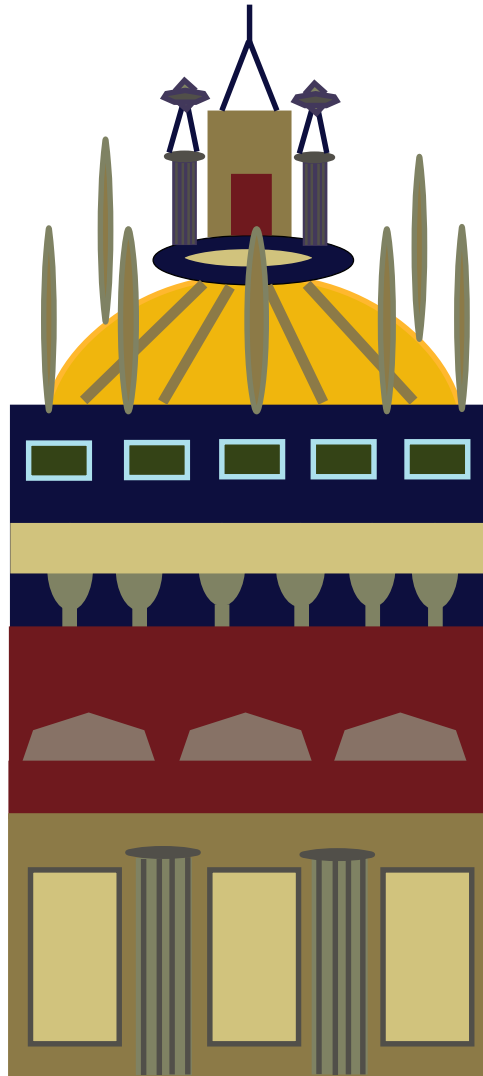


THE ANNUAL REPORT 2009 OF THE CHIEF PUBLIC DEFENDER

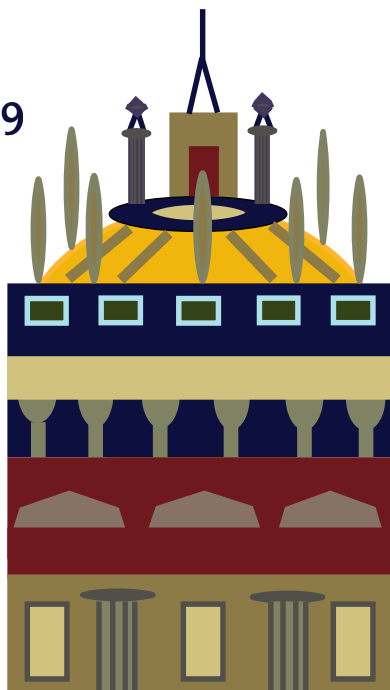


CONNECTICUT DIVISION OF PUBLIC DEFENDER SERVICES

SUSAN O. STOREY ■ CHIEF PUBLIC DEFENDER ■ JANUARY 1, 2010

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SUMMARY OF THE CHIEF PUBLIC DEFENDER

Two-thousand nine (2009) was a year of significant change for the Division of Public Defenders. Most notably, many senior administrative managers and field office supervisors took advantage of the retirement incentives offered by the state. At this writing, many of these positions still have not been filled. The Office of Chief Public Defender is working closely with the Office of Policy and Management to insure savings while still providing core constitutional services to indigent clients.

This year, was also significant in that the Office of Chief Public Defender is evaluating all services provided to clients through indigent defense “programs” and specialized units in accordance with Results Based Accountability (RBA) principles at the request of the Appropriations Committee. While the mission of the Agency is clearly set forth by statute, the overarching quality of life result provided by the Division of Public Defender Services must be that the results of Connecticut’s criminal court system are constitutional and fair, not just for indigent persons, but for everyone. In order to meet this standard, justice must be equal in fact and perception.

Providing the best possible defense for each indigent adult and child in the criminal court system is a tall order, which can only be achieved with balance requiring a parity of resources and personnel. It is a delicate but critical balance to maintain, even in an over-stressed economy. Failing to provide equal justice is costly, not only to people who unjustly lose their freedom when mistakes are made, but to the citizens of Connecticut who expect and deserve a fair criminal justice system.

While Connecticut public defenders represented adults and children in more than 90,000 cases in 2009 as in the previous year, the JD and GA public defender offices received approximately 3,000 more cases than in 2008. Our field office staff collaborate with major partners, such as CSSD, DCF, and DMHAS to divert as many clients as possible into viable programs that are alternatives to incarceration. Individuals with substance abuse and mental health problems benefit from treatment which fosters positive life styles. Our standards of representation and results are measured against national standards including those adopted by the American Bar Association, the National Legal Aid and Defender Association, and the American Council of Chief Defenders.

Even in this time of severe economic downturn, the Division will continue to analyze the way services to clients are delivered and will make every effort to improve direction and performance to insure equal justice in the Connecticut criminal justice system.

Susan O. Storey,
Chief Public Defender



ORGANIZATION AND ADMINISTRATION

The Division of Public Defender Services is an agency of the State of Connecticut, established by Chapter 887 of the Connecticut General Statutes. The policy-making and appointing authority for the Division is the Public Defender Services Commission. The seven (7) members of the Commission are appointed for three-year terms, in accordance with Sec. 51-289, C.G.S., by the Governor, the Chief Justice, the Speaker of the House, the Senate President Pro Tempore, and the House of Representatives Minority and Majority Leaders. The current members of the Commission are listed at the end of this chapter together with their appointing authorities and dates of appointment.

As established by statute, the Division is made up of three (3) separate components: a Commission, which is responsible for policy-making, appointments of all personnel, and compensation matters; an Office of Chief Public Defender, charged with statewide administration of the public defender system and the provision of specialized legal representation; and the individual public defender offices in the thirteen (13) Judicial Districts, the twenty (20) Geographical Areas and the thirteen (13) Juvenile venues of the Superior Court, providing legal services throughout the State to indigent persons accused of crimes as required by both the United States and Connecticut Constitutions. The six (6) specialized units of the Division include the Legal Services (Appellate) Unit located in Hamden, Connecticut; the Habeas Corpus Unit, located in Rocky Hill; the Psychiatric Defense Unit, located at Connecticut Valley Hospital in Middletown; the Capital Defense Unit and the Juvenile Post-Conviction and Reentry Unit are located at the Office of Chief Public Defender, Hartford; and the Connecticut Innocence Project which is also located in Hartford.

Section 51-291(m), C.G.S., specifies that the Commission is an “autonomous body within the Judicial Department for fiscal and budgetary purposes only.” As such, the Commission is part of the Judicial Department, but is otherwise autonomous within that branch of state government.

All attorneys and other employees of the Division are appointed by the Public Defender Services Commission. The Commission also establishes the compensation plan for the Division, approves certain expenditures, and establishes policies and procedures relating to the operation of the Division.

The chief administrative officer for the Division, appointed by the Commission is Chief Public Defender Attorney Susan O. Storey. The Deputy Chief Public Defender is Attorney Brian S. Carlow. The duties of the Chief Public Defender are specified in Sec. 51-291, C.G.S., and include supervision of all personnel and operations of the Division, training of all attorneys and support staff, and preparation of all grant and budget requests for approval by the Commission and submission to the Governor.

In addition to the Chief and Deputy Chief Public Defender, management and administration of the Division is carried out by the office of Chief Public Defender, located at 30 Trinity Street, in Hartford. Administrative staff consists of five (5) Executive Assistant Public Defenders (Director of Human Resources, Director of Training, Director of Special Public Defenders, Director of Juvenile Delinquency Defense, Legal Counsel), a Financial Director, Chief Investigator, Chief Social Worker, three (3) Managers (Administrative Services, Information Services, and Information Systems), an Assistant Director of Training, a Legal Technical Training Specialist, seventeen (17) administrative staff, and two (2) secretarial positions.

Public Defender services are provided to “indigent” accused¹ adults and juveniles throughout Connecticut at thirty-seven (37) field offices and six (6) specialized units and branches of the Office of Chief Public Defender. Pursuant to Sec. 51-296 C.G.S., public defenders may be appointed to represent individuals in any criminal action, any habeas corpus proceeding arising from a criminal matter, any extradition proceeding, or in any delinquency matter. Representation is provided to clients in both adult and juvenile misdemeanor and felony cases, including appeals and other post-conviction matters. Public defenders also represent clients acquitted by reason of insanity before the Psychiatric Security Review Board pursuant to Sec. 17a-596(d), C.G.S., post-conviction petitions for DNA testing in accordance with Sec. 54-102kk(e), and through the public defender Connecticut Innocence Project in post-conviction claims where forensic evidence may exonerate inmates who have been wrongfully convicted.

The total position count authorized for the Division currently stands at a total of 408 positions (400) permanent full-time, seven (7) permanent part-time, and one (1) federally funded. As of June 2009 there were five (5) full-time vacancies.

WORKFORCE ANALYSIS FOR THE DIVISION OF PUBLIC DEFENDER SERVICES

This comparison is based on the Division’s 393 employees as of the Commission meeting of November 3, 2009. Workforce availability figures are based on the 2000 U.S. Census reports as reportable by the U.S. Census Bureau in the following categories of identities.

B = Black or African American
W = White
A = Asian
NH = Native Hawaiian or
PI = Other Pacific Islander

H = Hispanic or Latino
AI = American Indian or
AN = Alaskan Native
O = Other

¹ “A person...who is formally charged with the commission of a crime punishable by imprisonment and who does not have the financial ability at the time of his request for representation to secure competent legal representation and to provide other necessary expenses of legal representation.” Sec. 51-297(f), C.G.S.

OFFICIALS AND ADMINISTRATORS

			WORKFORCE AVAILABILITY
WM=	25	53.2%	55.6%
WF=	18	38.3%	33.5%
BM=	2	4.3%	1.8%
BF=	1	2.1%	2.2%
HM=	0	0.0%	1.9%
HF=	0	0.0%	1.4%
AM=	1	2.1%	1.7%
AF=	0	0.0%	0.8%
NH/OPO M=	0	0.0%	0.0%
NH/OPO F=	0	0.0%	0.0%
AI/AN M=	0	0.0%	0.1%
AI/AN F=	0	0.0%	0.1%
TOTAL	47		

This category includes Chief, Deputy Chief, Directors, Managers, Exec. Asst. PD's, Sup. Asst. PD's, Public Defenders, Chief Social Worker and Chief Investigator

PROFESSIONALS

			WORKFORCE AVAILABILITY
WM=	86	41.2%	40.2%
WF=	91	43.5%	45.9%
BM=	7	3.4%	1.9%
BF=	13	6.2%	3.2%
HM=	3	1.4%	0.4%
HF=	6	2.9%	2.1%
AM=	1	0.5%	2.3%
AF=	2	1.0%	1.7%
NH/OPO M=	0	0.0%	0.0%
NH/OPO F=	0	0.0%	0.0%
AI/AN M=	0	0.0%	0.1%
AI/AN F=	0	0.0%	0.1%
TOTAL	209		

This category includes attorneys, social workers, mitigation specialists, Payroll officer, HR officer, Financial Officer, Systems Specialist, Network Admin. and Legal Technology

PROTECTIVE SERVICE WORKERS

			WORKFORCE AVAILABILITY
WM=	28	44.4%	47.4%
WF=	18	28.6%	33.0%
BM =	3	4.7%	4.1%
BF=	2	3.2%	4.0%
HM=	10	15.9%	4.3%
HF=	2	3.2%	3.2%
AM =	0	0.0%	1.3%
AF=	0	0.0%	0.5%
NH/OPO M=	0	0.0%	0.0%
NH/OPO F=	0	0.0%	0.0%
AI/AN M=	0	0.0%	0.5%
AI/AN F=	0	0.0%	0.1%
TOTAL	63		

This category includes Investigators.

ADMINISTRATIVE SUPPORT		WORKFORCE AVAILABILITY	
WM =	2	2.7%	26.2%
WF=	39	52.7%	54.5%
BM=	1	1.4%	2.6%
BF=	13	17.6%	6.3%
HM=	1	1.4%	2.2%
HF=	16	21.6%	4.7%
AM=	1	1.4%	0.7%
AF=	1	1.4%	1.0%
NH/OPO M=	0	0.0%	0.0%
NH/OPOF=	0	0.0%	0.0%
AI/ANM=	0	0.0%	0.0%
AI/ANF=	0	0.0%	0.1%
TOTAL	74		

This category includes Clerical, Admin Support and Paralegals.

TOTAL WORKFORCE		WORKFORCE AVAILABILITY	
WM =	141	35.8%	42.4%
WF =	166	41.6%	37.8%
BM =	13	3.1%	3.5%
BF=	29	7.9%	4.3%
HM =	14	3.8%	4.0%
HF=	24	6.4%	3.6%
AM=	3	0.7%	1.4%
AF=	3	0.7%	1.1%
NH/OPO M=	0	0.0%	0.1%
NH/OPOF=	0	0.0%	0.0%
AI/AN M=	0	0.0%	0.1%
AI/NF=	0	0.0%	0.2%
TOTAL	393		

SUMMARY OF WORKFORCE

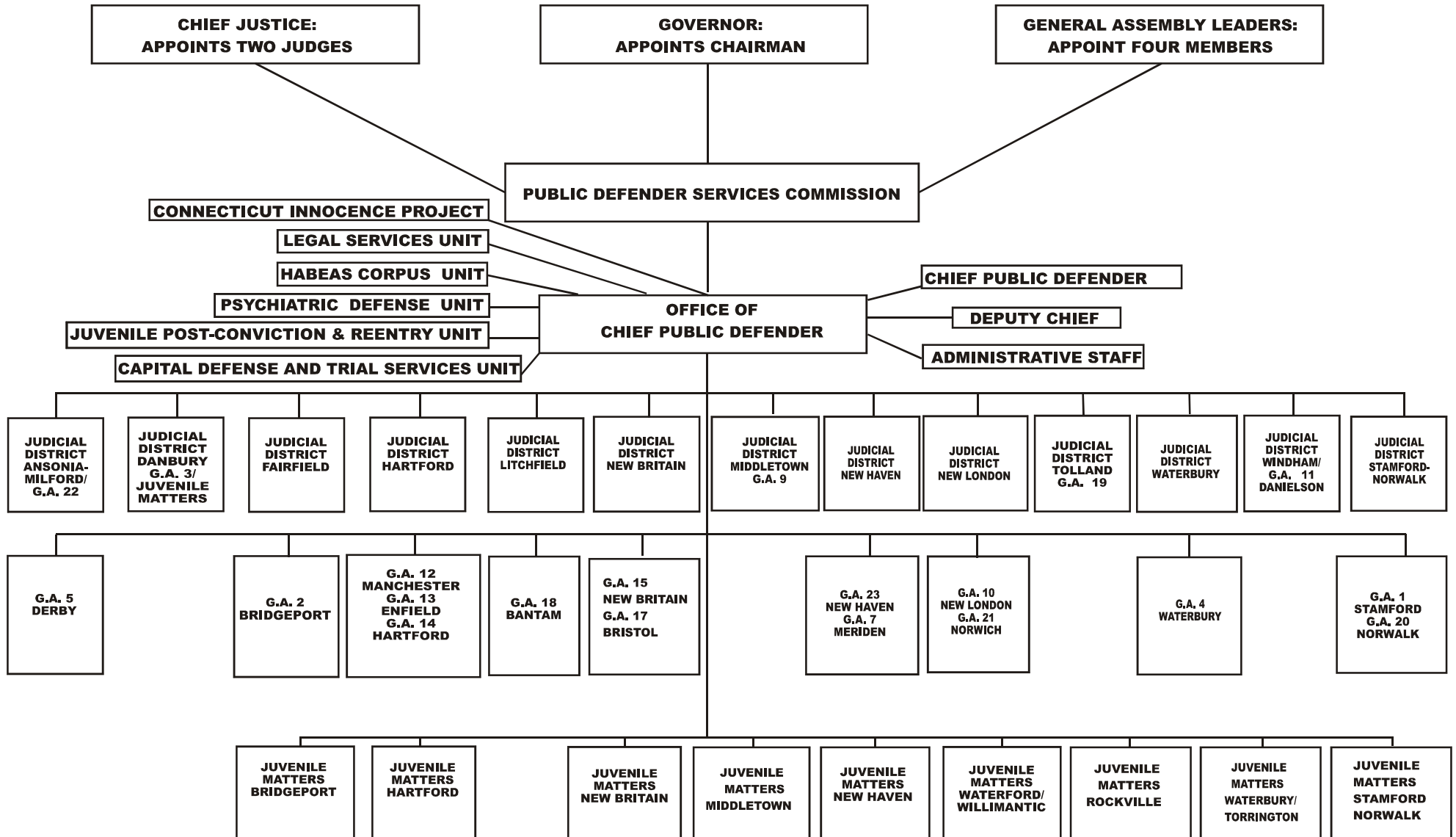
Total Male=	171	43.5%
Total Female =	222	56.5%
Total Minority =	86	21.9%
Total Female & Minority =	252	64.1%

The Commission also has contracts with 293 members of the private bar to provide representation as Special Public Defenders in adult and juvenile cases where conflicts of interest preclude representation by public defender staff.

