believes that it was judicial activism legislating from the bench. And Justice Sotomayor believes that qualified immunity has basically eliminated a number of peoples' rights to pursue claims against the State. Would you consider the qualified immunity decision back in '67 legislating from the bench or -- or have you thought about that in any way in -- in the past?

HONORABLE JUDGE SUAREZ: Well, I -- I have thought about qualified immunity as an attorney. I haven't really thought about qualified immunity as a public policy. So, because of that, I think the policy of the qualified immunity should be left to the legislators. And it's my job, really as a Judge, to interpret that legislation as I understand it to be within --

REP. O'DEA (125TH): Fair enough. And -- and with -- sorry --

HONORABLE JUDGE SUAREZ: So, I think it has to --

REP. O'DEA (125TH): Fair enough.

HONORABLE JUDGE SUAREZ: -- be within the facts that are --

REP. STAFSTROM (129TH): Okay.

HONORABLE JUDGE SUAREZ: -- presented --

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REP. STAFSTROM (129TH): I --

HONORABLE JUDGE SUAREZ: -- before the court.

REP. STAFSTROM (129TH): You know -- I -- I just wanted to --

REP. O'DEA (125TH): So, well, thank you very much -
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REP. STAFSTROM (129TH): Representative O'Dea, just a second. So, we -- I know it's a little wonkish because we're not in the same hearing room and the like, but we do have to get an accurate transcript and it's even more important here. So, I need -- I need to -- you to let the witness finish his question before -- finish his answer before you ask another question. So, Judge are you done with your answer to the previous question?

HONORABLE JUDGE SUAREZ: I am.

REP. STAFSTROM (129TH): Okay. Representative O'Dea, if you have another question, please proceed?

REP. O'DEA (125TH): Thank you. Sorry. There appears to be delay. I -- I didn't know. Your Honor, I didn't mean to cut you off. I apologize. That was not my intent. Well, at this point, I would simply say congratulations. I appreciate your responses and good luck. And glad to see a -- a Wilton High School grad elevating to such heights here in Connecticut Judiciary. Thank you very much.

HONORABLE JUDGE SUAREZ: Thank you.

REP. STAFSTROM (129TH): Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chair. Good morning, Judge. It's my honor to represent you in the legislature as a fellow Chesterian. And I -- I

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imagine we share a respect for another Chester native, Constance Baker Motley, who was a great influence on me and -- and on an awful lot of Jurists I know and respect. I am very interested in the first answer to the -- on the survey, the question about constitutional interpretation and evolution. Can you give an example of when you might have seen the Constitution as a living, evolving document, and a decision you may have made in doing that kind of updating of the original intent? Thank you.

HONORABLE JUDGE SUAREZ: I -- I can't think of -- off the top of my head any decisions that I've made on this topic. But the answer that I gave in the question, I think it's question Number 3 is that, whenever a constitutional question is presented to the Court, I think the Court's responsibility is to first look at the document, look -- look at the Constitution, look at the intent of the draft of the Constitution, and apply that Constitution to modern day norms.

I can give you a simple example of -- of how that would work. In today's day and age, we all have Fitbits, for example. These Fitbits tells us where we were, where we're going, how fast we did it in. It even tells you what -- quality of sleep you had last night. I'm sure the -- the drafters of the Constitution never envisioned having a Fitbit problem before them. So, if that question comes up to our Court and the Court has to decide -- the Court has to consider the language of the Constitution, the intent of the Fathers, and apply that to this modern age -- age that we're living in nowadays.

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REP. PALM (36TH): Thank you for that. So -- so, I guess, I'm gathering that you think that the change in technology is probably the primary driver versus changing mores?

HONORABLE JUDGE SUAREZ: I -- I -- well, I think you have to look at it on a case-by-case basis. There is a case that's called State vs. Geiser that sets six factors when the Court, I know it's a constitutional issue, and the Court should follow those six factors.

REP. PALM (36TH): Thank you, Judge. That's it, Mr. Chair. Thank you.

REP. STAFSTROM (129TH): Thank you, Representative. Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair. Good afternoon, Judge Suarez. Your sister, Maddie, is a constituent of mine and she's a big supporter of your nomination. And I have a lot of confidence in her judgment. So, I'm inclined to support your nomination as well. I would just ask -- you know, not every family is so close, especially given the experience you had -- you said you had growing up in -- in what would constitute a strange place with not many people like you. Could you talk a bit more about how that experience and how your family have contributed to your long record of public service, especially on the bench?

HONORABLE JUDGE SUAREZ: Well, I think -- I think growing up in a town where we were different than most people, you really have to work very hard to excel. We had to work very hard to excel academically, in sports, in -- in -- anywhere else. I think that drive leads me to where I am now and

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leads me to try harder in every aspect of -- of my professional career.

