

The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

SENTENCE MODIFICATION IN CONNECTICUT

A Guide for Those Navigating the §53a-39 Process

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Thank you to the attorneys who contributed their time, expertise, and resources to the creation of this guide.

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How To Use This Guide

This guide may be used by law students (with supervision) and practicing attorneys to navigate the sentence modification process in the state of Connecticut. The guide may also be used by formerly incarcerated or currently incarcerated individuals and their families to clarify the process of a sentence modification and compile necessary paperwork prior to approaching an attorney or legal clinic.

We encourage those not licensed to practice law to contact an attorney before proceeding to contact any State's Attorney or Judge. You should collect as many of the following documents as possible, but setting formal proceedings (e.g., filing paperwork with the court, emailing, or calling the State's Attorney) in motion without legal representation may leave you unable to present your most effective case. This is especially true for low income, currently incarcerated individuals who were represented by an attorney from Connecticut Public Defender Services, as this group may be able to receive representation at no cost.¹

You will be filing your sentence modification petition in the Superior Court in either the Judicial District Location (Class A or B felonies), Geographic Area Location (Class C, D or E felonies as well as all misdemeanor offenses and infractions, including motor vehicle offenses), or Juvenile Court Location (all juvenile matters) in which you were sentenced.² Each Judicial District in Connecticut has different documentation requirements for seeking a sentence modification hearing before a judge. You should call your district court clerk's office to confirm exactly what documents you will need for a successful filing. Note that filing successfully does not guarantee that you will receive a hearing or that you will be granted a sentence modification.

Successful sentencing modifications do not all look the same or contain the same materials, but they all achieve the same goals. One of those goals is offering context for the crime or crimes that may not have been presented or available at trial, the plea hearing, or sentencing. Another is to show concrete evidence of rehabilitation. Finally, successful sentence modifications lay out a realistic and promising reentry plan. Whether writing a letter of support, compiling resumes and transcripts, or preparing for a hearing before a judge, everyone involved in this process should be working toward these three goals.

Who Can Use This Guide?

Anyone can use this guide. It is meant to be a source of knowledge not only for how to seek a sentence modification, but also how to best utilize one's position (petitioner, lawyer, student, friend, family member) to support the process. This is covered in detail later in the guide, but a

¹ More information on this is in the section titled "Motion for Appointed Counsel."

² Connecticut is divided into 13 judicial districts, 20 geographical areas and 12 juvenile districts. In general, major criminal cases, civil matters, and family cases not involving juveniles are heard at Judicial District court locations. Other civil and criminal matters are heard at Geographic Area locations. Cases involving juveniles are heard at Juvenile Court locations. *About Connecticut Courts*, STATE OF CONNECTICUT JUDICIAL BRANCH <https://www.jud.ct.gov/ystday/orgcourt.html> (last accessed Feb. 9, 2024); see, e.g., *Connecticut State Division of Criminal Justice*, CT.GOV, <https://portal.ct.gov/DCJ/States-Attorneys/AnsoniaMilford/Office-Court-Locations> (last accessed Feb. 9, 2024) (delineating which matters are heard in JD, GA, and Juvenile courts).

successful sentence modification requires a lot of work, not only mentally (envisioning and implementing strategy), but also physically (gathering documents and records) and emotionally (confronting painful truths and realities). The ultimate goal is to engage stakeholders across the petitioner's life to help share this workload and create a community that will support each other and the petitioner through this process and into the future.³

What Is A Sentence Modification?

A sentence modification is a change in length or type (or both) of State supervision.⁴ A modification can reduce the length of the term of incarceration, usually by converting unserved prison time to a suspended sentence.⁵ A sentence modification can also reduce or eliminate time on parole or special parole.⁶ A sentence modification can be granted by the sentencing court or sentencing judge.⁷ However, a person's sentence may not be reduced below the mandatory minimum sentence for crimes that have "nonsuspension" provisions.⁸ If a person is currently on parole or special parole, they have the option of going in front of the Board of Pardons and Paroles.⁹ One strategic consideration with this approach: a sentence modification is an adversarial process where there will be a State's Attorney arguing against the modification of one's sentence, whereas the Board of Pardons and Paroles is supposed to conduct an impartial investigation into each petition. Additionally, it is possible to do research on the factors that Superior Court judges consider when deciding whether to modify a sentence. It is more difficult to know what factors the Board considers, and you should consult with practicing attorneys who have represented clients before the Board in this capacity before deciding which route to pursue.¹⁰

³ One extremely important aspect of getting supporters engaged early is that they are more likely to come to the sentencing modification hearing. This sends a signal to the petitioner that people in their life care about and support them and a message to the judge that there is a community who is invested in the success of the petitioner.