The chart on the following page shows the Division's organizational and geographical structure.

ORGANIZATIONAL CHART

DIVISION OF PUBLIC DEFENDER SERVICES



PUBLIC DEFENDER SERVICES COMMISSION MEMBERS

MEMBER	APPOINTING AUTHORITY	DATE OF APPOINTMENT
Attorney Carl D. Eisenmann,	Governor	December 20, 2007
Msgr. William A. Genuario	House Republican Leader	February 17, 2009
Aimee Golbert, LCSW	Senate President Pro Tempore	July 24, 2007
Honorable Paul Matasavage	Chief Justice	July 26, 2006
Attorney Ramona Mercado-Espinoza	Speaker of the House	March 19, 2008
Thomas J. Rechen, Esq.	Senate Minority Leader	October 10, 2009
Honorable Susan S. Reynolds	Chief Justice	July 26, 2006



CASELOAD¹

In 2008-09, the total public defender caseload in Connecticut was 90,707², cases, exactly the same as the previous year. This total includes 8494 cases that were assigned to Special Public Defenders in conflict of interest cases. Case appointments to Special Public Defenders rose 10% from last year. An additional 650 cases were appointed to the appellate and habeas corpus units during 2008-09.

During 2008-09 the Judicial District (JD) offices were “appointed”³ to 3067 cases, 7% more than in 2007-08. After adjusting for cases transferred and case weighting, total “new cases assigned”⁴ to the JD offices rose less than 1% over the previous year. During this fiscal year, public defender offices were appointed to fifty-nine (59) murder cases and capital felony cases. The state is seeking the death penalty in three (3) of the capital cases.⁵ Due to conflicts of interest, nineteen (19) of these murder and capital felony cases were assigned to Special Public Defenders, while private counsel entered appearances in nine (9) cases. As a result, the public defender offices retained thirty-one (31) murder and capital felony cases.

In the previous year, public defender offices were appointed to sixty-four (64) murder and capital felony cases, retaining forty (40) cases. Seventeen (17) were assigned to Special Public Defenders and private counsel acquired seven (7) cases. The state sought the death penalty in nine (9) capital cases appointed in the previous year.

Lawyers in the Geographical Area (GA) offices were “appointed” to 69,476 new cases, including both criminal and motor vehicle, 2804 more cases than in 2007-08. Total “new cases assigned” to the GA offices amounted to a slight increase over the previous year. On average, “New cases assigned per attorney” increased marginally from 2007-08.

Attorneys in the Juvenile Matters offices were “appointed” to 5071 new delinquency cases, 832 (14%) fewer cases than in 2007-08. Total “new cases assigned” to the Juvenile offices showed a 14% decline from the previous year. “New cases assigned per attorney” declined nearly 17%.

¹ This chapter was contributed by Pamela B. Simon, Manager of Information Services, Office of Chief Public Defender.

² “Fiscal year caseload” is defined as “cases pending at the beginning of the fiscal year plus cases appointed minus cases transferred after appointment to Part A (GA only), another court for consolidation, Special Public Defender (conflict of interest), private counsel or pro se.”

³ “Cases appointed” is defined as new cases appointed to the public defenders office during the fiscal year.

⁴ “New Cases Assigned” is further defined in the text on page 11.

⁵ The number of capital cases reported in Chapter 3 refers to all capital cases, death and non-death either handled by the Capital Unit and/or the JD offices. For statistics purposes, cases that are being tried for the second time are counted as “new” cases. Chapter 4 refers only to capital cases handled by the Unit and does not count cases for retrial as “new” cases.

An examination of trends since 1999-00, when the Division received a substantial increase in staffing to handle the existing caseloads, reveals that GA offices were appointed to 15,142 (28%) more new cases in 2008-09 than in 1999-00. Similarly “cases appointed” to the JD offices in 2008-09 were 796 cases (35%) greater than in the 1999-00 fiscal year. However, recent trends indicate that Juvenile Matters offices were appointed to 1548 (23%) fewer new delinquency cases in 2008-09 than in 1999-00.

EVALUATION OF CASELOAD GOALS

In order to insure that the attorneys within the Division of Public Defender Services are able to render quality representation to all clients and avoid unnecessary delay in the disposition of cases, the Public Defender Services Commission established Caseload Goals for Public Defenders in 1999. These goals reflect the Commission’s view of the number of new cases to be assigned to an individual attorney per year in order to represent clients in accordance with the Commission’s Guidelines on Indigent Defense. The goals as established for the respective courts are as follows: Judicial Districts, not to exceed 75 cases, Geographical Areas, not to exceed 450-500 cases, Juvenile offices, not to exceed 300-400 cases, and Habeas Corpus, not to exceed 20-25 cases. These goals have enabled the Commission to assess staffing levels and allocate resources on an equitable basis.

It is important to note, however, that the numbers of major felony cases remaining in the Geographical Area (GA) courts may require re-evaluation of these goals. In 2009 as in 2008 and 2007, 97% of major felony cases remained in the GA courts. In 2007, the American Council of Chief Defenders (ACCD) reaffirmed the caseload guidelines established in 1973 by the National Advisory Commission on Criminal Justice Standards and Caseload Goals (NAC Standards). These guidelines are significantly lower in some respects than those established by the Public Defender Services Commission in 1999 as a result of the settlement agreement in *Rivera v. Rowland, et al.* Furthermore, the American Bar Association (ABA) has issued a formal opinion regarding the ethical obligations of public defender lawyers when faced with excessive caseloads.

CASELOAD GOALS AND ANALYSIS

The adoption of “Caseload Goals” in 1999 redefined “Caseload” as “new cases assigned”, which is reflected in the Appendices tables entitled “Caseload Goals Analysis”. The specific calculations differ depending upon whether the office is identified as a JD, GA or Juvenile Matters location.

“NEW CASES ASSIGNED”

Judicial District offices calculate “new cases assigned” by weighting murder and non-death penalty capital cases as two (2) cases, (by adding one (1) additional case) and capital felony cases in which the State seeks the death penalty as ten (10) cases (by adding nine (9) additional cases)⁶. After the weighting process is applied, minor felony, misdemeanor, motor vehicle and other cases are excluded. Cases transferred (Special Public Defender, private counsel, pro se) are also subtracted.

Geographical Area offices calculate “new cases assigned” by excluding cases that are nolle or dismissed on the date of appointment and bail only appointments. Cases transferred are also excluded.

Juvenile Matters offices calculate “new cases assigned” by excluding cases in which the juvenile is charged with Violation of a Court Order in a pending matter. Cases transferred are also subtracted.

The “Caseload Goals Analysis” tables reflect “new cases assigned” per attorney to assess caseload goals in each public defender office. The number of attorneys in the JD and GA locations used to calculate “new cases assigned per attorney” has been reallocated in offices where the same staff handles JD and GA business. In these offices, a staff attorney is shown as working in only the JD or GA although he/she may handle both types of cases.

PUBLIC DEFENDER SHARE OF TOTAL CRIMINAL CASELOAD

In the Judicial Districts there has been a substantial increase in the share of the total criminal docket absorbed by public defender offices over the years. For example, in 1980-81 defender offices received 56% of the total criminal cases added to the Judicial Districts’ dockets. In 2008-09 the public defender share of the caseload was 85%, or 3067 of the 3623 new criminal cases received in the Judicial Districts, surpassing last year’s record high of 83%. This is especially noteworthy since the higher percentage of public defender representation places greater demands on the staff in the public defender offices. In the urban offices the public defender share is as high as 87% (New Haven), 86% (Fairfield) and 79% (Hartford). In other smaller jurisdictions, the public defender share of business is as high as 98% in (Tolland), 96% (New London), and 89% in both (Litchfield and Ansonia-Milford). The following offices demonstrated major increases in their share of caseloads compared with FY 2007-08: (14%) New Haven, (11%) Stamford (10%) Waterbury and Middlesex and (7%) Fairfield.

The total incoming business of the Judicial District courts increased 171 cases, a 5% rise from 2007-08 while corresponding public defender offices experienced a 7% increase in “cases appointed”, 202 more cases than the previous year. The Judicial District public defender offices handled 27% of the trials in the JD courts, a 3% increase from last year with four (4) more trials than in 2007-08.

⁶ Transfers of murder and capital cases are excluded prior to the weighting process and are deducted from “transfers” to avoid double subtraction. A percentage of minor felonies, misdemeanors, motor vehicle and other cases is applied to “transfers” to avoid double subtraction.

In the Geographical Areas, public defender offices represented 46% of the criminal cases received by the courts in 2008-09; although the public defender share of the new cases added to the courts' dockets is 1% less than the previous year, public defenders were appointed to 448 additional criminal cases. The GA public defender offices handled 17% of the criminal trials in the GA courts compared to last year's 25%. The public defender share of caseload was over the average in seven (7) locations between 60% and 49%, the highest being in the urban offices of New Haven (60%) and Bridgeport (58%). The public defender share was also significant in Stamford (57%), Bantam (57%), New London (50%), Derby (50%) and Danielson (49%). In addition, public defenders handled 10,670 motor vehicle offenses carrying possible jail terms; these motor vehicle cases represent 5.3% of the incoming business to the GA courts.

Juvenile delinquency public defender offices represent nearly 48% of the courts' total new cases added, the same as last year. The public defender share of caseload is higher than the average in two of the three urban offices of Hartford (58%) and Bridgeport (52%). Waterbury (55%), Willimantic, Rockville (53%) and Stamford (52%) also exceed the average of the juvenile court's incoming delinquency matters.

SPECIAL PUBLIC DEFENDERS

Special Public Defenders are private attorneys hired by the Public Defender Services Commission to represent indigent defendants when the public defender office determines that there is a conflict of interest. In 2008-09, Special Public Defenders were assigned to handle 8494 cases for the JD, GA, juvenile matters, appellate and habeas offices combined, 772 (10%) more cases than in 2007-08 when 7722 cases were assigned. The majority of these cases were assigned pursuant to contracts entered into between the Commission and members of the private bar.

LITIGATION – TRIALS

Attorneys in the Judicial District offices handled thirty (30) jury trials to verdict, including one (1) capital felony jury trial. The average length of a JD jury trial was ten (10) days. In addition, jury selection began in twenty-one (21) other cases.⁷ During 2008-09 public defender offices tried five (5) jury cases to conclusion in which the accused was charged with murder, accessory to murder, or lesser included offenses. The average length of a murder trial was fifteen (15) court days. The Judicial District offices handled four (4) court trials to conclusion averaging three days; three court trials resulted in judgments of not guilty by mental disease or defect.

During this fiscal year Division staff tried one (1) capital felony case in which the State was seeking the death penalty. *State v. Richard Roszkowski* lasted seventy (70) court days for the guilt phase and an additional twenty-nine (29) court days for the penalty phase. *State v. James Allen*, a non-death capital case was tried in New London over thirty-eight (38) days. The jury found Mr. Allen guilty of manslaughter 1; last

⁷ "Jury trials commenced" refers to partial jury selection prior to the jury being sworn plus "jury trials begun" (jury sworn after voir dire). The Judicial Branch also tracks "jury trials begun" and court trials begun (first witness sworn) in their reporting of trials in total.

January he was sentenced to fourteen (14) years jail. Special Public Defenders handled the non-death capital case of *State v. Kevin Amos* in which Mr. Amos pled guilty to manslaughter 1 with a firearm after six days (6) of jury selection.

The Geographical Area offices tried seventeen (17) jury cases to verdict averaging five (5) court days. In addition they tried four (4) court trials averaging two (2) court days per case, for a total of twenty-two (22) trials. The attorneys in these offices also began jury selection in fifteen (15) additional cases. During this fiscal year Juvenile Defender offices tried two (2) cases to conclusion averaging seven (7) court days.

Lawyers from the Habeas Corpus Unit tried nine (9) cases in FY08-09 and resolved twenty-six (26) additional cases through litigation at the trial court level. These attorneys handled eight (8) motions to modify, eleven (11) sentence modifications and seven (7) motions for revised judgment mitts. Public defenders and Special Public Defenders resolved 328 cases during 2008-09 leaving 1157 habeas cases pending at the end of the fiscal year.

MAJOR FELONY MEASURES

At present, 32% of all the cases handled by GA public defender offices and 23% of the juvenile cases are felonies, including 12% of juvenile cases which are categorized as "Serious Juvenile Offenses". Juvenile Defender offices showed a 1% increase in SJO cases as compared with 2008-09. Major felonies increased to 55% of the cases in the JD offices, compared with last year's 53%.

In the GA offices, the number of major felonies increased nearly 6% (401) cases from last year. This is especially significant in light of the fact that only 2.76% of the public defender new GA criminal cases were transferred to the JD courts. The GA courts retained over 97% of their B and C felonies.

While the statewide average in the GA's shows that 10.6% of all cases (including motor vehicle) are classified as major felonies, 12.5% of all criminal cases are major felonies. GA offices with higher than average percentages of major felonies are as follows: Norwich (25%) with 5% transferred to Part A; New Haven (19.7%) with 4.4% transferred to Part A; Hartford (18.5%) with 1.88% transferred to Part A; Norwalk (18%) with .36% transferred to Part A; Stamford (17%) with .18% transferred to Part A; Enfield (16.3%) with .65% transferred to Part A; Waterbury (15.65%) with 3.83% transferred to Part A; Bristol (14.2%) with .83% transferred to Part A; Milford (13.9%) with 2.78% transferred to Part A; Danielson (12.6%) with .87% transferred to Part A. It is noteworthy that there are nine (9) GA offices with more major felonies than the average.

ACCESS CASE TRACKING

The Access Case Tracking, which serves as a management tool for all attorneys and support staff, continues to be a viable resource for client case information by providing daily, weekly and monthly reports in several formats. In addition, the Case Tracking system, along with the manual counterpart, provides all caseload data that the

Information Services Department compiles monthly, quarterly and annually. It is the basis for preparing the caseload section of the Annual Report of the Chief Public Defender.

In September 2002, the Systems Department was assigned to handle the technical aspects of the Access Case Tracking system. The Information Services Department has continued its responsibility of supporting users in the field offices in data entry procedures and preparation of reports.

During 2003, the Systems Department began development of a more technically sound program that provides quicker response and a greater compatibility with hardware upgrades. As a liaison between users and the Systems Department, the Information Services Department continues to collaborate with the program development by reviewing the data collected for statistics reports to maintain its integrity. To date, the new version of Access Case Tracking is operational in nine (9) GA offices, five (5) merged JD/GA offices and four (4) JD offices. Six (6) GA offices and four (4) JD offices still rely on a manual system to prepare their statistics reports. The merged offices of Ansonia-Milford JD/GA 22 and Danbury JD/GA 3 have reported with the Access Case Tracking system for more than two years. The Systems Department created an automated version of the twenty-year-old manual worksheet. This system allows offices to enter into the computer the number of cases added and disposed, which totals the columns and brings the totals into a report format.

In 2008, the installation of a new server necessitated a change in the Case Tracking program to operate in a SQL format instead of Access. The new system will be rolled out over the next several months after testing is completed.

SUMMARY

Statewide public defender offices handled 85% of the Judicial Districts' incoming business, (2% more than last year) as well as 27% of the trials in the JD courts. The record high demands on public defender staff is significant, especially in offices where we represent 98% of the criminal dockets. Although attorneys handling the most serious felonies in the Judicial District public defender offices received less than 1% more "new cases assigned" in 2008-09 than in the previous year, the number of new cases that are classified as major felonies rose 12% (183) cases from last year and represents 55% of the incoming business. Moreover, the total number of cases appointed rose 7%.

Although Geographical Area offices showed a marginal increase in "new cases assigned" from the previous year, major felonies rose nearly 6% (401 cases) from last year. Since the public defender offices only transfer 2.76% of their B and C felonies to the JD courts, they are retaining over 97% of these major felonies.