REP. BLUMENTHAL (147TH): Thank you very much, Judge. And thank you, Mr. Chair.

HONORABLE JUDGE SUAREZ: Thank you.

REP. O'DEA (125TH): Thank you. Representative O'Neill.

REP. O'NEILL (69TH): Okay. Thank you. Good morning, Your Honor, or -- it's still morning? Nope, afternoon. Good afternoon, Your Honor. You mentioned that you were in the Attorney General's Office and that the issue of qualified immunity would come up during cases that were being considered there litigated. Did you have occasion, at any time, to be involved in any of that litigation?

HONORABLE JUDGE SUAREZ: Well, the issue comes up in the Attorney General's Office when I represented the Department of Children and Families, from time to time they were sued for various acts that they did during their employment. I remember handling one case, many, many years ago, and quite frankly, I remember some of the facts, I don't really remember much beyond that. It was probably in 2000 when I handled that case or 1999, probably.

REP. O'NEILL (69TH): Okay. I'm not sure if there is a delay, so hopefully I'm not cutting you off. So, other than that, you've had no particular experience with qualified immunity being raised where, as either a litigator or as a Judge. Is -- is that correct?

HONORABLE JUDGE SUAREZ: That's correct.

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REP. O'NEILL (69TH): Okay. The other thing I was going to ask is one of the other Judges -- now, you've been a Judge, I believe, for 11 years. Is that correct?

HONORABLE JUDGE SUAREZ: Correct.

REP. O'NEILL (69TH): An earlier nominee has been a Judge for seven years and there was a question raised about whether that was enough experience and that there were other people who were longer term and more seniority. And one of the things that was mentioned, by that other nominee, was that she had served on three-judge panels and she thought that was helpful in terms of understanding the collaborative nature that might go into being on the Appellate Court. And I just was wondering, have you done any of that sort of thing? Or have you ever been called up to the Appellate Court in the case of a vacancy where there was a -- a conflict of interest in everybody -- they needed to bring somebody up?

HONORABLE JUDGE SUAREZ: I have not been called to the Appellate Court. But I have -- I sat once in a three-court panel in a written statement of an attorney who had been disbarred. And I wrote the opinion in that case.

REP. O'NEILL (69TH): Okay. Do you -- do you -- that -- that seems like it's a fairly narrow kind of activity and it was in terms of the reinstatement of -- I mean, it's not like it was a big case, complicated issues, and that sort of thing, I'm assuming. Is that correct?

HONORABLE JUDGE SUAREZ: That's correct.

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REP. O'NEILL (69TH): Okay. And I'm -- I'm just, you know, you have obviously a -- a long career as an attorney, probably over 20 years, it looks like, based on your questionnaire?

HONORABLE JUDGE SUAREZ: Yes.

REP. O'NEILL (69TH): Okay. And in -- in terms of being on the Appellate Court, was -- was that sort of like a -- a long-term goal especially after you got on the Superior Court or is that something that's relatively recent vintage, the idea of getting into appellate work?

HONORABLE JUDGE SUAREZ: Well, Representative, I -- I'm still at awe that I am today a Superior Court Judge. This is something that I could never envision ever growing up in Puerto Rico or in -- in -- here in Wilton, Connecticut where I grew up. I'm still at awe that -- that I do what I do every day. Sometime, some years back, there were people who were encouraging me to apply to the Appellate Court. And I've given it a lot of thought and a lot of consideration over several years. And I -- I decided to apply for qualification. And I'm very honored and very privileged that the Governor has nominated me to the Appellate Court now.

REP. O'NEILL (69TH): Okay. Do -- do you recollect when you first applied to be put on the list for the Appellate Court?

HONORABLE JUDGE SUAREZ: I first applied February of last year, February 2019.

REP. O'NEILL (69TH): Okay. So, you've been on the list for a -- a year, a year and a half, something like that?

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HONORABLE JUDGE SUAREZ: I believe March, yes.

REP. O'NEILL (69TH): Okay. All right. Thank you, Mr. Chairman. And congratulations, Your Honor. And I -- I -- I think you look like a very -- sound like a very qualified, capable person to be going up onto the Appellate Court and look forward to voting for you. Thank you.

HONORABLE JUDGE SUAREZ: Thank you.

REP. STAFSTROM (129TH): All right. Thank you. Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. And good afternoon, Judge Suarez.

HONORABLE JUDGE SUAREZ: Good afternoon.

REP. PORTER (94TH): You've answered -- I'm -- I'm going to go to question Number 8 on the questionnaire, kind of peaked my interest there. It was a question around what areas of the law you enjoy the most, and your response was, Criminal Jury Trial and Family Court matters. So, if you could just speak to that because most cases are plea bargained. So, I'm really interested to hear the Criminal Jury Trial piece of this, but also the Family Court, especially with the issues that we see in Family Court. If you could speak to that, please?

