



**CONNECTICUT
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**Testimony of Attorney Abigail H. Mason
Member of the Connecticut Criminal Defense Lawyers Association
SB 1327 – AN ACT CONCERNING THE REDUCTION OF A SENTENCE BY THE
SENTENCING COURT OR A JUDGE**

The Connecticut Criminal Defense Lawyers Association (CCDLA) **supports** passage of SB 1327, An Act Concerning the Reduction of a Sentence by the Sentencing Court or a Judge. The CCDLA is a statewide organization of approximately three hundred lawyers who are committed to defending people accused of criminal and motor vehicle offenses as well as representing people in post-conviction proceedings. Many of our members assist private and indigent defendants in preparing their sentence modification applications and representing them at their sentence modification hearings.

One of the features of this proposal is the removal of section (b) in Connecticut General Statutes § 53a-39 that states:

“At any time during the period of a sentence in which a defendant has been sentenced to an executed period of incarceration of more than seven years as a result of a plea agreement, including an agreement in which there is an agreed upon range of sentence, upon agreement of the defendant and the state's attorney to seek review of the sentence, the sentencing court or judge may, after hearing and for good cause shown, reduce the sentence, order the defendant discharged, or order the defendant discharged on probation or



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conditional discharge for a period not to exceed that to which the defendant could have been originally sentenced.”

At present, those who enter a plea agreement of over seven years must have permission from the State’s Attorney’s office

to have their application heard by a judge. With the passage of this proposed bill, this extra barrier to a hearing will be removed. This bill allows judges to take a “second look” at this specific class of defendant’s sentences.

Those considering opposing this bill should know that this proposal does not eliminate the adversarial process. The application will still be heard in court where both the State of Connecticut and the defendant can be heard. Victims and their families will have the opportunity to be heard as well. It merely provides the defendant with the opportunity to present in front of a judge.

No one can truly predict how a person will respond to being incarcerated. There are very few differences between a defendant who enters a plea agreement and a defendant who goes to trial. One of these differences is that a defendant who enters a plea agreement often spares the court system from spending time and resources on a trial. After they begin serving their sentence, they can achieve remarkable rehabilitation just as a defendant who went to trial can.

The limitation on defendants who entered a plea agreement prevents courts from hearing about substantial mitigation, remorse, and rehabilitation from these individuals. The best person to assess a defendant’s growth and whether the sentence remains fair is the person who we already give the power to sentence people.

We encourage this legislation as it helps our clients prove to society that they can change their own lives and their communities.

For the above reasons, the CCDLA supports this bill.

Thank you,

Attorney Abigail H. Mason
Writing on behalf of the CCDLA