While offices handling juvenile delinquency matters received 14% fewer "new cases assigned", these offices currently handle 48% of the incoming delinquency cases, the same as last year. In addition, under the Juvenile Transfer law, seventy-eight (78) cases were transferred from juvenile to adult court, although a slight increase from last year, a 26% increase over the past two years.

PUBLIC DEFENDER OFFICES TRENDS IN CASELOAD AND STAFFING¹

<i>PUBLIC DEFENDER PERCENTAGE OF CASELOAD</i>	<i>2003-04</i>	<i>2004-05</i>	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>
Judicial Districts	80.81%	79.97%	78.47%	75.09%	82.99%	84.65%
Geographical Areas (criminal cases excluding MV)	42.59%	45.71%	46.33%	47.05%	46.66%	46.05%
Juvenile Matters	46.38%	46.79%	48.56%	47.78%	48.22%	47.72%

<i>AUTHORIZED PERMANENT FULL-TIME POSITIONS</i>	<i>2003-04</i>	<i>2004-05</i>	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>
Attorneys	189	190	189	193	203	217
Clerical	68	64	60	60	61	60
Investigators	61	61	61	61	63	62
Social Workers	28	36	37	41	42	40
Exempt or Other Staff (Administrative)	16	16	20	20	21	21
TOTAL	362	367	367	375	390	400

CLASSIFICATIONS OF NEW CASES APPOINTED

	<i>2003-04</i>	<i>2004-05</i>	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>
Judicial Districts						
Major Felonies	1743	1635	1541	1754	1503	1686
Minor Felonies	79	162	136	170	296	296
Misdemeanors	91	130	84	104	176	200
TOTAL (includes MV, VOP, Other)	2532	2580	2461	2762	2865	3067

	<i>2003-04</i>	<i>2004-05</i>	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>
Geographical Areas						
Major Felonies	6556	6367	7303	7096	6964	7365
Minor Felonies	12733	12945	13751	13582	14730	14598
Misdemeanors	26261	27063	27343	28680	27344	27825
TOTAL (includes MV, VOP, Other)	62291	63269	66043	68006	68284	69476

GA cases appointed include Community Court GA 14 and 4

	<i>2003-04</i>	<i>2004-05</i>	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>
Juvenile Matters						
Serious Juvenile Offenses	910	880	915	695	636	594
Other Felonies	998	938	809	700	698	587
Misdemeanors	5558	5344	5594	4849	4531	3877
TOTAL (includes Other)	7634	7301	7318	6399	5903	5071

PERCENTAGE OF CASES APPOINTED BY CLASSIFICATION

	<i>2003-04</i>	<i>2004-05</i>	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>
Judicial Districts						
Major Felonies	68.84%	63.37%	62.60%	63.5%	52.5%	55.0%
Minor Felonies	3.12%	6.28%	5.50%	6.2%	10.3%	9.7%
Misdemeanors	3.59%	5.04%	3.40%	3.8%	6.1%	6.5%
(MV, VOP, Other)	24.41%	25.00%	27.80%	26.2%	30.2%	27.9%

	<i>2003-04</i>	<i>2004-05</i>	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>
Geographical Areas						
Major Felonies	10.52%	10.06%	11.10%	10.4%	10.2%	10.6%
Minor Felonies	20.44%	20.46%	20.80%	20.0%	21.6%	21.0%
Misdemeanors	42.16%	42.77%	41.40%	42.2%	40.0%	40.0%
(MV, VOP, Other)	25.96%	26.22%	26.10%	26.7%	27.7%	27.8%

	<i>2003-04</i>	<i>2004-05</i>	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>
Juvenile Matters						
Serious Juvenile Offenses	11.92%	12.05%	12.30%	10.9%	10.8%	11.7%
Other Felonies	12.85%	10.90%	10.90%	10.9%	11.8%	11.6%
Misdemeanors	72.81%	73.20%	75.20%	75.8%	76.8%	76.5%
Other	1.70%	1.89%	1.70%	2.0%	0.6%	0.2%

¹Authorized full time positions for the Fiscal Year



PUBLIC DEFENDER OFFICES AND SPECIAL UNITS

JUDICIAL DISTRICT OFFICES

Staffing and Caseloads

Thirty-nine (39) attorneys were assigned to the Judicial District (JD) offices in 2008-09. An individual JD attorney was assigned an average weighted caseload of forty-one (41) cases over the course of the year. Caseloads for JD attorneys are weighted by counting cases in which the defendant is charged with murder or non-death penalty capital felony as two (2) cases and cases in which the defendant is charged with capital felony and facing the death penalty as ten (10) cases. Fifty-five percent of all cases assigned in the JD courts were classified as major felonies, while 24% were Violations of Probation. The balance included minor felonies, misdemeanors and a small number of motor vehicle offenses. At the start of FY 2008-09, JD attorneys were carrying an average of thirty-six (36) pending cases; this level of pending cases remained stable as of July 1, 2009.

Litigation

Thirty (30) jury trials in the JD offices resulted in eleven (11) not guilty verdicts and two (2) mistrials due to hung juries, demonstrating a 37% success rate. In addition, four (4) cases in which jury selection began were disposed of with either a nolle or a judgment of acquittal. There were four (4) court trials, one of which resulted in a not guilty judgment and two (2) judgments of not guilty by reason of mental disease or defect.

Trends and Forecasts

Statewide public defender offices handled 85% of the Judicial District incoming cases, a 2% increase over last year's record of 83%. In some offices, public defenders represent clients in 98% of the major felony and capital cases. These numbers represent record high workload demands on public defender staff. The significant gap in personnel resources between public defender Judicial District offices and prosecutor staff also continue to cause considerable concern for attorneys charged with providing effective defense representation pursuant to state and federal constitutional requirements. Staff inequities in Judicial District offices range from twice to six times the number of prosecutorial staff compared to public defender staff. The Office of Chief Public Defender continues to request that additional assistant public defender positions be added to the overall position count to address this specific inequity in resources.

GEOGRAPHICAL AREA OFFICES

Staffing and Caseloads

There were 114 attorneys assigned to Geographical Area (GA) offices in 2008-09 and an individual attorney in a GA public defender office was assigned an average of 475 new cases over the course of the year. The GA courts retained more than 97% of major B and C felonies, putting significant demands on public defender staff. Several GA offices exceeded the Commission Caseload Goals in the Fourth Quarter of FY 2008-09. These offices included: Waterbury, Derby, Hartford, Bantam and New Haven. Per diem staff have been provided whenever possible to those offices with caseloads significantly over the Caseload Goals, but additional permanent staff is necessary. At the beginning of 2008-09, GA attorneys averaged 167 cases pending while on July 1, 2009 that average pending caseload increased to 181 cases.

Litigation

In 2008-09 Geographical Area offices handled seventeen (17) jury trials to verdict with eight (8) resulting in not guilty verdicts showing a 47% success rate. An additional two (2) cases that began jury selection resulted in either a nolle or a judgment of acquittal. Four (4) court trials to judgment resulted in two (2) not guilty judgments showing a 50% success rate for court trials.

Trends and Forecasts

Statewide, eleven (11) GA public defender offices are at or over the Commission caseload goals of no more than 450-500 new cases per attorney per year. On average, offices handle a minimum of 48-50% of GA cases, not including approximately 10,000 motor vehicle cases. The most significant trend and cause for concern in these offices remains the exceedingly high number, approximately 97%, of serious felony cases remaining in the GA courts. Many of these cases are complex and have serious, life altering collateral consequences for clients upon conviction. It is noteworthy that the nationally accepted standards for mixed caseloads of misdemeanors and felonies, including clients with serious mental health issues are approximately one-half the caseloads carried by individual attorneys in Connecticut GA public defender offices.

In past legislative sessions The Office of Chief Public Defender has continually supported raising the jurisdictional age of juvenile court because it comports with national best practices and scientific research on adolescent brain development in addition to the collateral benefit to provide caseload relief to the over-burdened GA offices. We will carefully monitor the "phase-in" of the 16 year-old population into the juvenile court to gauge the impact on the GA public defender offices.

JUVENILE DEFENSE

Staffing and Caseloads

There were twenty (20) attorneys assigned to Juvenile Defender offices in 2008-09. Each individual attorney in these offices was assigned an average caseload of 191 new delinquency cases over the course of the year. The total number of delinquency cases reported by the Judicial Branch was 13% fewer cases (1615) than reported in FY 2007-08. At the start of 2008-09, each juvenile attorney was carrying an average of 101 pending cases, as compared with 113 at the beginning of the previous year. Lawyers in the public defender juvenile offices continue to handle 48% of the total delinquency cases in the juvenile courts.

The average number of new cases assigned per attorney in all juvenile offices was within the Commission's Caseload Goals of 300-400 new cases per attorney annually. Recently, however, both the ABA and the American Council of Chief Defenders reaffirmed the juvenile caseload goals of 200 juvenile cases per attorney as set in 1973 by the National Advisory Commission on Criminal Justice Standards and Goals. Under these goals, four (4) of the reported ten (10) jurisdictions fall above these national guidelines.

Trends and Forecasts

The area of juvenile defense saw many advances and changes in 2009. Caseloads in many jurisdictions continued to decline, in part because of efforts by juvenile public defenders and social workers to divert clients into community based services. This decline allowed the Division to be a leader in the effort to save the planned implementation of the Raise the Age law.

There were several initiatives to repeal or delay Raise the Age due to the budget crisis facing Connecticut. The Office of Chief Public Defender put the full support of the Agency behind the effort to move youth into juvenile court. Public Defender staff participated in drafting language that became P.A. 09-7, which insures that 16 year-olds will become juveniles for the purpose of criminal prosecution on January 1, 2010. Juvenile jurisdiction for 17 year-olds is delayed until 2012 due to the projected costs. The Juvenile Division will conduct informational sessions in the community to ensure that our clients and their families are aware of the changes in the law.

Decisions

There were also exciting developments in juvenile case law. In May, the Connecticut Supreme Court ruled on *State v. Juan L.* 291 Conn. 566 (2009), which was argued by Assistant Public Defender Jennifer Leavitt. The Court ruled that C.G.S. 54-56d, the adult competency statute, applied to accused juveniles. The court found that juveniles were equivalent to criminal defendants and found that they are constitutionally entitled to be competent before being prosecuted. The procedure for

discretionary transfer of juvenile matters to the adult court docket was found unconstitutional in *State v. Fernandes*, 115 Conn. App. 180 (2009). Juvenile defenders throughout Connecticut immediately began litigating these cases which had previously been left solely to the discretion of prosecutors. Defenders have also been successful in arguing that the holding in *Fernandes* applies to Youthful Offender cases being moved to the regular adult docket. The Supreme Court has granted cert in *Fernandes* and has allowed a public policy appeal on the issue of youthful offenders.

The Juvenile Division continued its efforts to provide continuing education in the area of juvenile defense. Connecticut Legal Services has been contracted to provide regional training on education rights for agency staff and Special Public Defenders. In September the Division presented *Rights to Realities* in conjunction with Department of Corrections (DOC), Department of Children and Families (DCF), the Office of the Child Advocate, the Child Protection Commission and Families in Crisis. Approximately 150 people attended this program which focused on teaching adult and juvenile court lawyers how to work with the child welfare system to obtain successful outcomes for clients. Juvenile Defense Director, Christine Rapillo, has also been successful in expanding training opportunities in this area of the law to include other interested state agencies with funding assistance from the Office of Policy and Management.

The Juvenile Post Conviction and Re-Entry Unit, based at the Office of Chief Public Defender, is responsible for providing post conviction advocacy to juvenile clients who have been removed from their homes and placed in the custody of the Department of Children and Families as committed delinquents. This highly specialized juvenile unit was formed with the specific intent to provide representation to juveniles committed pursuant to delinquency proceedings to the Department of Children and Families and who are removed from their families. The Unit maintains contact with the child and all care providers and monitors to make sure that the child receives the appropriate care and treatment to maximize the success of that child while in residential care and to prevent recidivism upon reentering their communities.

The Unit's staff of two (2) attorneys, one (1) social worker and a paralegal provide advocacy to an average daily caseload of approximately 275 clients. The usual duration of a client's commitment is a period of eighteen (18) months and 160 client cases were closed during the past fiscal year. The Unit functions in concert with juvenile field offices to provide holistic representation to juvenile clients. Many of these clients are placed in residential treatment facilities throughout the state of Connecticut as well as Massachusetts, Iowa, Vermont, Pennsylvania, Rhode Island, Utah, South Carolina and Florida. The Unit is responsible for protecting clients' rights and ensuring that their treatment needs are met while in state custody.

The Unit also represents clients in formal juvenile court proceedings such as motions to extend commitments, motions to reopen and terminate commitments and appeals of administrative hearings. In addition the Unit provides advocacy for clients in administrative hearings under the Uniform Administrative Procedures Act. These proceedings include parole revocation hearings, treatment plan hearings, and administrative case reviews. Members of the Unit appeared on the client's behalf at approximately 600 case reviews during the past year. These administrative hearings are subject to court review as well as appellate review.

The Unit continued to pursue appellate court review of issues affecting our juvenile clients. Two separate appeals were filed during the past year and both matters are pending before the Connecticut Appellate Court. In *In Re Earl B.*, A.C. 30491, the Unit has challenged, as beyond the authority granted under the statute, the legality of a sentence banishing a child from New Haven County for a period of forty-two months. In *In Re Priscilla A.*, A.C. 31158, the Unit has opposed the appointment of a Judge Trial Referee without the consent of the juvenile, a right extended to adults in criminal court proceedings.

In addition to legal advocacy, the Unit provides a great deal of oversight to the custodial relationship between DCF and the client. The attorneys and social worker meet regularly with all of the clients to ensure that they are receiving appropriate care and treatment. The Unit also investigates any claim that a client has been subject to abuse or neglect while under the care of DCF. The Unit meets with representatives of the Hotline as well as law enforcement officials to ensure that clients are protected from abusive treatment while in state custody.

The Unit expects and is preparing for an influx of additional juvenile clients in the next fiscal year with the partial implementation of Raise the Age legislation. The Unit will be responsible for representing and monitoring those sixteen-year-old juveniles committed pursuant to delinquency findings to DCF.

CAPITAL DEFENSE AND TRIAL SERVICES UNIT (CDTSU)

Staffing

The Capital Defense and Trial Services Unit is staffed by the Chief of Capital Defense, three (3) additional trial attorneys, two (2) appellate attorneys, three (3) investigators, three (3) mitigation specialists, a paralegal and an administrative assistant. Capital Defense staff are primarily responsible for the representation of clients in all capital felony cases statewide.

Caseloads and Litigation

In fiscal year 2008-2009 the Capital Defense Unit represented eleven (11) clients in capital felony prosecutions in which the state sought the death penalty. Four (4) capital felony death penalty prosecution clients were represented by teams of Judicial District public defenders. An additional nine (9) capital felony cases (death penalty and non-death penalty prosecutions) were assigned to Special Public Defenders because of conflicts of interest. Per ABA standards, capital cases require the appointment of two (2) attorneys per case who meet the standards for representing clients in capital felony cases. Per the settlement agreement in *Rivera v. Rowland*, these cases are handled on an hourly billing basis.

During 2008-2009 one capital felony death penalty jury trial, *State v. Richard Roszkowski*, was commenced and the litigation is on-going. Mr. Roszkowski has been convicted by the jury of two counts of capital murder for the murders of three victims, one of whom was under the age of sixteen. He is represented by public defender attorneys Joseph Bruckmann and Miles Gerety. This trial was held in Bridgeport in the Fairfield Judicial District. The death sentence has been since vacated and a new penalty trial ordered.

Also during 2008-2009 one capital felony non-death penalty trial was conducted. The trial was in the New London Judicial District. *State v. Allen James* was a jury trial. Mr. James was represented by public defenders Fred DeCaprio and Bruce Sturman. He was accused murdering his 3 year-old son and then concealing his death and corpse for almost three years. Mr. James was acquitted of capital felony and convicted of manslaughter in the first degree. He was sentenced to fourteen years imprisonment.

Four capital felony prosecutions were resolved by plea agreements. One Capital Defense and Trial Services Unit client, Jose Miguel Guzman pleaded guilty in the Hartford JD to two counts of capital felony for the for hire murders of three victims. He received two consecutive sentences of life imprisonment without the possibility of release. One of his co-defendants, Erik Martinez, also pleaded guilty to three counts of murder and was sentenced to 75 years. He was represented by Special Public Defender attorney Shari Bornstein. Also in Hartford, Special Public Defender client Kevin Amos pleaded guilty to manslaughter in the first degree with a firearm after two jury trials resulted in hung juries. He was sentenced to fifteen years imprisonment. He was represented by attorney Nicholas Cardwell. In the Fairfield JD Michael McClendon pleaded guilty to one count of capital felony for the sexual assault murder of a young woman. He was represented by public defender attorneys Barry Butler and Jonathan Demirjian. Mr. McClendon was sentenced to life imprisonment without the possibility of release.