HONORABLE JUDGE SUAREZ: Yes. So --

REP. PORTER (94TH): Thank you.

HONORABLE JUDGE SUAREZ: -- during my criminal experience, I was a criminal jury trial -- I -- I presided over criminal jury trials. That is to say, cases that actually went to trial. So, and those

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cases I find to be fascinating. The Judge's role is to basically make sure the Defendants have a fair trial, to explain the law to the jury, when it comes up, and to ultimately sentence the -- the Defendant, if there is a guilty verdict.

I -- I was always impressed with the way the jurors handled those cases. I always talked to the jury -- jury afterwards. And I've been impressed in how thoughtful, how careful, and how dedicated they are to getting the answer right. And that's why I like the jury trials in Criminal Court.

With respect to Family Court, there is -- Family Court is one court where you have a significant impact on somebody's lives immediately. And I take great pride in making sure that I listen to both sides of the parties in -- in question, and to try to come up with a -- with an answer to their problems that they can't solve for themselves. And ultimately, in family cases, the issue is the best interests of the children. So, I take -- take great pride in listening to both sides, take both positions aside, and decide what is in the best interests of -- of that children for that family.

REP. PORTER (94TH): Okay. Thank -- thank you for that response. I found it most interesting. And I do appreciate you being before us today. And I wish all the best going forward. And I definitely look to support your nomination and just want to say congratulations.

HONORABLE JUDGE SUAREZ: Thank you.

REP. PORTER (94TH): Your welcome. Thank you, Mr. Chair.

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REP. STAFSTROM (129TH): Thank you, Representative. Chairman Winfield.

SENATOR WINFIELD (10TH): I guess I ask this question because of the last exchange. I -- I know that -- I've been on the Committee for a while, as you know. In -- in the past, there have been some questions about family issues. And I think it's only fair to give you a chance to address those should they come up in and be brought up, if you want to.

HONORABLE JUDGE SUAREZ: Well, if I could just explain again my -- my answer. I mean, I find Family to be a fascinating area of the law because it has such an incredible impact on families so immediately. My experience in Family has been largely in the Hartford Judicial District where I was the Presiding Judge in that District.

When I was the Presiding Judge in that District, there were about 500 new cases every month, on average, and there are about 500 cases that were disposed of, on average, every month. There were at times 1,500 cases pending per month in that Court. And I took great pride in making sure that all those cases moved through the system for -- in as short as a timeframe as possible.

When I was the Presiding Judge there, I made sure cases didn't last more than a year. And it had 25 sometimes 30 cases out of all of those cases filed that lasted over a year. In Family, unfortunately, there are a lot of high emotions. There's a lot of anger. There's a lot of frustration. And some of those cases can last forever. And those cases that last for a long period of time are the one -- are the cases that generate the most animosity, generate

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the -- the greatest amount of work for the Court, and the -- the outcomes are -- outcomes that the litigants are not -- not always happy to hear.

SENATOR WINFIELD (10TH): That's fine. I just wanted to provide you with that opportunity, as I know, it's likely that people might have something to say. But thank you.

HONORABLE JUDGE SUAREZ: Thank you.

REP. STAFSTROM (129TH): Thank you. Further questions from the Committee? Seeing none, Judge, I want to thank you for being with us. I certainly congratulate you on your nomination. I think, actually, the fact that you have served as a Presiding Judge in a number of different courthouses and a number of different areas of law and have varied experience, be it civil, family, and criminal, is exactly the type of experience we look for and -- and need on the -- on the Appellate Court because you certainly can understand the varied issues of law that will come before you and the types of cases and certainly with Judges and parties of those cases we're dealing with at the Superior Court level. So, again, I -- I -- I -- I congratulate you on your nomination and commend the Governor for recommending you to us.

HONORABLE JUDGE SUAREZ: Thank you very much.

REP. STAFSTROM (129TH): With that, we are going to move to the -- we are going to move to the public speaking portion of our -- of our hearing, which will be conducted completely via Zoom. The first person I have signed up is Maureen Martowska.

MAUREEN MARTOWSKA: Yes. I'm here. Thank you. Hello?

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REP. STAFSTROM (129TH): So -- yes, ma'am. You have -- you have three minutes. Go ahead.

MAUREEN MARTOWSKA: Thank you. Good morning. My name is Maureen Martowska. I'm a retired attorney in Massachusetts and a member of the Massachusetts [inaudible 2:07:04].