As of October, 2009 there were fifteen (15) unresolved pending capital felony cases in which the Agency was responsible for the defense representation. The State is seeking the death penalty in eleven (11) of these cases. Six (6) of the capital felony clients are assigned to the Unit. Two (2) capital felony clients are represented by courthouse public defender attorneys. Six (6) capital felony clients are represented by Special Public Defenders in seven (7) capital felony prosecutions.

LEGAL SERVICES UNIT (APPELLATE)

Staffing

The Legal Services Unit is staffed by a Chief of Legal Services, eleven (11) full time staff attorneys and one (1) full time per diem attorney. The present support staff consists of two (2) paralegals and one (1) clerk although it is expected that a secretary position that became vacant in July 2009 will be filled shortly. This staff is the central provider of appellate services for the Division statewide.

Caseloads

In 2008-2009, the Legal Services Unit received court appointments with 234 cases opened for indigent defendants in the Supreme and Appellate Courts. This number of appointments/appeals filed is much lower than the 320 appointments/appeals filed in FY 2007-08. This lower number reflects (but only in part) the reduced number of cases coming to this office that deal with *Casiano*/Motion to Correct Illegal Sentence matters. Despite this, the number of new cases continues to greatly exceed the ability of the Unit to handle with existing staff. Therefore, many of the cases where the Legal Services Unit is appointed must be assigned to Special Public Defenders.

Capital Cases and Caselaw Developments Impacting the Legal Services Unit

The implementation of *Casiano* Motions to Correct Illegal Sentences is essentially being handled smoothly and uniformly in all court jurisdictions. It should also be noted that during this past year our Supreme Court rendered its decision in *Small v. State*, 290 Conn. 128 (2009). *Small* affirmed the Appellate Court holding that there is no right to appointed counsel in Petitions for a New Trial and therefore should have no further impact on the need to expand provision of Division counsel for those matters.

An area where there has historically been substantial utilization of LSU resources is death penalty appeals. A number of LSU attorneys were involved in capital cases this past year that we classified as “non-death” capital cases. One LSU attorney is assigned death penalty cases as a primary focus in addition to two appellate attorneys assigned to the Capital Defense Unit. It is expected that these three attorneys will be sharing the responsibilities for the Division’s death penalty appellate litigation. The LSU attorney has been involved in a number of pending death penalty cases during the past year, and at present is working on brief preparation in *State v. Peeler*.

In addition, the Legal Services Unit encourages its attorneys to have a close connection with the trial offices and, when possible, to gain trial level experience. Most recently the office has worked closely with several trial offices on issues regarding Youthful Offender transfers and a Supreme Court appeal regarding the legality of a vehicle stop. To date these connections have been advantageous to everyone. The LSU makes itself available to all trial public defenders and Special Public Defenders to answer and research any legal questions that arise.

Trends Impacting the Legal Services Unit Expedited Appeals Process

One other noteworthy trend that may result in increased pressure on all attorneys doing criminal appellate work—there is a growing hue and cry from the public that the appellate process for criminal matters takes too long. This public pressure has now caused the Court to try to expedite the appellate process. This manifests itself in efforts to require that court reporters and monitors complete transcripts more rapidly and to curtail extensions of time for brief filing. This effort is still early in the process and in

the next annual report there will be a better understanding of how rigid the Court becomes in pushing appeals to completion more quickly and what impact this has on the provision of appellate services and counsel. In any event and despite the present downward trend, the Legal Services Unit still refers a substantial percentage of the appeals to Special Public Defenders and this will be the case for the foreseeable future. There are also a relatively small number of appeals that are assigned to Special Public Defenders because of an existing conflict.

Increased Numbers of Habeas Appeals

As alluded to above, assignments to Special Public Defenders are down for the second year in a row: From 215 in FY 2006-07 to 203 last year to 188 in FY2008-09.¹ Of the 188 Special Public Defender assignments, 91 were habeas corpus appeals or about 48%. Despite the overall lower numbers of Special Public Defender assignments, this was both a higher percentage and number of habeas corpus appeals compared to last year when there were 83 habeas corpus Special Public Defender assignments amounting to 41% of the total. Habeas corpus appeals do now and will for at least the immediate future account for a high percentage of the cases handled by this office and assigned to Special Public Defenders. Although we do have a number of qualified and experienced attorneys willing to do Special Public Defender work, there are a number of aspects unique to habeas corpus appeals that require a different approach and different skill sets when compared to handling direct appeals. As a result, there may be ongoing difficulty in assigning habeas corpus appeals to qualified Special Public Defenders. A partial answer for this year might be to have a training session focused on handling habeas corpus appeals, and assigning more habeas appeals under contract to qualified Special Public Defenders.

Criminal Appellate Clinic-Quinnipiac University School of Law

Finally, the Legal Services Unit has entered its fifteenth year of conducting the Criminal Appellate Clinic at Quinnipiac School of Law, through which law students assist in the briefing and arguing of selected appeals that are assigned to the LSU. Just a few years ago the Appellate Clinic was struggling and it appeared that the Clinic would need to be ended. All that has changed. The Clinic is again vibrant with a full contingent of qualified students who are selectively chosen. In addition, the Legal Services Unit works closely with the University of Connecticut Law School Criminal Clinic. These UCONN students, who are supervised by a professor at the Law School, are presently handling two to three LSU appeals a year.

¹This 188 number includes about nine (9) granted petitions for certification to the Connecticut Supreme Court which although technically new appeals, do not entail a new assignment. The existing assignment is continuing and automatic.

New Case News

New Case News is a cooperative venture with the Office of Chief Public Defender Training Unit, which spotlights, summarizes and ultimately stores and indexes the most recent Connecticut cases. *New Case News* is a popular and informative innovation and is being utilized frequently by Division attorneys as well as many Special Public Defenders. It is expected that in the upcoming year it will gain a wider and larger audience. This office continues to participate in the Appellate Rules Advisory Committee and the Bar Association's Appellate Group where their advocacy has resulted recently in some significant changes in the Rules and the appellate practice in Connecticut.

Legal Services Unit Goals for 2010

At the moment we are not experiencing a shortage of qualified attorneys willing to do Special Public Defender work in direct appeals. Nonetheless, the high level of need for Special Public Defenders by the Legal Services Unit continues to strain the system. In the upcoming year this Unit together with the Director of Special Public Defenders will further develop cost control and auditing methods for providing Appellate Special Public Defender representation in light of current concerns, trends and needs. This should result in greater accessibility to the dollar amount that is spent per attorney and per Special Public Defender appellate case. It will also entail the establishment of guidelines for appellate functions, including average hours necessary to prepare for oral argument, reading trial transcripts, or drafting a petition for certification. Finally the Office of Chief Public Defender will consider more contract appellate assignments, especially in the area of habeas corpus appeals, rather than the case by case method which is the present norm. Another related goal is to streamline and better organize the process for considering and approving applicants for Special Public Defender appellate work. In this respect it is noted that the Appellate Section of the Connecticut Bar Association continues to encourage their members to seek approval to do Special Public Defender appellate work.

Successful Appeals and Other LSU Litigation

The Legal Services Unit had a number of Appellate successes and some non-appellate successes during the past fiscal year as follows:

State v. Ray, 290 Conn. 602 (2009). Attorneys Kent Drager and Neal Cone successfully appealed this case as to the finding of non-drug dependency wherein the Supreme Court reversed and ordered the trial court to enter a conviction on the lesser included offense because as a matter of law the defendant had proven that he was a drug dependent person.

State v. Jones, 289 Conn. 742 (2008). LSU Attorney Kent Drager - The conviction was reversed and a new trial ordered because the trial court erroneously refused to instruct the jury on the lesser included offense of assault in the third degree.

Rowe v. Superior Court, 289 Conn. 649 (2008). LSU Attorney Neal Cone - A Writ of Error where the trial court's finding of summary criminal contempt was reversed because the trial court improperly found and sentenced for multiple instances of contempt where the contemptuous behavior was part of one continuous act, not multiple acts.

State v. Singer, 289 Conn. 689 (2008), SPD Mary Trainer assisted by Chief of Legal Services Attorney Martin Zeldis. The Supreme Court affirmed the in part favorable Appellate Court decision holding that the appeal of a violation of probation was here not moot.

Sastrom and Levine v. Psychiatric Security Rev. Brd. 291 Conn. 307 (2009). LSU Attorney Richard Condon A partial win, or more precisely a complete win on the law and the certified question for Richard Condon. The Superior Court has the power and authority here to rule on a decision of the PSRB.

State v. Gore, 288 Conn. 770 (2008), LSU Attorney Kent Drager won this case which requires a personal canvass before a jury trial can be waived.

State v. Jenkins, 288 Conn. 610 (2008), LSU Attorney Richard Condon won this case which held that the calculation for dismissal based on lack of competence must be done cumulatively, were earlier reported, but both were decided in FY 2008-09.

State v. Stephen G., 113 Conn. App. 682 (2009), LSU Attorney Temmy Pieszak gained a reversal and new trial for her client because the trial court did not adequately personally address and canvass the defendant before finding that he had waived his right to a jury trial.

State v. Joseph, 116 Conn. App. 339 (2009), LSU Attorney Elizabeth Inkster and the Quinnipiac Clinic won a new trial for the defendant because the trial court erroneously refused to instruct the jury on reckless endangerment as a lesser included offense to the crime of unlawful restraint.

Moye v. Commissioner, 110 Conn. App. 134 (2008), LSU Attorney Temmy Pieszak successfully argued that the dismissal of the habeas petition was erroneous and the case was remanded to the habeas court to hold a hearing on the petition.

State v. Rios, 110 Conn. App. 442 (2008), LSU Attorney Jim Streeto won this Appellate Court decision holding that AR was correctly granted.

Other matters worth noting: The LSU has been working closely with a number of trial offices over the past several months regarding the propriety of mandatory transfers from the Youthful Offender Docket to the Adult Docket. This has resulted recently in a favorable memorandum of decision from Judge Rodriguez in Milford in *State v. Raymond W.* It is expected that some of these matters will soon result in appellate activity.

Finally, inspired by client, Carthaniel Baldwin, who died before his appeal could be finally heard, the LSU was instrumental in having the Practice Book Rules amended regarding habeas corpus. As of January 1, 2010, the rules §23-41 and §23-42 have been amended to require an “Anders-type” brief before habeas counsel can withdraw; to allow the petitioner to continue pro-se once counsel has been allowed to withdraw; to eliminate related dismissals and to require due process to the petitioner before allowing appointed counsel to withdraw.

HABEAS CORPUS UNIT

Staffing

The Habeas Corpus Unit is responsible for the representation of petitioners in post-conviction proceedings challenging the legality of their confinement or the calculation of their sentence. The Habeas Corpus Unit is staffed by a Chief of Habeas Corpus Services and five (5) permanent attorneys, two (2) fewer attorneys than a year ago. Previously the Unit relied upon an additional two (2) per diem attorneys to supplement the permanent staff in order to maintain individual caseloads within the Commission’s Caseload Goals, and insure that petitioners are assigned counsel in post conviction matters in a timely manner. The non-attorney staff includes two (2) investigators, two (2) paralegals, and a secretary. A part-time per diem clerk also augments the permanent staff. The permanent clerk position has not been staffed since November 2008.

Caseloads

The Habeas Corpus Unit opened 416 new cases during the FY 2008-09, an approximate 2.3 % decrease from the preceding year. Of these cases 131 were assigned to the Habeas Corpus Unit staff attorneys. The backlog of cases unassigned by the end of the fiscal year mushroomed to 241 with 154 awaiting appointments to Special Public Defenders leaving eighty-seven (87) pending assignment to staff attorneys. Habeas Unit staff also responded to 144 inmate inquiries regarding habeas corpus matters compared with 113 in the previous year — a 27% increase. These inquiries resulted in ninety-two opened cases, demonstrating that 64% of the inquiries became cases while only 56% of last year’s inquiries resulted in open cases.

There were 1157 habeas cases pending at the end of FY 2008-09, eighty cases (7%) more than in the FY 2007-08 when there was a total of 1077 cases. There were 683 open habeas cases assigned to Special Public Defenders for which the Agency is responsible for on going payments for legal services. The Habeas Corpus Unit had a total of 943 cases pending. In-house attorneys disposed of 128 cases in the last year and Special Public Defenders disposed of 200 cases for a total of 328 disposed cases. Attorneys in the Habeas Unit conducted nine (9) trials before the court in the past year.

The numbers of cases assigned to Special Public Defenders in 2008-09 showed a reduction. One hundred ninety-nine (199) cases were assigned by contract and twenty-one (21) cases were assigned non-contractually, for a total of two hundred twenty (220) showing a 19% decline from last year. Only seventeen (17) cases required reassignment to another Special Public Defender while a case was pending.

Litigation

Habeas Corpus Unit lawyers represented petitioners in an additional twenty-six (26) post-conviction proceedings in the state trial courts in order to “exhaust” these procedures as required by the Supreme Court’s decision in *Cobham v. Commissioner*, 258 Conn. 30 (2001). Many of these cases would have been within the scope of *Casiano*, a more recent Supreme Court decision that requires the appointment of counsel to assist post-conviction clients with motions to correct an illegal sentence.

Trials

W. Scott Dalton v. Warden, CV04-0004556, Jennifer Bourn

Ricardo Evans v. Warden, CV06-4001125, Jennifer Bourn

Glen Jackson v. Warden, CV05-4000614, Jennifer Bourn

Donald Roberson v. Warden, Jennifer Bourn assisted Tejas Bhatt as second-chair

Kevin Keenan v. Warden, Jennifer Bourn assisted Rebecca Bodner as second-chair

Terance Elsey v. Warden, CV05-4000330, Hillary Carpenter

Briefs, Motions and Resolution of Cases

Luurtsema v. Warden, CV08-4002617, Brief to Appellate Court (later transferred to Supreme Court), Jennifer Bourn with Adele Patterson

Mia McSwain v. Warden, CV07-4001754, a conviction of assault 1 after trial, was resolved in the trial court with time served, Jennifer Bourn

Ebron v. Warden, CV06-4001098, Filed brief in appellate court, matter scheduled for oral argument, Jennifer Bourn

Edward Wilson v. Warden, CV06-4001285, State’s motion to dismiss appeal as moot, granted, Hillary Carpenter

PSYCHIATRIC DEFENSE UNIT

The Psychiatric Defense Unit is responsible for the representation of persons acquitted of crimes by reason of insanity and committed to the state's Psychiatric Security Review Board (PSRB). Pursuant to an agreement with the Department of Mental Health and Addiction Services, the Unit is conveniently located on the grounds of Connecticut Valley Hospital to accommodate Unit staff with frequent visits to clients who are not permitted to leave the hospital grounds or who are confined to the maximum security facility, Whiting Forensic Institute. Two (2) attorneys, a social worker and a paralegal provide representation to over one hundred (100) clients residing at the facility or conditionally released to the community. Clients are represented at treatment team meetings, PSRB hearings, discharge hearings before the trial court, and appeals.

CONNECTICUT INNOCENCE PROJECT (CTIP)

In 2009, the Connecticut Innocence Project (CTIP) secured the exoneration of two individuals, Miguel Roman and Kenneth Ireland, through the use of post-conviction DNA testing which unequivocally established the innocence of each.

Mr. Roman's case was brought to the attention of CTIP by Attorney Rosemarie Paine, an attorney in private practice in New Haven. Attorney Paine worked with CTIP to secure Mr. Roman's release from prison after nearly twenty years of incarceration for a murder he did not commit. Mr. Roman was exonerated in April, 2009 when the murder charge was dismissed. The Hartford State's Attorney's Office, the Office of the Chief State's Attorney, the Hartford Police Department and the State of Connecticut Forensic Laboratory assisted in the release and exoneration of Mr. Roman. Subsequent to Mr. Roman's release, the true perpetrator of the crime was arrested for the offense, as well as for the murders of two other young women whose cases had grown cold.

In August, 2009, Kenneth Ireland was released from prison after serving twenty-one years for a rape and murder which he did not commit. He was exonerated two weeks later when all charges were dismissed. The New Haven State's Attorney's Office, the Wallingford Police Department and the Forensic Lab assisted in the release and exoneration of Mr. Ireland.