I am concerned over Judge Suarez's nomination. His actions in my -- my son's status conference relative to release of his psych evaluation. My son was a pro se Plaintiff with disability and ADA accommodations. Judge Suarez did several things. He did not recognize a pro se party as a "party." Instead, stating that the GAL and the counsel of record are "the parties." I have provided the transcript and made it available to you. He has also showed disparate treatment of pro se parties versus represented parties, stating if my son were a pro se party and he returned with counsel, his counsel could likely see the -- the psych eval.

I also believe he has attitudinal bias regarding pro se parties with mental health disabilities. And I feel he has -- then had a failure to follow Connecticut Practice Rules, in particular, Section 25-60B regarding self-represented parties that are -- and -- that the Court has required to release the evaluation to.

And he also shows a failure to respect two prior court rulings to release the psych eval, one by Judge Westbrook and one by an Appellate Court ruling to release it "as of today" which was the decision released on April 8th, 2014. In addition, Dr. Steinlitea [phonetic], the evaluator, had sent a letter to release it in accord with the previous Practice Book Section I have noted.

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Here are examples of specific issues that I've had where he said you are not a party to the case, if you look at page 2 and 5. And he says, specifically, January 16th, 2013, there was an order that said it was to be released to the parties but the parties "meaning the attorneys and the Guardian Ad Litem." My son responded, It would be myself, right, Your Honor? Court, Well, the person who represents you. My -- my son, Which is me right now. The Court, Well, that's the problem.

Additionally, he has put restrictions that no copies and -- to be had and you can only review it in the court and you can't transcribe or take verbatim notations. These are restrictions in pertinent part that were only applied to the pro se party while opposing side had full access, unrestricted. These restrictions lie in face of ADA accommodations where he had a smaller courtroom, if you look at things such as that, whereas in a clerk's office, where he was required to review it, we have tons of people, noise, no privacy.

In follow-up, I hope you inquire hereafter regarding my specific efforts with the Rules Committee and the perjury complaint issued regarding Judge Suarez and the matter of Practice Book 25-60.

In conclusion, I want to state that Section 504 of the Rehabilitation Act of ADA mandates access to Family Courts, "Unequal treatment of disabled persons in the administration of judicial services has a long history." Additionally, the ADA requires that the Court must provide parents with disabilities with equal opportunity to participate in program services and activities. And it also has an affirmative duty, that it shall take the

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necessary steps to ensure no person with disability is excluded or denied services unless there is a fundamental alteration or an undue burden. If you look at the Rocking the Cradle Study from the National Council on Disabilities in 2012, upwards of 80 percent of litigants who were pro se -- not pro se, but litigants with mental health disabilities are losing access to their children. They have the same constitutional rights as those without disabilities. [Bell ringing].

REP. STAFSTROM (129TH): Thank you.

MAUREEN MARTOWSKA: And I feel that Judge -- excuse me, Judge Suarez, has missed the mark on this.

REP. STAFSTROM (129TH): Thank you, Ms. --

MAUREEN MARTOWSKA: And that better control needed to have been done of this case.

REP. STAFSTROM (129TH): Thank you, Mrs. Martowska. Are there questions from the Committee for Mrs. Martowska? Representative O'Neill.

REP. O'NEILL (69TH): Yes. Did you file a complaint with the Judicial Review Council regarding the issues that you've raised with us today?

MAUREEN MARTOWSKA: I raised it -- I filed a complaint with the State Attorney's Office as a result of perjury. At his 2017 testimony, in front of this Court, where he had -- in front of your tribunal, which had specifically stated that there were no previous court orders to release the psych eval. That is incorrect. And as I cited, it was a court order by Judge Westbrook and there was an Appellate Court decision, footnote 14, which said,

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as of that day of that decision that it was released, those psych evals were to be released.

And additionally, Practice Book 25-60B, specifically, states that a -- a case is not concluded until it has been filed with the Court and the parties have had a reasonable opportunity to review that evaluation. That was not afforded to my son under any circumstances. And this case has been prolonged for a very, very long time.

Additionally, letters went out to Judge Bozzuto, Judge -- Chief Justice Robinson, I believe Attorney Carroll, and Attorney Solomon were on copy. Because this had to do with an administrative matter if prior court orders are issued that they're honored and they're respected and the parties are given the opportunity to have fair access to it and not put on an unlevelled playing field.

In particular, my son with a disability where you -- you have the issues of focus, executive functioning, cognitive issues, memory issues, those are significant barriers to many people with mental health disabilities. And I feel that often times mental health disabilities are, you know, it's very subtle, the stigma with -- for people to come forward and pursue these cases, it's very, very challenging.

REP. O'NEILL (69TH): Okay. But I -- I believe the answer to my question was that you did not file a complaint with the Judicial Review Council nor did your son.

MAUREEN MARTOWSKA: And I'll follow with up -- yes, that's true. And I will say there is circumstances in which you try to mitigate the stress level of

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people with mental health disabilities, you choose your battles. Yes, sir, that is true.

REP. O'NEILL (69TH): Thank you.

REP. STAFSTROM (129TH): Further questions from the Committee? Seeing -- seeing none, thank you for being with us, Ms. Martowska.

MAUREEN MARTOWSKA: My husband is behind me, I believe and his mic doesn't work. So, if you want, he can participate here.

REP. STAFSTROM (129TH): Okay. Mr. Martowska.

MICHAEL MARTOWSKA: Yes. I'm Michael Martowska. I'm from Lakeville, Massachusetts. And obviously I'm Maureen's husband and I'm talking about my son. I want to --

REP. STAFSTROM (129TH): Mr. Martowska --

MICHAEL MARTOWSKA: -- thank you for the opportunity --

REP. STAFSTROM (129TH): -- can I interrupt?

MICHAEL MARTOWSKA: -- to speak --

REP. STAFSTROM (129TH): Mr. Martowska, can I interrupt you for one second? If there's a way to get closer to the microphone, your -- your volume is pretty low?

MICHAEL MARTOWSKA: Is that better?

REP. STAFSTROM (129TH): I believe so.

MICHAEL MARTOWSKA: Okay. I lost -- I lost my place here. Yeah. Thank you for the opportunity to speak today. I'm here to ask that Judge Jose Suarez not receive interim appointment to the Appellate Court.

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Only the best among Judges at one level of the Connecticut court system should be promoted to a higher level. And I feel that Judge Suarez has not demonstrated he's among the best, that he's among the cream of the crop.

The written testimony submitted by Maureen Martowska discusses some of the issues we had with the statements by Judge Suarez during our son's status conference with him. Whether he agrees what he said then or not, the fact that he stated the parties, meaning the attorneys and the Guardian Ad Litem in open court should be enough to give all of you pause in making this appointment. You don't need to be a lawyer or a Judge to -- to know that it's the Plaintiff and the Defendant who are the parties of the case, not the lawyers or the Guardian Ad Litem.

Judge Suarez had no involvement in the case until he went rogue and placed a hold on the release of the psych evaluation, an action Judge Suarez took despite my son previously being given access to it. At the status conference, Judge Suarez admitted he was the aware of the court order releasing it to the parties. Despite that, Judge Suarez made the decision to ignore a standing court order and just sort out meeting with the parties of the case.

Judge Suarez testified before your Committee in 2017 while seeking reappointment. I believe that, at best, he misled the Committee and at worst, he committed perjury during his testimony. For example, when asked if pro se parties "have the same rights to access the same court documents as counsel," he responded, yes. That's a direct contradiction to what he told my son during the status conference. There, Judge Suarez, made it

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clear my son couldn't have a copy because he is pro se, but that he -- my son hire one "your attorney could have a copy." Judge Suarez then issued a court order severely restricting my son's access to and use of the evaluation and strangely didn't arguably apply to the Defendant.

At the same reappointment hearing in 2017, Judge Suarez stated, "If a case is open in our Court and there's been no activity in less than a year, I would, as deciding Judge, call the case in to find out what the status of the case is, to find out what services may be needed, and to find out what the next step would be in the case." That has no connection with reality in my son's case. Judge Suarez only scheduled the status conference once my son pursued access to his evaluation. During the conference, Judge Suarez did nothing to move the case forward. He didn't care that neither the Defendant nor the Guardian Ad Litem were there. And this is a -- as a -- as a -- had no activity for two and a half years, let alone one year.

REP. STAFSTROM (129TH): Okay. Thank -- thank you, Mr. Martowska.

MICHAEL MARTOWSKA: I got one more -- one more, sorry.

REP. STAFSTROM (129TH): Mr. -- Mr. Martowska, thank --

MICHAEL MARTOWSKA: I got one more -- one more --].

REP. STAFSTROM (129TH): -- thank you. The bell rang. Are there questions from the Committee for Mr. Martowska? Seeing no questions, I appreciate both of you being with us today and sharing your testimony. Next up we will hear from --

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REP. DUBITSKY (47TH): I -- I have a question here, Mr. Chairman.

REP. STAFSTROM (129TH): Okay. Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Hold on -- hold on one second, Representative. Are we -- are the Martowskas still with us?

MICHAEL MARTOWSKA: I'm -- I'm still here.

REP. STAFSTROM (129TH): Okay. Go ahead, Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thank you, Mr. Martowska. We -- we've heard over the years a number of pro se litigants come and testify that they do not believe they are being treated equally to litigants that have attorneys. And I've spoken to a number of Judges about this situation, and many of them are understandably frustrated by litigants who appear in their courtrooms without any idea of normal courtroom procedure or the law.