In the summer of 2009, CTIP applied for a federal grant through the National Institute of Justice for funding to facilitate post-conviction DNA testing in murder, non-negligent manslaughter and forcible rape cases. The grant application process was effectuated through the tireless efforts of Chief Social Worker Mary Hoban and included a joint application with the Office of the Chief State's Attorney and the State of Connecticut Forensic Laboratory. In September, 2009, the National Institute of Justice

awarded the three state agencies a total of approximately \$1.5 million, as requested under the grant. The additional resources will provide for additional staff and equipment at all three state agencies. The Connecticut Post-Conviction DNA Grant Program is an 18-month cooperative program aimed at identifying Connecticut prisoners who are serving sentences for the eligible offenses, and where there exists biological evidence from which DNA testing might reasonably establish innocence.

In addition to the potential DNA grant program cases, the Connecticut Innocence Project continues to maintain approximately 100 cases in various stages of review. Although CTIP's three exonerations to date (including Mr. James Calvin Tillman in July, 2006) were based on post-conviction DNA testing, the majority of the cases reviewed by CTIP are non-DNA cases.

CTIP relies on its dedicated volunteer and intern staff, as well as on volunteers from the Public Defender Division and in private practice, who have contributed to CTIP's efforts through case review, expertise and consultation. Additionally, CTIP continues to enjoy the collaborative relationship it has with the law firm of McCarter & English in Hartford, which firm has since 2006 provided pro bono office space, support and legal advice to CTIP and the clients it serves.

SPECIAL PUBLIC DEFENDERS

Resources

In 2008-09, Special Public Defenders were assigned to 8,494 cases including 7,523 contractual cases. During 2009-10, the Public Defender Services Commission entered into 700 contracts with approximately 301 private attorneys, who agreed to accept Special Public Defender appointments in adult criminal cases, juvenile criminal cases and habeas corpus matters. Currently, contracts have been executed for a total of 5,968 conflict of interest cases. Supplemental cases will be assigned on a non-contractual basis. For 2009-10, the number of active additional attorneys, who have been certified to receive non-contractual cases assignments, stands at 154. In accordance with the *Rivera v. Rowland* settlement agreement, capital felonies, murders, appeals and serious juvenile offenses are assigned on a non-contractual basis.

In addition to JD, GA and Juvenile conflict cases, the Division continued to rely on Special Public Defenders to handle significant percentages of the appeals and habeas corpus matters assigned to the Division. Special Public Defenders were appointed in 267 appeals, a substantial portion of which involved habeas corpus, violations of probation and guilty pleas. Special Public Defenders were also appointed in 307 habeas corpus matters to represent petitioners at the trial level.

In keeping with its commitment to retain the services of experienced and qualified private attorneys, the Commission has approved increases to the hourly compensation rates for Special Public Defenders effective January 1, 2009. The new hourly rate of \$100 applies to Special Public Defender appointments in capital felony cases. Felonies, habeas corpus and appellate matters are compensated at the hourly rate of \$75 and misdemeanors at the rate of \$50 per hour.

All Special Public Defender services that are rendered in conjunction with non-contractual case assignments are compensated on an hourly basis. Cases that are assigned, under contracts, are compensated at per-case rates. However, all services rendered at trial and thereafter are compensated on an hourly basis. In addition, a number of hourly billing options, which are individually structured for each type of contract, are available to Special Public Defenders, prior to the commencement of trial.

Through the years, these contract provisions have been implemented to eliminate disincentives for Special Public Defenders to provide their clients with quality representation. In furtherance of this objective, compensation rates for federal assigned counsel and for assigned counsel in other states have been monitored and have served as guideposts, against which the need for increases in Special Public Defender compensation rates have been measured.

Substantial resources were also allocated for supplementary Special Public Defender expenses, including expert witness and investigative service expenditures. Pursuant to contractual provisions, Special Public Defenders were afforded a range of options, which enabled them to submit hourly billings, under their contracts. The terms of the provisions varied, according to the type of contract. However, all of the provisions facilitated the reduction of financial disincentives to the delivery of quality representation by Special Public Defenders and thereby furthered the Public Defender Service Commission's commitment to recruit and retain the services of experienced and qualified Special Public Defenders.

Training for Special Public Defenders

In addition to the extensive coverage of expenses, incurred in the representation of clients, support for Special Public Defenders has also included the ability of the attorneys to regularly access the expertise of the Director of Special Public Defenders and his staff, the Division's Director of Training and whenever appropriate, the Division's Legal Counsel, the Director of Juvenile Delinquency Defense, other members of the Office of Chief Public Defender and members of the Division's field offices.

Special Public Defenders were the recipients of an extensive training program that has enabled attorneys to advance their legal knowledge and expertise. They were also the beneficiaries of Division sponsored scholarships to a wide-array of continuing professional education programs. This sustained commitment to the professional development of Special Public Defenders has markedly contributed to the advancement of legal representation by the attorneys in 2009.

The 2009 Training Program presented Special Public Defenders with a broad range of opportunities to enhance their legal expertise. Ninety-four (94) attorneys attended Basic Orientation Courses in January and July. Course presentations by the Director of Training and the Division's Legal Counsel focused on basic criminal practice and ethics. These subjects comprised the main concentrations of the session. Most attorneys in attendance gained initial certification as Special Public Defenders. Others, who had previously obtained certification, attended the sessions to strengthen their legal knowledge and skills.

Most recently, thirty-one (31) registrants attended the latest version of the Juvenile Delinquency Defense Seminar for Special Public Defenders at the Connecticut Bar Association Law Center that was sponsored by this office. Director of Juvenile Delinquency Defense, Christine Rapillo, coordinated the seminar along with several other experienced juvenile public defenders.

In March, May and September, Special Public Defenders joined public defenders at seminars, presented by the Director of Training. In March, thirty-nine (39) Special Public Defenders attended Calculation of Sentences & Eligibility for Release. The Defense of Sexual Assault Cases seminar was held in May, with thirty-seven (37) Special Public Defenders participants. In September, forty-four (44) Special Public Defenders attended Collateral Consequences of Arrest.

In March, forty-one (41) Special Public Defenders received scholarships from the Chief Public Defender's Office and the Civil Justice Foundation, Inc. to attend the annual Criminal Litigation Seminar, sponsored by the Connecticut Trial Lawyers Association. In June, Special Public Defenders attended the Annual Child and Youth Law Forum, which was sponsored by the Judicial Branch's Office of Court Operations.

In 2009, vital resources were devoted to enhance Special Public Defender services. The significant level at which the services were allocated greatly facilitated the ability of these attorneys to represent their clients to the best of their abilities. Such investment is necessary to insure that the private bar continues to demonstrate a strong willingness to serve as Special Public Defenders.

SOCIAL WORK

Staffing and Caseloads

The Division is fortunate to have a total of thirty-seven (37) permanent social work staff, many of whom have or are pursuing advanced Masters of Social Work Degrees and clinical licensing requirements. Social workers are situated in field offices and specialized units throughout the state. Social workers are an integral and indispensable part of the defense team and recommend pretrial and sentencing alternatives to incarceration to the court on behalf of clients. They are also skilled in arranging appropriate expert evaluations for clients who require medical, psychiatric, educational testing, or community services for purposes of their defense.

Public defender social workers also act as the principal referral source to the Department of Mental Health and Addiction Services Diversion Program and CSSD Jail Re-interviewers. Public Defender social workers first assess the needs of the clients and their appropriateness for alternative programs. Our collaboration with other state agencies for client programming is critical to reduce recidivism and prison overcrowding while protecting the safety of clients and communities.

Furthermore, social workers in the GA, JD and juvenile offices also assisted more than 6800 public defender clients with crisis intervention and alternative court sentencing plans. Approximately 60% of the alternative plans and recommendations developed by public defender social workers were totally or partially accepted by the court as alternatives to incarceration.

In 2009, more than 750 court-involved children were assisted by public defender social workers in the juvenile offices. These offices have made a concerted effort to keep children in their communities, whenever possible, with comprehensive support services. Approximately 60% of the children receiving social work services were successfully diverted from the delinquency docket altogether and an additional 28% remained in their communities on probation.

Approximately four hundred (400) juvenile clients in the Juvenile Post Conviction and Reentry Unit received public defender social work services while committed to DCF for delinquency charges and in residential placement, both in and out of state. The Unit's social worker tracks and meets with all delinquency or dually committed children to insure that appropriate treatment plans are in place, assist with crisis intervention, develop plans to divert juveniles from the adult court, and collaborate with DCF to develop client discharge plans that will maximize the successful reentry of the child to school and community.

More than one hundred (100) clients committed to the state's Psychiatric Security Review Board (PSRB) are assisted by an experienced social worker from the Public Defender Psychiatric Defense Unit. The social worker assigned to this Unit attends treatment team meetings with clients, makes recommendations for the development of individual treatment plans, community conditional release, and discharge plans for clients acquitted by reason of insanity who are committed to the Psychiatric Security Review Board at Connecticut Valley Hospital and Whiting Forensic Hospital.

Trends and Forecasts

The social work staff has reached out to other state and community agencies in an effort to coordinate services. The social work staff continues to work cooperatively with the Mental Health Jail Diversion staff and the CSSD reinterviewers. Social workers have participated in local Project Homeless Connect Days an initiative that has provided homeless individuals with critical services and resources in one place. The social workers also participated in Veterans' *Stand Down* in September.

Several social workers, along with attorneys, are attempting to reach out to schools to provide court-related information to high school students by speaking at assemblies and classes. Several different presentations were provided throughout the year at the social work staff meetings. The Department of Corrections staff gave a presentation on gang related activities and how to identify gang members. Training on the Treatment of Sexual Offenders was provided by David D'Amora, Director of The Center for Treatment of Problem Sexual Behaviors. A seminar on special education and housing laws that affect our clients was presented by an attorney from New Haven Legal Assistance Services. Staff from the Department of Mental Health and Addiction Services provided training regarding the new mental health diversion law.

TRAINING AND PROFESSIONAL EDUCATION

Funding for Professional Education Programs 2008-2009

The FY 2008-2009 was a difficult year for training and education in many ways. While the appropriation was \$119,814 (\$126,114 decreased by \$6,300 in the mitigation plan for the budget shortfall), the Division made every effort to cut costs in light of the state's difficult financial situation. By drastically curtailing training projects during the year, we were able to return \$53,000 to the general fund. This reduced the Division's annual training investment to \$66,502, which is less than was spent a decade earlier in 1998-1999.

In spite of the difficult financial conditions, the Division continued to give priority to intensive trial skills programs and was able to send five public defenders to two nationally recognized programs in 2009. Over the years, our public defender graduates of both programs have always returned with new ideas and renewed enthusiasm for defending our clients, which they eagerly share with others in the Division. This year's group included both experienced and newer lawyers from JD and GA courts.

Three (3) attorneys attended the National Criminal Defense College's Trial Practice Institute in Macon, Georgia. All of the public defenders were from GA offices of varying sizes and in diverse locations. This renowned two-week trial skills program is the grandfather of criminal defense trial advocacy institutes. Their highly selective admission process restricts an organization to only two or three attorneys per year. Again this year, we were lucky to send three participants.

Two (2) experienced lawyers from large urban courts, one JD and one GA, attended the weeklong Western Trial Advocacy Institute in Laramie, Wyoming. The program lived up to its reputation; both lawyers found it stimulating and rewarding. As more public defenders attend and return to their offices to spread the word, the number of attorneys wanting to attend national trial schools continues to grow. It is a priority for the Division to send a significant number of our experienced attorneys to these and other trial schools every year. Trial skills programs are a valuable training ground for more experienced public defenders and an excellent follow-up to the yearlong new attorney curriculum. As in the past, we were unable to send all the attorneys who wanted to attend.

We continued to make positive strides in technological trainings during FY 08-09. In response to popular demand, five more sessions were held for training in a time line program. The program has a wide variety of applications from chronologically organizing events to aid the preparation of the defense to creating a visual display to demonstrate events to judges, prosecutors and juries. Over a hundred (100) members of the Division have now been trained in this very useful program

Use of a portion of a federal grant for technology allowed us to purchase the software and hardware necessary to expand the Visual Persuasion program that was begun in 2005-06 and continued in 2006-07. This time, a five-week training was designed for one JD office on the use of electronic evidence both in case organization and preparation and in the presentation of evidence in court. Four (4) lawyers, a social worker and two (2) secretaries participated and learned how to use digitized evidence. Each lawyer selected a case that was likely to go to trial to work on during the training. Three training sessions were "hands-on" at the computer lab; the others were group brainstorming and demonstrations.

A new training was developed concerning internet social networking sites. Facebook, Myspace and Twitter are all sources of information that are being used by police. Investigators, social workers and lawyers learned how to navigate through these sites and how to make use of information that is discovered.

The use of technology for case preparation and electronic evidence is becoming a critical part of many trials. Judges, jurors, and attorneys appreciate the increased clarity and efficiency of the presentations. In one murder case, the Legal Technology Training Specialist worked closely with the defense team in the preparation and trial by enhancing a critical crime-scene photograph and creating a visual 3-D skeleton to illustrate how the path of the bullet in the decedent's body was consistent with self-defense. The skeletal image was introduced through the medical examiner and the training specialist testified as to the process used to enhance the photo. The client was found not guilty of all murder charges and guilty of the misdemeanor of criminally negligent homicide.

In a death penalty case, the technology training specialist helped organize a massive amount of information in text, photos, video, and audio files. With others in the defense team, he also created and displayed demonstrative aids for use during the testimony of defense experts. The demand for expertise and equipment for this type of training has outstripped available resources. A goal for the coming year is to train people in several offices to be more proficient and independent in the use of technology.

As part of a plan to create a program focused on the defense of sexual assault claims by children, two defenders attended the renowned National Child Abuse Defense and Resource Center's 14th Annual Conference. On their return, they spearheaded the organization and presentation of a two-day conference devoted to the defense of clients charged with sexual abuse of children. The morning of Day One focused on case preparation: discovery; investigation; types of interviewers; case law update; and the use of experts. The afternoon concerned how to evaluate a forensic interview of a child. Day Two dealt with the negotiation of dispositions; the pitfalls of sex offender probation; and sex offender registration requirements. Over two hundred (200) public defenders, investigators, social workers, Special Public Defenders and CCDLA members attended one or both days. Extensive materials were provided to all attendees by posting on a secure web site.

Several trainings required for new public defenders were offered to members of the Division, Special Public Defenders and the private criminal defense bar. The popular, though depressing, *Collateral Consequences of Convictions* was offered again this year to attorneys, social workers and investigators. Many Special Public Defenders and members of the Connecticut Criminal Defense Lawyers Association attended. The training focused on the potentially devastating effects an arrest, incarceration or a conviction can have on the ability for students to stay in school; the availability of housing; bars to employment; eligibility for benefits; the possibilities of enhanced punishment in federal court; and the ability of non-citizens to remain in or return to this country.

Our annual *Calculation of Sentences and Eligibility for Release* covers a variety of areas related to sentencing and incarceration. Among the topics were: where your client will be in custody; the intricacies and vagaries of jail credit; how to make sure a concurrent sentence is really concurrent; possibilities for early release; parole and special parole eligibility and violations. This is a critical area of practice and the rules change. Clients spend more time in jail or under supervision if sentences are not structured correctly. This seminar continues to be extremely popular with public defenders, Special Public Defenders and private criminal defense attorneys.

Our Clients' Mental Health – Hearing Voices, was offered again and made more widely available. Initially designed to assist the clerical staff in recognizing and effectively communicating with people with mental illness, this powerful training is highly relevant for all our employees. The training concluded with the participants attempting everyday tasks while listening to noises and voices that simulated those that may be heard by someone with schizophrenia. We plan to offer this seminar annually.

In keeping with the Division's commitment to professionalism and excellence, all new employees participated in an orientation to the mission of public defenders and ethics training. Social workers and juvenile court personnel had regular meetings throughout the year. These meetings create a forum to discuss current issues among themselves and with personnel from other agencies.

The first-year curriculum classes for new attorneys took place throughout the year. Public defenders, investigators, and social workers from the Division lectured, participated in panel discussions, acted as witnesses, and led small groups. This format has the combined benefit of exposing the new public defenders to some of the considerable expertise within the Division and introducing our more experienced personnel to some of our talented new employees.