And I'm wondering if you can, from your perspective, tell us if you believe that -- well, why do you believe you were treated differently than a litigant that had -- that -- that would have an attorney as opposed to one that does not? Is it because of your -- your unfamiliarity with the law and with Court procedure, or do you think there's something else?

MICHAEL MARTOWSKA: It's something else. And first of all, my wife and I went into detail of a precise example where they're saying one party. This case, a Defendant can have access to a Court document is

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telling the Committee that, oh, I give both sides the same access, and yet, in our case, he didn't. I've also heard cases where the Judge, you know, there's -- there's different procedures you have to follow. Fortunately, my wife does have legal training. She has a law degree. And she's able to help to guide my son on -- on these things. And there's different times before they had a lawyer but once you go on pro se, things went downhill.

You know, there's -- you have to get notice of certain things, you know, before you have a hearing. And my son did not receive his notice. And he -- he notified the Court that, I didn't have time to prepare that. I didn't get my notice. And the Court said, well, the other lawyer is -- is the officer of the Court and she got -- said she sent it to you or to my son. Therefore, we're going to assume that's true. But when -- when she sent it -- she [inaudible 2:20:59] with my son, the hearing was postponed.

So, it's like, you trust the lawyer because they supposedly don't lie. But I'll tell you, I've watched the lawyers. I know when the lawyer is lying because I'm looking through his hand, the situation with my son, so I know when -- when the Defendant's lawyer -- lawyer is lying or misleading or spinning something. I know the difference between spinning and lying. And yet, I see how my son was handled at the same time. So, it is -- there is definitely a difference.

Now, I will agree, some Judges are better than others as far as how they handle pro se litigant and how to guide them through a procedure without telling them how to doing anything but to say what

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they can and can't do. Others tend to -- I've seen them cut 'em off, when I know legally the Judge is making, I believe, my wife and I discussed it afterwards, something I feel was an incorrect legal decision. It's -- it's -- it's like I feel like they trust the opinion of the lawyer's side, and therefore, give more weight to that side of the case versus the weight on the pro se side.

REP. DUBITSKY (47TH): Okay. Well, I -- I'm -- I'm not going to get into whether or not the -- the -- the Judge lied in any given proceeding that I was not -- when I was not -- I didn't witness. But what I'm asking is, why do you believe, if it isn't because of your or your son's lack of knowledge or procedural acumen, what is the reason, you believe, that pro se litigants are treated differently than those with attorneys?

MICHAEL MARTOWSKA: I -- I -- I can't give a general answer to that. I think it is a case-by-case basis. I agree with you, because I've seen other cases where some of these pro se parties are lost in the Court. I agree with you on that point. And that could be very -- very frustrating for a Judge.

But there's also times when I feel like they -- they don't give -- yeah, it's -- literally, it's just a matter of not listening, or not giving credence to a person's point of view, or not taking the time to explain the decision on -- on -- at one stage of the discussion so that the -- the pro se party can continue with that knowledge. They're not going to get a legal education in one hearing. But they can get better guidance to have it go more smoothly and not have -- some pro se parties might repeat the same things over again to try to make a point and

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they don't understand it's a legally acceptable point for the Judge.

REP. DUBITSKY (47TH): Okay. Well, one of the things that you said that concerns me is the issue of notice. Now, in your -- in the instance you're discussing, the attorneys got notice but the pro se litigants did not? Is that what you're --

MICHAEL MARTOWSKA: I -- I -- if I -- I remember calling it the wrong way. I believe he was like marking it ready or something. There's something that goes out from the Court once the side files a motion. So, in this case, the Defendant's attorney sent something to the Court. Supposedly -- she tells the Court she copied my son. My son doesn't get it. So, she's certifying to the Court that she sent it out. That doesn't mean my son received it. My son has years in this court system. Never brought it up before. It comes up -- so it comes up once, all of a sudden he's called a liar. Now, for her, for the defense, they live, you know, a 20-minute car ride away. For my son, it's a five-hour round trip. He's not doing that for the fun of it.

REP. DUBITSKY (47TH): Do you know if your son had access to the Court's online docketing system?

MICHAEL MARTOWSKA: Yes. Not at that time. And I said, in this case, it's a notice from the attorney that's sent by hard -- you know, land --

REP. DUBITSKY (47TH): Got it.

MICHAEL MARTOWSKA: -- snail mail.

REP. DUBITSKY (47TH): I -- I --

MICHAEL MARTOWSKA: Do you --

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REP. DUBITSKY (47TH): -- understand that. I -- I understand that -- that -- that when -- when something is marked ready, the person who marks it, typically sends a notice to the other parties. But I'm asking you, did your son have access to the electronic docketing system of the Court, which would also show whether or not it was marked ready?

MICHAEL MARTOWSKA: Well, there was no -- as I recall, there was no electronic access because this is an old case. It's not in an electronic system. Again, it's not -- the case -- the processes as of today. So, I know --

REP. DUBITSKY (47TH): So, what --

MICHAEL MARTOWSKA: -- at that time --

REP. DUBITSKY (47TH): What he --

MICHAEL MARTOWSKA: -- he was -- at the time of that situation, he was living with us. So, any mail that came in, any hardcopy mail that would have come in, from the Court or the attorney, I would have seen.

REP. DUBITSKY (47TH): Okay. When did this case take place?

MICHAEL MARTOWSKA: Just -- it's an -- I can't -- this case has been in the works for, like, I don't know, about 12 years now.

REP. DUBITSKY (47TH): Okay. So, perhaps --

MICHAEL MARTOWSKA: So, this is --

REP. DUBITSKY (47TH): -- 12 years ago, I -- I can understand that -- that there are a number of cases that were not on the electronic system. But now, I believe they are. And I'm -- I'm trying to find out if the pro se litigants have access to that. And --

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MICHAEL MARTOWSKA: They are still --

REP. DUBITSKY (47TH): -- at this point --

MICHAEL MARTOWSKA: -- not --

REP. DUBITSKY (47TH): -- I just --

MICHAEL MARTOWSKA: -- excuse me. They are still not in electronic system. We just had a trial -- actually we just finished a trial this past February. There's still no electronic system. There's still no electronic access. And there's no plans to put it in there.

REP. DUBITSKY (47TH): Okay.

MICHAEL MARTOWSKA: That's what we're being told by the Court.

REP. DUBITSKY (47TH): Okay. Well, thank you very much for your testimony. I appreciate it. Thank you, Mr. --

MICHAEL MARTOWSKA: Thank you.

REP. DUBITSKY (47TH): -- Chairman.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions from the Committee? Seeing none, thank you both for being with us. Next, we will hear from LaShawne -- LaShawne Houston Sowell.

LASHAWNE HOUSTON SOWELL: Can you hear me?

REP. STAFSTROM (129TH): Yes, we can. Go ahead.

LASHAWNE HOUSTON SOWELL: It's LaShawne Houston Sowell.

REP. STAFSTROM (129TH): Sorry about that.

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LASHAWNE HOUSTON SOWELL: I've been on, excuse me -- I've been on -- on the -- the Zoom all morning and I did get to hear Judge Joan Alexander. And I'll be honest, she did sound more empathetic than I remember her six or seven years ago.

But I will like to say, regarding my son's case, it's -- obviously, the facts of the case [laughing] are still incorrect, even seven years later. No one was injured. The little girl was not injured at the cemetery. The only one who was injured, and I don't want to re-upsurge the case, because we don't have time and I know that, but the only one who was injured at the scene was my son. He was jumped by the victim, I'll call them victims, and received many bruises.

I have the police report right here. I went to get the report when I heard her say that. I could -- I could put myself on camera, so you can look at. The police report says the family stated the child was released and discharged from the hospital with no injuries. I'm -- the host added -- what happened, the host has added you to start your -- okay, so that means for you -- okay. Can you see me?

REP. STAFSTROM (129TH): Yes, we can.

LASHAWNE HOUSTON SOWELL: All right. So, did you add that, so I can show you the police report? [Laughing]. Because I would have actually preferred to stay off camera, but I'll show you the police report.

REP. STAFSTROM (129TH): You know, ma'am, why -- why don't you just read for us the pertinent section you want to read. We -- we trust you.

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LASHAWNE HOUSTON SOWELL: Well, no. Basically -- I -- I was listening to the Judge, and like I said, she sounded more empathetic than I remember her. But the case -- obviously, the facts are still incorrect, even until this day. She said that the little girl in the case was injured and she was not.

The only one who was injured at the -- the scene was my son. He was jumped. He was beat up. He had bruises that went all over the newspaper. And I just want to make that clear. Because until this day, obviously, the facts of the case and what actually happened are still incorrect. That -- I wasn't even going to say that in my testimony, but because she said that and she spoke about the case, I wanted to get that clarification.

REP. STAFSTROM (129TH): Okay.

LASHAWNE HOUSTON SOWELL: No one was injured at the scene except for my son.

REP. STAFSTROM (129TH): Ma'am, at the time -- ma'am, can I just ask you, at -- at the initial stage, when your son was in for an arraignment, was there an allegation at that time, whether it be a -- now substantiated allegation or not, but at the time of the arraignment, was there an allegation, either by the police or by the victim the -- or the little girl's family or -- or whoever --

LASHAWNE HOUSTON SOWELL: No. I mean and --

REP. STAFSTROM (129TH): -- if she --

LASHAWNE HOUSTON SOWELL: -- the family --

REP. STAFSTROM (129TH): -- was injured?