Some of the first-year curriculum sessions were taught by experts from other fields. Once again, the forensic evidence training was held at the Connecticut Forensic Laboratory where a wide variety of topics were taught by many of the scientists at the lab. Following the success of previous years, this was continued as a two-day training because of the large amount of information included. This program was mandatory for new investigators as well as new public defenders. It was also open to more experienced personnel. This invaluable training not only exposes attendees to many scientific disciplines, it allows people to meet the forensic scientists who perform the tests.

New public defenders were also trained on: client counseling; cultural sensitivity and proper practices at arraignments; discovery and investigation; motions; cross-examination of police officers and victims; use of defense and prosecution expert witnesses; negotiation; mental health issues; alternative programs; sentencing; and the collateral consequences of arrest, incarceration and conviction. Most of the full-day sessions included a combination of lecture and small group exercises giving the new public defenders a chance to practice and refine the skills they were learning. The annual weeklong trial advocacy program at Quinnipiac University was held in June with seven (7) new defenders participating. The trial week was preceded by a daylong preparation session focusing on brainstorming a case and visiting the crime scene. The first-year curriculum sessions are regularly revised and improved. They continue to be a fundamental part of the Division's training efforts.

Special Public Defenders were trained by members of the Division in ethics, basic criminal practice, and trial skills. In addition, the Legal Services Unit provided training to Special Public Defenders interested in representing clients at the appellate stage.

Many social workers and public defenders attended seminars relating to mental health and addiction. Topics included: biology of addiction; risk factors of addiction; developmental disabilities; addressing problem gambling; issues of grief and loss; and creating healthier workplaces. Forty-seven (47) members of the Division participated in more than sixty (60) classes offered by the Department of Administrative Services. These classes cover a broad range of topics from computer technology to physical well-being.

In addition to the national trial skills schools mentioned earlier, thirty-eight (38) public defenders attended the Connecticut Trial Lawyers annual conference on criminal litigation. Others attended programs on the use of experts. An appellate attorney took advantage of the Connecticut Bar Association's offering on preserving the record for appeal and perspectives on appellate law. Attorneys and investigators learned more about crime scene investigation in a day-long program presented by the Henry C. Lee Institute.

Death penalty cases are especially complex and specialized training is critical. Three (3) attorneys and one investigator attended the National Legal Aid and Defender Association's annual conference *Life in the Balance*. A defender and mitigation specialist attended *Capital Defense Mental Health Training*, sponsored by the National Consortium for Capital Defense Training. One public defender attended the NAACP's annual death penalty conference; and another The National Clearinghouse for Science, Technology and Law's *Forensic Science in Capital Litigation*. For the first time since 2006, two (2) attorneys were able to attend the highly regarded Santa Clara Death Penalty College where participants bring their own cases for study by the group.

The Division's commitment to training related to capital defense is unwavering. Unfortunately, the number of death penalty cases continues to rise and no grant funding is likely to be available in the foreseeable future. Demands for this specialized training must be met, thereby adding strain to limited training funds.

While attendance at the annual and regional conferences of national organizations was curtailed to save money, some participation was possible. Two (2) attorneys attended the National Legal Aid and Defender Association's Annual Conference and one attended the National Association of Criminal Defense Lawyer's annual forensic science seminar. Fortunately, the National Association of Social Workers Fall conference about building better lives for young people was local this year, so fifteen social workers were able to attend. A few others were able to go to the National Organization of Forensic Social Workers Annual Conference. Four (4) investigators participated in the National Defense Investigator's Annual Conference. An attorney and investigator with the Connecticut Innocence Project took advantage of the annual meeting of the Innocence Network.

For the sixteenth year, the Chief Public Defender, other public defenders, and one former public defender taught Basic Criminal Practice for the Connecticut Bar Association. The mitigation specialists in the Capital Defense and Trial Services Unit helped plan the *Melanie Rieger Conference Against Violence*. A juvenile office organized a program about child sex trafficking for Division personnel and CSSD. Many attorneys, investigators, social workers and clerical staff represented the Division at a revived, full-blown version of *Stand Down*, a day devoted to meeting some of the needs of homeless and indigent veterans.

Training during 08-09 was drastically curtailed in response to the budget crisis, but criminal law is ever-changing and training is essential to maintain standards of competency required by the Constitution. We cannot afford to curtail training again in the coming year. The appropriation for 2009-10 has already been decreased and is \$14,000 less than the adjusted appropriation for 2008-09. Some juvenile training money is also available. While this is an improvement over some years in the recent past, it is well below the \$158,000 used for training in 2000-01. Substantial additional funding for training will be needed in future budgets in order to maintain necessary training and the quality of the Division's programs.

INFORMATION TECHNOLOGY

Advances in information took a downturn in 2009 due to budgetary restraints. The Division purchased and installed ten (10) desktop computers, two (2) laptop computers and two (2) office servers to replace older and less functional equipment. With the increased threat of computer viruses in 2009, the Division continues to maintain its McAfee's ASAP licenses on all Division's computers. With McAfee ASAP virus protection software, the division has had only minor problems with spyware and viruses on any of our 485 computers. The Division continues to utilize *Microsoft Office XP Professional*, which includes *Microsoft Word 2002*, *Excel 2002*, *Access 2002*, and *PowerPoint 2002*. A large portion of the Division is also utilizing *Microsoft Outlook 2003* for its email client and calendaring functionality. With the availability of these systems and software, every employee continues to have email, internet access, high speed printer capabilities, the most advanced processing software and faster network connectivity to assist them. The Systems Department continues to work diligently in

maintaining the Division's ever increasing network of computers and peripheral equipment throughout the year. In addition, the Systems Department continues to assist the Commission on Child Protection with its computer needs in 2009.

The Division is in its fourth year of a five-year contract with Lexis/Nexis. This research tool has been extremely helpful to the Division by allowing attorneys quick and easy access to Internet based computerized legal research, including all Federal and State court decisions, Shepard's citations, and law journals. All Attorneys can conduct legal research either in the office or from remote locations with search/ save capabilities. Every attorney also receives *BNA's Criminal Law Reporter* electronically each week.

Included in the five-year contract with Lexis/Nexis is access for our investigator staff. Our investigators have access to Law Enforcement Solutions, a search engine, more investigators have access to internet based investigative search tools. Lexis/Nexis's vast internet database allows investigators to more quickly conduct criminal investigations, locate witnesses more readily, and many other client related purposes. This tool has improved investigative services by increasing the number of investigators with internet search capabilities, improving communications between offices, and providing instantaneous access to information.

The Division has begun implementing a new integrated *SQL* internet based case tracking system. This conversion from a *Microsoft Access* based case tracking systems will eliminate the need to maintain 30 separate access databases in 20 offices. This new system of case tracking and case management will allow all offices data to be consolidated into one system for ease of use, better reporting and statistic analysis, increase reliability and functionality. This system will also allow better caseload management, scheduling, reporting, and statistics from any Division computer.

In the past year the Division has also expanded and improved its web site, which can be found at www.ocpd.state.ct.us. Additions to the Division's website include a link to *New Case News* (NCN). *New Case News* is a combined effort between the Training Department and the Appellate Unit. In NCN you will find summaries of all Connecticut Supreme Court cases and most Connecticut Appellate Court cases starting from the fall of 2004. New summaries are added weekly to the site.

In addition to NCN, the Division's website hosts our legislative summary, legislative testimony, income eligibility guidelines, *Discovery* newsletter, specialized forms and other Division information. One of the more visited areas of our site is "Job Openings", which features current job openings within the Division. The "attorney questionnaire" is the most downloaded file which is also available on the "Job Openings" page. The systems department has also continued to expand the Division's intranet server to allow all personnel access the latest forms online in fill able Adobe format.

In addition, the Division continues to have on-line access to data from Judicial Information Systems' Criminal/Motor Vehicle System, the Department of Motor Vehicles and portions of Department of Corrections Inmate Information System. The continuing support of the Judicial Branch, the Department of Motor Vehicles, the Department of Correction and the Department of Information Technology has been vital to these efforts, and the efficiencies that have been achieved would not have been possible without their cooperation.

A great deal of progress continued in 2009 towards development of the CJIS Offender Based Tracking System (OBTS). As a result of legislation approved in 2000, the Division of Public Defender Services is included in the project, which will enable the agency to directly access information needed to conduct the representation of its clients more efficiently. Public Act 00-20 provides for access by the Division to "(1) conviction information, as defined in subsection (c) of section 54-142g, (2) information otherwise available to the public, and (3) information, including non-conviction information, concerning a client whom the Division has been appointed to represent and is representing at the time of the request for access to such information".



COST¹

EXPENDITURES 2008-09

During 2008-09 expenditures for public defender services, excluding the Commission on Child Protection totaled \$48,512,266 distributed as follows:

Personal Services

Permanent staff	34,578,614	
Temporary staff	707,646	
Longevity payments	883,932	
Accrued leave payments	88,385	
Court reporters' transcript	211,802	
		36,470,379 ²

Other Expenses

Operating expenses (e.g., supplies, postage, telephone)		1,528,632
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Other Current Expenses

Special Public Defenders-Contractual	3,044,467	
Special Public Defenders-NonContractual	4,782,757	
Expert Witnesses	1,840,646 ³	
Training and Education	66,502	
Persistent Violent Offenders Act (10 positions)	506,400	10,240,772

Equipment		81,020 ⁴
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Federal Funds and Private Contributions		191,463
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Total Expenditures		48,512,266
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¹This chapter was contributed by Priscilla S. Kokinis, Financial Director.

²Net of client reimbursement receipts in the amount of \$112,263

³Expert Witnesses \$1,840,334; Racial Bias Study \$312

⁴Capital Equipment Purchase Fund \$449,324; General Fund \$1000

The Commission's 2008-09 expenditures of \$48.5 million supported a permanent staff of 400 full time and seven (7) part-time employees, 213 of whom were attorneys, with 10 of these authorized full time attorney positions funded under Public Act 08-51, *An Act Concerning Persistent Dangerous Violent Offenders and Providing Additional Resources to the Criminal Justice System* agency. Other staff consisted of administrative, social work, investigative, secretarial and clerical personnel. In addition, the Commission employed one clerical support person under a federal grant. For this expenditure a caseload of approximately 92,000 was handled by the Commission's staff, at a cost per case of \$527 an amount indicative of the cost-effectiveness of maintaining a statewide public defender system for the representation of indigent accused.

APPROPRIATION 2009-10

During FY 2009-2010 the Commission's available appropriation, as adjusted for savings under the Appropriation Act, is \$47,061,343 to support a staff of 400 authorized full time positions and seven (7) part-time permanent positions is distributed as follows:

Personal Services

Permanent staff	33,949,881 ¹	
Temporary staff	635,000	
Longevity payments	756,000	
Court reporters' transcripts	215,000	
		35,555,881

Other Expenses

Operating expenses (e.g., supplies, postage, telephone)		1,316,331
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Other Current Expenses

Special Public Defenders-Contractual	3,144,467	
Special Public Defenders-NonContractual	5,407,777 ²	
Expert Witnesses	1,531,459	
Training and Education	105,323	10,189,026

Equipment 515,008¹

Federal Funds and Private Contributions 760,520

Total Appropriation 48,336,766

¹ FY 09 carry forward from Capital Equipment Purchase Fund (CEPF); \$99,907; plus 414,996 CEPF funds in FY10; plus \$105 from General Fund in FY10

FEDERAL GRANTS

In FY 2008-09, \$211,681 in continued and additional federal and state match funds was available to the Division under the Juvenile Accountability Incentive Block Grant Program and the Byrne Memorial Law Enforcement Assistance Grant Program. This total was allocated as follows: \$111,681, under the Juvenile Accountability Public Defender Expansion grant to fund one (1) clerical support staff, together with juvenile training; \$100,000 under the Byrne Fund/JAG program to fund the Public Defender Technology Grant for the purchase of electronic equipment for our Training Department and the Capital Defense Unit to prepare the staff for complex trial preparation and electronic presentation in death penalty cases.

The Juvenile Accountability Public Defender Expansion grant was continued and expanded into FY 2009-10 with funding awarded in the amount of \$100,000, with an additional \$20,218 in continued funding from FY 2009, for a total of \$120,218 in grant funding available in FY 2010. This will provide the Division with the services of one (1) clerical support staff, together with funding for juvenile training.

In FY 2010, a federal grant funded by the Office of Justice Programs under the Post-Conviction DNA Testing Assistance Program, in the amount of \$640,302, is available to the Division. This funding is for a collaborative effort by the Chief Public Defender's Office, Office of Chief States Attorney and the Office of Connecticut Forensic Sciences Laboratory to identify cases of forcible rape, murder and non-negligent homicide in which incarcerated individuals were wrongfully convicted and are innocent. This grant will provide our agency with funding for two (2) attorneys and one (1) investigator for a period of eighteen (18) months.

CLIENT REIMBURSEMENT PROGRAM

A client reimbursement program was implemented by the Commission in 1992-93 at the direction of the Appropriations Committee of the General Assembly and has continued in effect with full implementation at twenty (20) G.A. offices. All clients, except those in custody, are requested to reimburse the system \$25 toward the cost of their defense. A minimal, flat amount was set in order to simplify the collection process and to encourage clients to make some effort at payment.

A total of \$112,263 was collected in FY 2008-09. Over the past nine (9) years of full implementation, the average collected has been \$96,515. While some public defender clients are able to meet this minimal reimbursement charge, these clients are entitled to services of the public defender, by constitution and by statute, regardless of whether they make payment. As such, the agency must rely on voluntary payment by financially able clients in order to collect these funds. Given these limitations, it would appear that these revenues are likely to remain at current levels in the years to come.

COST ATTRIBUTABLE TO THE DEATH PENALTY

The increasing number of death penalty cases has continued to have a significant cost impact on the Division. In 2008-09 the annual cost of the Capital Defense & Trial Services Unit alone was \$1,531,167. This does not include the expenses of expert witnesses or Special Public Defenders that must be retained in many of these cases.

When these expenses are added, along with the costs attributable to field offices for the trial and appeal of capital cases, the best estimate of the major portion of the cost of defending capital cases in 2008-09 was \$2,497,065 or 5.2% of the entire public defender budget of 48.5 million dollars. At the same time the total number of capital cases, fifty (50) cases handled at the trial level or on appeal and in habeas matters represented .055% of the Division's total caseload. Twenty (20) of these cases were death penalty cases pending at the trial level or on appeal, as well as four (4) habeas corpus cases in which the petitioner was under sentence of death.

The cost analysis for defending capital cases during FY 2008-09 is as follows:

Trial Services Unit	
Salaries and Other Expenses	1,531,167
Salaries of Public Defender Services attorneys handling capital cases	378,719
Appellate Unit Salaries	
Public Defender attorneys handling capital cases	178,459
Experts	232,070
Special Public Defenders - Non-Contractual	152,306
Transcript Costs	24,344
Total Capital Case Costs FY 2008-09	2,497,065

Besides the expenses of cases defended by the Division's own staff, there are capital cases which require the services of Special Public Defenders where a conflict of interest exists between multiple accused. There are twenty-five (25) such cases in 2008-09. In accordance with Commission policy and accepted national ABA professional standards: two (2) attorneys must be assigned to represent each defendant charged with a capital crime.

COMMISSION ON CHILD PROTECTION

Effective October 1, 2005, under Public Act 05-3, of the June 2005 Special Session, "AAC the Implementation of Various Budgetary Provisions," the Legislature shifted responsibility for the provision of contracted attorneys for child protection from the Judicial Department to the Commission on Child Protection within the Division of Public Defender Services for administrative purposes only.

APPROPRIATION 2008-09 AND 2009-10

For clarity, in FY 2007-08, the Legislature established a separate budget for the Commission of Child Protection from the budget of the Public Defender Services Commission. During FY 2008-09 expenditures for child protection services and a permanent full time staff of nine (9) positions totaled \$11,876,797. For FY 2009-10, the Commission was appropriated \$12,012,749.

The Commission on Child Protection continues to remain within the Division of Public Defender Services for administrative purposes, only (APO). Our agency continues to assist the Commission on Child Protection in human resources, payroll, information technology and budget related matters.



LEGISLATIVE ACTION IN 2009 AND PROPOSALS FOR 2010

LEGISLATIVE ACTION IN 2009

The Office of Chief Public Defender proposed six pieces of legislation for the 2009 legislative session. Only one of the six agency proposals was adopted by the General Assembly and made law.

The following is a summary of the 2009 agency proposals and the status of each at the close of the regular session:

1. An Act Concerning Larceny was adopted by the legislature and became Public Act 09-138, An Act Concerning Larceny. The legislation adjusted the monetary values utilized in the larceny statutes to more accurately reflect the actual values today using the consumer price index. As a result of the passage of the legislation, the values in all six degrees of larceny were basically doubled.
2. An Act Concerning Re-Entry was not raised by the Judiciary Committee for a public hearing. This proposed legislation would have: (1) clarified that statutory fees for pre-trial diversionary program applications, program fees and probation are waived for persons represented by a public defender; (2) suspended support payments from an obligor upon his or her incarceration; and (3) provide credit to an inmate who earned his/her GED while incarcerated.

Note: Public Act No. 09-175 - An Act Concerning Responsible Fatherhood and Strong Families permits family support magistrates the authority to: (1) order a person ordered to pay child support to participate in education, training, work, or rehabilitation as long as the family support magistrate determines that it will "increase the obligor's ability to fulfill the duty of support within a reasonable period of time"; and (2) suspend the support order "in whole or in part" or not impose an order as long as the person participates in one of these programs.

3. An Act Concerning Immigration Consequences was raised by the Judiciary Committee in Raised Bill No. 6579, An Act Concerning the Immigration Consequences of a Plea of Guilty or Nolo Contendere and a public hearing was held on March 16, 2009. Unfortunately, the bill was not placed on the agenda to be voted out of Committee. The proposed bill would have expanded the time period from 3 to 5 years within which a person who had been convicted after pleading guilty and been subjected to certain immigration consequences as a result of such plea could file a motion to vacate the plea.

4. An Act Concerning Juveniles was not raised by a committee for a public hearing. This proposed legislation would have: (1) prohibited the shackling of juveniles after arrest and prior to conviction as a delinquent; (2) provided credit for a child who is arrested and held in certain facilities prior to the disposition of the juvenile matter who is subsequently convicted as a delinquent and committed to the Department of Children and Families; and (3) provide authorization for the Commissioner of Children and Families to waive certain requirements prior to granting a juvenile a leave when the juvenile has been transferred from one location to another.

5. An Act Concerning Operating Under Suspension was not raised by the Judiciary Committee for a public hearing. The proposed legislation provided a look back provision of 10 years similar to that provided in the statutes pertaining to the pretrial alcohol education system for persons accused of committing this offense and required the court to consider whether mitigating circumstances exist before sentencing a person for this offense.

6. An Act Concerning Erasure was not raised by the Judiciary Committee for a public hearing. The proposal provided for the erasure of all records of the Department of Correction which pertained to persons found not guilty of a charge or where the charges had been dismissed.

PROPOSALS FOR THE LEGISLATIVE SESSION 2010

During the 2010 Legislative Session, the Office of Chief Public Defender will continue to support legislation that: (1) assists adult and juvenile clients with their re-entry into the community; (2) increases access to essential services and treatment for clients pre-trial, whether incarcerated or released on bond, or while serving a sentence of incarceration or under parole supervision; (3) reduces the risk of convicting innocent persons by video-taping and recording custodial interrogations and eye-witness identification procedure reform; (4) reduces and remedies the collateral consequences of conviction; (5) reduces prison overcrowding through re-classification and decriminalization of minor, non-violent offenses; and (6) abolishes the Death Penalty in favor of a sentence of life in prison without the possibility of release.

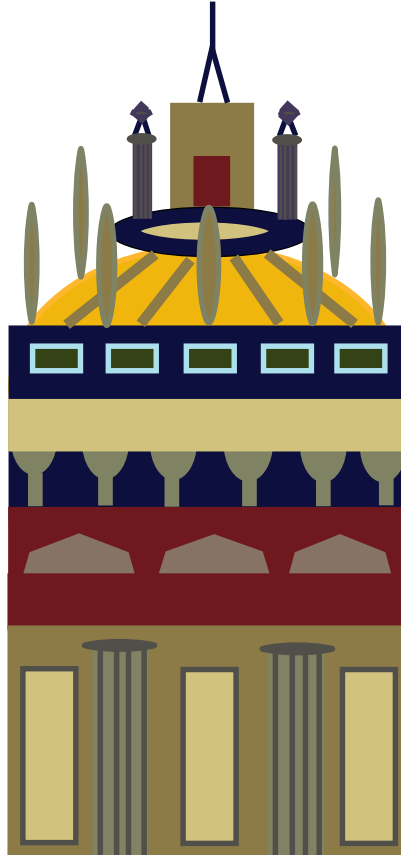


CONCLUSION

The Division of Public Defender Services is grateful for the support which it received during 2008-09 from Governor M. Jodi Rell, the Office of Policy and Management, the Legislature, and the Judicial Branch. I also wish to acknowledge the continuing support of the Public Defender Services Commission to me, to our clients, and to all of the men and women of the Division during the past year.

As we go forward in 2010, I express my sincere thanks and admiration to all of the attorneys, investigators, social workers, secretaries and administrators of the Division of Public Defender Services. I also want to thank those members of the private bar who assist the Division by acting as Special Public Defenders for indigent clients in conflict cases, habeas corpus matters, and appeals. It is through their collective dedication, vigilance, compassion, and unselfish commitment to our clients that the right to counsel is protected in Connecticut.

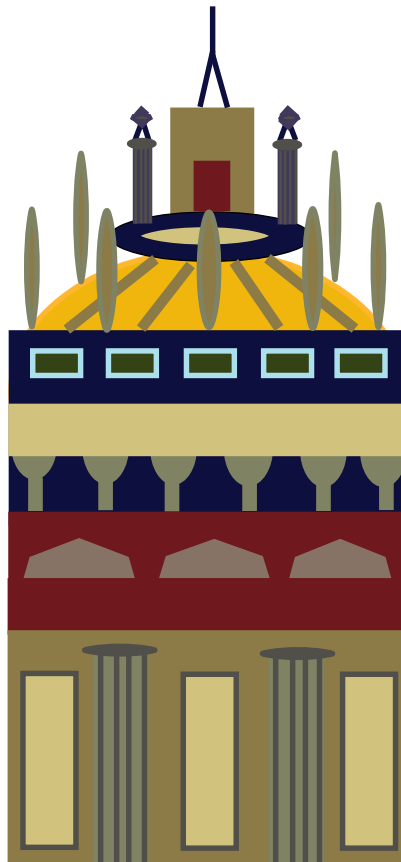
Respectfully submitted,
Susan O. Storey
Chief Public Defender





APPENDIX

The following tables show the movement, activity and caseload goals of cases in each public defender office during 2008-09. In addition, there are tables ranking the offices by number of "New Cases Assigned" in 2008-09, Caseload Goals and the number of Cases Pending on July 1, 2009.



In the merged offices of Ansonia-Milford JD/GA 22, Danbury JD/GA 3, Middlesex JD/GA 9, Tolland JD/GA 19 and Windham JD/GA 11, staff attorneys are shown as working in either the JD or GA, although they may handle both types of cases. Although a departure from earlier years, this change is necessary to calculate "New Cases Assigned Per Attorney" and assess Caseload Goals. During the 2008-09 fiscal year, the number of attorneys was based upon the number of attorneys in a particular office for six months or more.

THE ANNUAL REPORT 2009 OF THE CHIEF PUBLIC DEFENDER was produced by Pamela B. Simon with *Adobe PageMaker* software. The Appendix tables were created by Marlene K. Levine, Public Defender Secretary, using *Microsoft Access* and *Excel*. The organizational chart was created in *Corel Draw*. The manuscript was set in *Della Robbia* and *New York* fonts. The computer rendering of the State Capitol was created by Pamela B. Simon.

NOTES

1. CASES APPOINTED are those in which the public defender is assigned to represent the accused.
2. FISCAL YEAR CASELOAD is CASES PENDING the beginning of the fiscal year plus CASES APPOINTED minus CASES TRANSFERRED i.e. cases transferred to Part A, another court for consolidation, private counsel, Special Public Defender (conflict of interest) or pro se.
3. "NEW CASES ASSIGNED" Judicial District offices calculate "new cases assigned" by weighting murder and non-death penalty capital cases as 2 cases, (by adding one additional case) and capital felony cases in which the State seeks the death penalty as 10 cases (by adding nine additional cases). After the weighting process is applied, minor felony, misdemeanor, motor vehicle and other cases are excluded. Cases transferred (Special Public Defender, private counsel, pro se) are also subtracted. A percentage of minor felonies, misdemeanors, motor vehicle and other cases is applied to "transfers" to avoid double subtraction.

Geographical Area offices calculate "new cases assigned" by excluding cases that are nolle or dismissed on the date of appointment and bail only appointments. Cases transferred are also excluded. Practically speaking, until an automated case tracking system is in place statewide, it will be difficult to track the cases that are nolle/dissmissed on the date of appointment.

Juvenile Matters offices calculate "new cases assigned" by excluding cases in which the juvenile is charged with Violation of a Court Order in a pending matter. Cases transferred are also subtracted.
4. DISPOSED CASES include inactive/diversionary cases that are not part of the FISCAL YEAR CASELOAD which were disposed upon completion of programs and counted as disposed during the fiscal year. DISPOSED CASES are therefore all cases disposed of during the fiscal year whether active, newly appointed or inactive.
5. DIVERSIONARY TRANSFER TO INACTIVE represents cases in which AR, Family Violence, Alcohol Education Program or some other diversionary program has been granted during the fiscal year.
For purposes of this report, the following inactive cases are included in this category: a) a commitment under 54-56d incompetency, b) suspended prosecution or c) rearrest has been ordered. Please note that the total for this category is omitted to avoid confusion.
6. In the merged offices of Ansonia-Milford JD/ GA 22, Danbury JD/GA 3, Middlesex JD/ GA 9, Tolland JD / GA 19 and Windham JD / GA 11 staff attorneys are shown as working in either the JD or GA, although they may handle both types of cases. Although a departure from years prior to 1999, this change is necessary to calculate "New Cases Assigned Per Attorney" and assess *Caseload Goals*.
7. TRIALS concluded are reported at the stage the trial is concluded. JURY TRIALS are concluded at one of three stages: a) Jury selection commenced b) Jury trial begun (jury sworn after voir dire) or c) Jury trial to verdict. Similarly COURT TRIALS are concluded at one of two stages: a) Court trial begun (first witness sworn) or b) Court trial to judgment.

Juvenile Matters

8. The caseload for the Waterford and Willimantic offices was handled by the same attorney with support from a part-time investigator, a full-time social worker and assistance of a second attorney in Willimantic two days a week. In Danbury the caseload was handled by an attorney from the public defender's office which handles adult criminal matters supported by staff from that office. An attorney from the Waterbury office also handles the caseload in Torrington 2.4 days a week. Two of the three lawyers from the Bridgeport Juvenile Matters office handle Stamford and Norwalk business. Stamford is generally covered one day a week and 20% of the time two days; one lawyer handles Norwalk cases two days a week.

**Judicial Districts Movement of Cases
Division of Public Defender Services
July 1, 2008- June 30, 2009**

Office	FY08-09 Attorneys	Cases Appointed	Non-Death Capital/Murder Cases Appt.	Death - Capital Cases Appt.	Other Major Felonies Appt.	VOP Appt.	Minor Felonies, Misdemeanors, MV & Other Appointed	Cases Transferred	Divers. Trans. To Inactive	Disposed	New Cases Assigned (weighted)	New Cases Assigned Per Attorney
Ansonia-Milford	1	77	1	0	47	24	5	30	0	67	45	45
Danbury	2	380	0	0	137	53	188	123	58	249	130	65
Fairfield	5	316	6	0	234	69	7	120	0	197	198	40
Hartford	8	494	22	2	266	168	20	250	0	275	251	33
Litchfield	2	245	0	0	112	46	87	71	10	159	112	56
Middlesex	1	52	0	0	26	7	18	29	0	36	15	15
New Britain	3	143	1	1	92	35	13	39	1	100	105	35
New Haven	6.5	570	10	0	230	149	180	187	0	335	264	42
New London	3	234	5	0	162	53	14	85	0	126	143	48
Stamford-Norwalk	1.4	84	8	0	38	22	16	14	0	91	60	43
Tolland	1	71	0	0	44	13	7	33	0	40	34	34
Waterbury	4	306	3	0	178	66	14	71	0	237	193	48
Windham	1	95	0	0	61	19	59	54	0	51	35	35
Total	38.9	3067	56	3	1627	724	628	1106	69	1963	1585	41

"New Cases Assigned" equals murder, accessory to murder, non-death penalty capital cases and capital cases in which the State seeks the death penalty plus Other Major Felonies minus "Cases Transferred", allocating the % of minor felonies, misdemeanors, MV and Other of the total "Cases Appointed", in order to avoid double subtraction of transfers. For weighting purposes, murder, accessory to murder, and non-death penalty capital cases equal 2 cases (add 1) and capital cases in which the State seeks the death penalty equal 10 cases (add 9). (Transfers of murder and capital are excluded prior to the weighting process).

During the 2008-09 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

Judicial Districts Caseload Activity
Division of Public Defender Services
July 1, 2008 - June 30, 2009

Office	Stage Jury Trial Concluded				Court Trial Concluded		VOP Hearings	Evidentiary Hearings	Jail Sentences to Serve	Nolled/Dismiss All Charges	Appeals Filed	Other Sent. Rev. PSRB, Habeas
	Attorneys FY 08-09	Jury Selection Commenced	Jury Trials Begun	Jury Trials to Verdict	Court Trials Begun	Court Trials to Judgment						
Ansonia-Milford	1	0	0	0	0	0	0	1	48	9	0	0
Danbury	2	0	0	3	0	0	14	38	120	73	0	7
Fairfield	5	6	1	11	0	1	2	19	74	32	0	0
Hartford	8	6	0	4	0	1	2	7	179	31	0	3
Litchfield	2	0	0	1	0	0	0	3	78	32	0	4
Middlesex	1	0	0	0	0	0	0	0	22	4	0	0
New Britain	3	0	1	3	0	1	0	0	67	14	0	0
New Haven	6.5	1	0	1	0	0	0	0	131	97	0	1
New London	3	0	0	0	0	0	0	0	82	11	0	0
Stamford-Norwalk	1.4	1	1	2	0	1	0	0	58	13	0	2
Tolland	1	0	0	1	0	0	0	0	31	5	0	0
Waterbury	4	2	2	4	0	0	4	4	167	55	0	0
Windham	1	0	0	0	0	0	0	0	34	12	0	0
Total	38.9	16	5	30	0	4	22	72	1091	388	0	17

Judicial Districts Caseload Goals Analysis
Division of Public Defender Services
July 1, 2008 - June 30, 2009

Office	FY 08-09 Attorneys	Cases Appointed	Cases Transferred	New Cases Assigned	New Cases Assigned Per Attorney
Ansonia-Milford	1	77	30	45	45
Danbury	2	380	123	130	65
Fairfield	5	316	120	198	40
Hartford	8	494	250	251	33
Litchfield	2	245	71	112	56
Middlesex	1	52	29	15	15
New Britain	3	143	39	105	35
New Haven	6.5	570	187	264	42
New London	3	234	85	143	48
Stamford-Norwalk	1.4	84	14	60	43
Tolland	1	71	33	34	34
Waterbury	4	306	71	193	48
Windham	1	95	54	35	35
Total	38.9	3067	1106	1585	41

"New Cases Assigned" equals murder, accessory to murder, non-death penalty capital cases and capital cases in which the State seeks the death penalty plus Other Major Felonies minus "Cases Transferred", allocating the % of minor felonies, misdemeanors, MV and Other of the total "Cases Appointed", in order to avoid double subtraction of transfers. For weighting purposes, murder, accessory to murder and non-death penalty capital cases equal 2 cases (add 1) and capital cases in which the State seeks the death penalty equal 10 cases (add 9). (Transfers of murder and capital are excluded prior to the weighting process)

During the 2008-09 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

**Geographical Areas Movement of Cases
Division of Public Defender Services
July 1, 2008- June 30, 2009**

	FY 08-09 Attorneys	Cases Appointed	Major Felonies	VOP	Minor Felonies, Misdemeanors, MV & Other	Cases Transferred	Divers. Trans. To Inactive	Dispositions	New Cases Assigned	New Cases Assigned Per Attorney
GA 1 Stamford	5.6	2673	375	289	2009	529	303	2020	2144	383
GA 2 Bridgeport	13	6999	108	819	6072	1242	300	5473	5757	452
GA 3 Danbury	4	1594	6	160	1426	278	219	1148	1316	376
GA 4 Waterbury	7.8	4719	645	428	3549	755	167	3888	3964	529
GA 5 Derby	3	1978	181	237	1560	430	145	1505	1548	516
GA 7 Meriden	5	2829	244	544	2041	564	114	2365	2265	453
GA 9 Middletown	3	1946	167	227	1525	508	54	1810	1438	460
GA 10 New London	6	3624	50	469	3105	1091	199	2160	2533	461
GA 11 Danielson	4	2058	224	330	1499	301	142	1355	1757	439
GA 12 Manchester	6	3172	223	370	2564	521	215	2717	2651	461
GA 13 Enfield	3	1368	186	133	1049	336	125	1135	1032	344
GA 14 Hartford	14	9391	1497	1018	6754	1828	38	7025	7563	540
GA 15 New Britain	6	3360	337	473	2532	693	161	2591	2667	427
GA 17 Bristol	3	1800	226	209	1348	423	105	1653	1377	437
GA 18 Bantam	3.5	2645	179	392	2074	411	77	1874	2234	687
GA 19 Rockville	2	1606	137	250	1182	370	185	1145	1236	526
GA 20 Norwalk	4	1906	296	229	1368	437	100	1366	1469	367
GA 21 Norwich	4	2164	455	280	1429	536	85	787	1628	369
GA 22 Milford	3	1690	204	281	1203	500	35	1156	1190	397
GA 23 New Haven	14	9957	1625	1069	7263	1582	763	8002	8375	588
Total	113.9	67479	7365	8207	51552	13335	3532	51175	54144	475

An additional attorney from GA 14 handled 1997 appointed cases at the Community Court on a full-time basis.