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LASHAWNE HOUSTON SOWELL: -- okay, never showed up for Court. So, I mean, they probably knew that they all jumped my son and he had injuries. Maybe that's why they never showed up to Court. And I get that's why this case still -- still upsets me to the point that it does, because I feel like the decisions that were made were strictly from the Court's and the Prosecutor.

The family never showed [laughing] up for the case. And I -- I -- until this day, I believe they didn't show up because they were allowed to beat my son up. And you know, I guess they saw that as calling the whole situation even. I don't know. But anyway, that's neither here nor there. I mean, it is, but I just wanted to get that clarification because like I said, obviously, the facts of the case are still incorrect until this day.

REP. STAFSTROM (129TH): All right. Ma'am, in -- in -- in addition to that, obviously, we have your written testimony. Our --

LASHAWNE HOUSTON SOWELL: Right. And my written testimony, I'm going to divert from that. And I'm going -- I'm going to be really quick here. My daughter, who now works for the Federal government, she's a -- a legal aid for the United State Senate, and she wrote me early this morning. And I just realized that she is obviously still traumatized by this whole situation. She's never written anything to this length and magnitude regarding what happened.

So, I'm going just to divert to what she wrote me this morning and I'm going to be done. And I'm going to read it verbatim. She says, Mom, if I were you, I would try to add more detail to your

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testimony. You need the listeners to know that the ridiculous bail amount that was set those years ago and denying the mental health diversion program to - - to our brother, my son, had a strong domino effect on our family. I would also add in your testimony, based on the State's guidelines my son qualified for the Diversion Program.

Based on the guidelines, I know the Judge said some other stuff, but based on the guidelines, he qualified for the Diversion Program. He was in prison for a month and then he was treated by the State as if his condition, his mental health condition needed punishment. He was then transferred to so called mental health jail, because of his condition which was obvious. And as a family we could not, and did not want to see him go to jail, because we knew that he didn't deserve it. But getting him out of jail put a financial strain on our family because, of course, the bail is \$500,000 dollars. He had a murder bond when he didn't hurt anyone. Again, referring back to the police report I just showed you guys.

He was then transferred to the Institute of Living after I advocated and advocated and fought and we did bail him out, all of our family money basically. And he went to the IOL. They did treat him. He was released in two weeks. He was stabilized. But we then had to hire another lawyer to plead for the mental health defense.

He's now subject to the Mental Health Board until he's a full adult. But in the end, and this is still my daughter talking, she's now 30, I feel that the Judge was out to destroy a young black man's life. Yeah. We texted early this morning.

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I -- personally I don't feel that Judge Alexander was purposely out to destroy my son's life. But again, this is a young girl, she was 23 at the time. She was traumatized by this. She has gone on. You know, she's married. She works for the government, as I said. But this still haunts her. And that's -
-

REP. STAFSTROM (129TH): All right.

LASHAWNE HOUSTON SOWELL: -- it. I -- I have nothing else.

REP. STAFSTROM (129TH): All right. Thank you, Mrs. Sowell. Are there questions for Ms. Sowell? If not, ma'am, I want to thank you for being --

LASHAWNE HOUSTON SOWELL: [Crosstalk].

REP. STAFSTROM (129TH): -- with us. Thank you for taking the time to submit.

LASHAWNE HOUSTON SOWELL: Can you hear me still?

REP. STAFSTROM (129TH): Representative Porter. Do you have questions?

REP. PORTER (94TH): Yes. Thank you. I'm sorry. I was trying to -- to see the text, but you got to it before I could. I don't have any questions. I just wanted to say that I'm really sorry that this has been your experience. And I wanted to acknowledge, you know, the pain and suffering that your family has endured. And just wish you all the best. That's it. That's it. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Yeah. Thank you, Representative.

LASHAWNE HOUSTON SOWELL: I appreciate it, Representative Porter. I have spoken to you briefly

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about this case if you remember. That's okay.
We'll talk.

REP. STAFSTROM (129TH): So, thank -- thank you both. Representative Porter said it more eloquently than I could. But thank you, Ms. Sowell for being with us, for sharing your story, for taking the time to write in. And -- and we certainly wish all the best to you and your family moving forward.

LASHAWNE HOUSTON SOWELL: I -- that's it. Thank you.

REP. STAFSTROM (129TH): Next up, we will hear from Renee Simpson.

DEB BLANCHARD: And she is not attending.

REP. STAFSTROM (129TH): Not? Okay.

DEB BLANCHARD: No.

REP. STAFSTROM (129TH): So, we are -- we are going to just real quick stand at ease so the -- okay. So, at this point, we are going to adjourn the public hearing. We've heard from everyone who has signed up and logged in. So, we are -- we are adjourned on the public hearing.