During the 2008-09 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

Geographical Areas Caseload Activity
Division of Public Defender Services
July 1, 2008 - June 30, 2009

Office	Stage Jury Trial Concluded				Court Trial Concluded		VOP Hearings	Evidentiary Hearings	Jail Sentences to Serve	Nolled/Dismiss All Charges	Appeals Filed	Other Sent. Rev. PSRB, Habeas
	Attorneys FY 08-09	Jury Selection Commenced	Jury Trials Begun	Jury Trials to Verdict	Court Trials Begun	Court Trials to Judgment						
GA1 Stamford	5.6	3	0	1	0	0	4	0	244	556	0	0
GA2 Bridgeport	13	1	0	2	0	1	1	0	719	1604	0	0
GA3 Danbury	4	0	0	0	0	0	35	60	342	314	0	0
GA 4 Waterbury*	7.8	0	0	0	0	0	1	11	1285	1282	0	0
GA5 Derby	3	0	0	1	0	0	0	0	438	367	0	0
GA7 Meriden	5	0	0	1	0	0	0	6	715	372	0	0
GA9 Middletown	3	0	0	0	0	0	0	0	487	436	0	0
GA10 New London	6	1	0	0	0	0	13	0	656	580	0	0
GA11 Danielson	4	0	0	0	0	0	0	0	393	451	0	0
GA12 Manchester	6	0	0	0	0	0	0	0	743	979	0	0
GA13 Enfield	3	0	0	1	0	0	0	0	300	365	0	0
GA14 Hartford*	14	3	0	3	0	1	0	0	1501	4677	0	0
GA15 New Britain	6	0	0	0	0	1	1	0	977	824	0	0
GA17 Bristol	3	0	0	0	0	0	0	0	494	581	0	0
GA18 Bantam	3.5	0	0	0	0	0	0	4	248	554	0	0
GA19 Rockville	2	2	0	0	0	0	2	3	450	309	0	0
GA20 Norwalk	4	0	0	0	0	1	0	0	396	390	0	0
GA21 Norwich	4	4	0	5	0	0	5	0	315	450	0	0
GA22 Milford	3	0	0	0	0	0	0	0	322	342	0	0
GA23 New Haven	14	0	1	3	0	0	43	14	1184	3296	0	0

Totals	113.9	14	1	17	0	4	105	98	12209	18729	0	0
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*Waterbury GA 4 and Hartford GA 14 figures include Community Courts

Geographical Areas Caseload Goals Analysis
Division of Public Defender Services
July 1, 2008 - June 30, 2009

		FY 08-09 Attorneys	Cases Appointed	Cases Transferred	New Cases Assigned	New Cases Assigned Per Attorney
GA 1	Stamford	5.6	2673	529	2144	383
GA 2	Bridgeport	13	6999	1242	5757	452
GA 3	Danbury	4	1594	278	1316	376
GA 4	Waterbury	7.8	4719	755	3964	529
GA 5	Derby	3	1978	430	1548	516
GA 7	Meriden	5	2829	564	2265	453
GA 9	Middletown	3	1946	508	1438	460
GA 10	New London	6	3624	1091	2533	461
GA 11	Danielson	4	2058	301	1757	439
GA 12	Manchester	6	3172	521	2651	461
GA 13	Enfield	3	1368	336	1032	344
GA 14	Hartford	14	9391	1828	7563	540
GA 15	New Britain	6	3360	693	2667	427
GA 17	Bristol	3	1800	423	1377	437
GA 18	Bantam	3.5	2645	411	2234	687
GA 19	Rockville	2	1606	370	1236	526
GA 20	Norwalk	4	1906	437	1469	367
GA 21	Norwich	4	2164	536	1628	369
GA 22	Milford	3	1690	500	1190	397
GA 23	New Haven	14	9957	1582	8375	588
	Total	113.9	67479	13335	54144	475

An additional attorney from GA14 handled 1997 appointed cases on a full-time basis at the Community Court.
During the 2008-09 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

**Juvenile Matters Movement of Cases
Division of Public Defender Services
July 1, 2008 - June 30, 2009**

Office	FY 08-09 Attorneys	Cases Appointed	Serious Juv. Offenses	Other Felony	Misd. & Other	Cases Transferred	Dispositions	Cases Transferred to Adult Court	New Cases Assigned	New Cases Assigned Per Attorney
Bridgeport	2	531	105	83	343	187	197	17	344	172
Danbury*	1	87	1	21	65	13	74	1	74	74
Hartford	3	1032	134	99	799	393	671	14	639	213
Middletown	1	243	26	17	200	88	130	5	155	155
New Britain	2	408	44	45	319	46	394	14	362	181
New Haven	3	822	116	76	630	168	687	7	654	218
Rockville	1	388	40	56	292	76	312	6	312	312
Stamford/Norwalk**	2	250	32	31	187	86	131	1	164	82
Waterbury/Torrington**	3	788	43	71	673	93	686	6	695	232
Waterford/Willimantic**	2	522	53	88	381	94	409	7	428	214
Total	20	5071	594	587	3889	1244	3691	78	3827	191

*In Danbury, the caseload was handled by an attorney from the Public Defender's office who handles adult criminal matters.

**The caseload for the Waterford and Willimantic, Waterbury and Torrington and Stamford and Norwalk offices was handled by the same attorneys.

**Juvenile Matters Caseload Activity
Division of Public Defender Services
July 1, 2008 - June 30, 2009**

Office	Attorneys FY 08-09	Detention Hearings	Court Trials Begun	Court Trials to Judgment	VOP Hearings	Evidentiary Hearings	Criminal Sentence	Nolle/ Dismissed	Clients Confined	Clients to Residential Placement	Appeals Filed	Collateral Matters
Bridgeport	2	228	0	0	0	0	0	188	5	7	0	14
Danbury	1	61	0	0	1	0	0	28	0	1	0	0
Hartford	3	413	0	0	0	0	0	305	1	30	0	0
Middletown	1	82	0	0	16	6	0	80	0	1	0	21
New Britain	2	332	0	0	0	1	0	125	5	9	1	54
New Haven	3	501	0	1	0	0	0	253	15	5	0	0
Norwalk	1	62	0	0	0	1	0	33	0	4	0	0
Rockville	1	165	0	1	0	3	0	215	1	5	0	0
Stamford	1	51	0	0	0	0	0	29	0	1	0	0
Torrington	0.6	41	0	0	0	0	2	62	0	7	0	0
Waterbury	2.4	472	0	0	0	0	0	379	2	37	0	0
Waterford	1.2	220	0	0	0	10	0	113	7	7	0	0
Willimantic	0.8	155	0	0	0	0	0	77	2	3	0	0
Totals	20	2783	0	2	17	21	2	1887	38	117	1	89

Juvenile Matters Caseload Goals Analysis
Division of Public Defender Services
July 1, 2008 - June 30, 2009

	FY 08-09 Attorneys	Cases Appointed	Cases Transferred	New Cases Assigned	New Cases Assigned Per Attorney
Bridgeport	2	531	187	344	172
Danbury*	1	87	13	74	74
Hartford	3	1032	393	639	213
Middletown	1	243	88	155	155
New Britain	2	408	46	362	181
New Haven	3	822	168	654	218
Rockville	1	388	76	312	312
Stamford/Norwalk**	2	250	86	164	82
Waterbury/Torrington**	3	788	93	695	232
Waterford/Willimantic**	2	522	94	428	214
Total	20	5071	1244	3827	191

*In Danbury, the caseload was handled by an attorney from the Public Defender's office who handles adult criminal matters.

**The caseloads for the Waterford and Willimantic, Waterbury and Torrington and Stamford and Norwalk offices were handled by the same attorneys.

**New Cases Assigned
(in rank order)
Public Defender Offices
Judicial Districts
2008-2009**

Location	Total New Cases Assigned	Location	Attorneys	New Cases Assigned Per Attorney
New Haven	264	Danbury	2	65
Hartford	251	Litchfield	2	56
Fairfield	198	New London	3	48
Waterbury	193	Waterbury	4	48
New London	143	Ansonia-Milford	1	45
Danbury	130	Stamford-Norwalk	1.4	43
Litchfield	112	New Haven	6.5	42
New Britain	105	Fairfield	5	40
Stamford-Norwalk	60	New Britain	3	35
Ansonia-Milford	45	Windham	1	35
Windham	35	Tolland	1	34
Tolland	34	Hartford	8	33
Middlesex	15	Middlesex	1	15
Total	1585		38.9	41

In the merged offices of Danbury, Middlesex/Middletown GA 9, Windham/Danielson GA 11, Tolland/Rockville GA 19 and Ansonia/Milford/Milford GA 22, staff attorneys are shown as working in either the JD or GA although they may handle both types of cases. Although departure from previous years, this change is necessary to calculate New Cases Assigned Per Attorney and assess Caseload Goals.

During the 2008-09 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

**Active Cases Pending
(in rank order)
Public Defender Offices
Judicial Districts
2008-2009**

Location	Attorneys	Active Cases Pending July 1, 2008	Location	Attorneys	Active Cases Pending July 1, 2009
Hartford	8	262	New Haven	6	272
New Haven	6.5	207	Hartford	7	230
Waterbury	4	160	Waterbury	4	149
Danbury	2	111	New London	3	129
New London	3	107	Danbury	2	115
Fairfield	5	106	Fairfield	5	96
Litchfield	2	82	Litchfield	2	88
New Britain	3	72	New Britain	3	83
Stamford-Norwalk	1.4	70	Middlesex	1	61
Windham	1	68	Windham	1	53
Ansonia-Milford	1	59	Stamford-Norwalk	1.4	52
Middlesex	1	46	Ansonia-Milford	1	40
Tolland	1	32	Tolland	1	32
	38.9	1382		37.4	1400

**New Cases Assigned
(in rank order)
Public Defender Offices
Geographical Areas
2008-2009**

Location		Total New Cases Assigned	Location		Attorneys	New Cases Assigned Per Attorney
GA 23	New Haven	8375	GA 18	Bantam	3.5	687
GA 14	Hartford	7563	GA 23	New Haven	14	588
GA 2	Bridgeport	5757	GA 14	Hartford	14	540
GA 4	Waterbury	3964	GA 4	Waterbury	7.8	529
GA 15	New Britain	2667	GA 19	Rockville	2	526
GA 12	Manchester	2651	GA 5	Derby	3	516
GA 10	New London	2533	GA 10	New London	6	461
GA 7	Meriden	2265	GA 12	Manchester	6	461
GA 18	Bantam	2234	GA 9	Middletown	3	460
GA 1	Stamford	2144	GA 7	Meriden	5	453
GA 11	Danielson	1757	GA 2	Bridgeport	13	452
GA 21	Norwich	1628	GA 11	Danielson	4	439
GA 5	Derby	1548	GA 17	Bristol	3	437
GA 20	Norwalk	1469	GA 15	New Britain	6	427
GA 9	Middletown	1438	GA 22	Milford	3	397
GA 17	Bristol	1377	GA 1	Stamford	5.6	383
GA 3	Danbury	1316	GA 3	Danbury	4	376
GA 19	Rockville	1236	GA 21	Norwich	4	369
GA 22	Milford	1190	GA 20	Norwalk	4	367
GA 13	Enfield	1032	GA 13	Enfield	3	344
Total		54144			113.9	475

In the merged offices of Danbury, Middlesex/Middletown GA 9, Windham/Danielson GA 11, Tolland/Rockville GA 19 and Ansonia/Milford/Milford GA 22, staff attorneys are shown as working in either the J.D. or G.A. although they may handle both types of cases. Although a departure from previous years, this change is necessary to calculate "New Cases Assigned Per Attorney" and assess Caseload Goals.

During the 2008-09 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

**Active Cases Pending
(in rank order)
Public Defender Offices
Geographical Areas**

Active Cases Pending July 1, 2008			Active Cases Pending July 1, 2009		
Location	Attorneys	Cases Pending	Location	Attorneys	Cases Pending
GA14 Hartford	14	2627	GA14 Hartford	14	3116
GA23 New Haven	14.5	1920	GA23 New Haven	14	2206
GA2 Bridgeport	12	1708	GA2 Bridgeport	13	1994
GA1 Stamford	5.6	1294	GA1 Stamford	5.6	1551
GA18 Bantam	4	1164	GA18 Bantam	3.5	1243
GA15 New Britain	7	920	GA11 Danielson	4	1115
GA12 Manchester	6	876	GA15 New Britain	6	973
GA21 Norwich	3.5	873	GA21 Norwich	4	912
GA4 Waterbury	7.2	871	GA4 Waterbury	7.8	882
GA17 Bristol	3.6	788	GA12 Manchester	6	865
GA7 Meriden	5	786	GA5 Derby	3	813
GA5 Derby	3	779	GA17 Bristol	3	768
GA11 Danielson	4	763	GA20 Norwalk	4	729
GA20 Norwalk	4	723	GA9 Middletown	3	701
GA9 Middletown	3.5	694	GA7 Meriden	5	686
GA10 New London	5	636	GA10 New London	6	508
GA19 Rockville	2.6	459	GA19 Rockville	2	451
GA13 Enfield	3	427	GA3 Danbury	4	446
GA22 Milford	3	319	GA22 Milford	3	372
GA3 Danbury	3	315	GA13 Enfield	3	277
	113.5	18942		113.9	20608

In the merged offices of Danbury, Middlesex/Middletown GA 9, Windham/Danielson GA 11, Tolland/Rockville GA 19 and Ansonia/Milford/Milford GA 22, staff attorneys are shown as working in either the J.D. or G.A. although they may handle both types of cases. Although a departure from previous years, this change is necessary to calculate "New Cases Assigned Per Attorney" and assess Caseload Goals.

**New Cases Assigned
(in rank order)
Public Defender Offices
Juvenile Matters
2008-2009**

Location	Total New Cases Assigned	Location	Attorneys	New Cases Assigned Per Attorney
Waterbury/Torrington	695	Rockville	1	312
New Haven	654	Waterbury/Torrington	3	232
Hartford	639	New Haven	3	218
Waterford/Willimantic	428	Waterford/Willimantic	2	214
New Britain	362	Hartford	3	213
Bridgeport	344	New Britain	2	181
Rockville	312	Bridgeport	2	172
Stamford/Norwalk	164	Middletown	1	155
Middletown	155	Stamford/Norwalk	2	82
Danbury	74	Danbury	1	74
Total	3827		20.0	191

**Active Cases Pending
(in rank order)
Public Defenders Offices
Juvenile Matters
2008-2009**

Location	Attorneys	Active Cases Pending July 1, 2008
Hartford	3	644
Waterbury/Torrington	3	263
Stamford/Norwalk	2	240
New Haven	3	192
Waterford/Willimantic	1.4	174
Bridgeport	2	134
New Britain	2	133
Rockville	1	75
Danbury	1	57
Middletown	1	45
Total	19.4	1957

Location	Attorneys	Active Cases Pending July 1, 2009
Hartford	3.0	565
Waterbury/Torrington	3.0	256
New Haven	3.0	174
Waterford/Willimantic	2.0	164
Bridgeport	2.0	102
Stamford/Norwalk	2.0	79
New Britain	2.0	73
Rockville	1.0	69
Danbury	1.0	68
Middletown	1.0	58
Total	20.0	1608