⁴ CONN. GEN STAT. § 53a-39(a).

⁵ See, e.g., *State v. Salters*, No. NNH CR96-0440974, 2022 WL 2131803, at *2 (Conn. Super. Ct. June 14, 2022) (reducing a sentence of 40 years of incarceration, suspended after 24 years, plus 5 years of probation to a sentence of 40 years of incarceration, suspended after 18 years, plus 5 years of probation); *State v. White*, No. NNH CR04-0035114, 2022 WL 1684664, at *1 (Conn. Super. Ct. May 26, 2022) (reducing a sentence of 30 years of incarceration, suspended after 25 years, plus 5 years of probation, to 30 years of incarceration, suspended after 20 years, plus 5 years of probation). A suspended sentence is a sentence postponed so that the convicted criminal is not required to serve time incarcerated unless they commit another crime or violate some other court-imposed condition. BLACK'S LAW DICTIONARY (11th ed. 2019).

⁶ CONN. GEN STAT. § 53a-39(a).

⁷ *Id.* If the sentencing judge is still on the bench, that judge will likely preside over the sentencing modification hearing.

⁸ CONN. GEN STAT. §53a-39(d). Nonsuspension provisions typically include the following language: "Any person found guilty shall be sentenced to a term of imprisonment of which [X] years of the sentence imposed may not be suspended or reduced by the court."

⁹ CONN. GEN STAT. § 54-129.

¹⁰ If you go the Board route and get denied, you can be certain that a State's Attorney will use that against you in your application before a judge. Similarly, if you go before a judge and get denied, the Board will likely factor that into their decision in any later proceeding before them.

What Is Not A Sentence Modification?¹¹

Application for Review of Sentence

If your sentence is at least three years, you can apply within thirty days of sentencing to the Sentence Review Division of the Superior Court. Three Superior Court judges will then decide whether the sentence should be changed, and if so, whether it should be increased or decreased.¹² The review division can modify a sentence if it decides it is “inappropriate or disproportionate in the light of the nature of the offense, the character of the offender, the protection of the public interest, and the deterrent, rehabilitative, isolative, and denunciatory purposes for which the sentence was intended.”¹³ This option is unavailable if the person seeking the modification took a plea agreement or if the court rejected a plea agreement and imposed a shorter sentence than proposed in the plea agreement.¹⁴

Commutation

Commutation, also known as clemency, is a power of the Board of Pardons and Parole. The Board is part of the Department of Correction and has ten full-time members and five part-time members, appointed by the Governor.¹⁵ The Board has the authority to commute a sentence for any person convicted of any crime.¹⁶ It has almost unlimited discretion.¹⁷ The one limitation on the Board is that it may not commute a sentence from parole-ineligible to parole-eligible.¹⁸

Pardon

The Board can also choose whether to grant a pardon with the commutation. A pardon restores more rights to the petitioner compared to commutation alone.

¹¹ These processes are outside the scope of this guide and this information is provided only to distinguish between a § 53a-39 sentence modification and other forms of relief. Consult with your attorney before deciding what option is best for your specific case.

¹² CONN. GEN. STAT. § 51-195; *see generally* CONN. GEN. STAT. § 51-194 through § 51-197.

¹³ CONN. PRACTICE BOOK § 43-28.

¹⁴ CONN. GEN. STAT. § 51-195; CONN. PRACTICE BOOK § 43-24.

¹⁵ A list of the members of the Board can be found at https://portal.ct.gov/BOPP/BOPP_front-pages/Common-Elements/About-Us/Meet-the-Parole-Board. You may wish to research Board members' backgrounds when preparing an application for commutation. You may also listen to other commutation applications by attending public hearings.

¹⁶ BOPP has authority to “grant commutations of punishment or releases, conditioned or absolute, in any case of any person convicted of any offense against the state...” CONN. GEN. STAT. § 54-124a. The Board has their choice of how to alter the sentence; they may issue “pardons, conditioned, provisional or absolute, or certificates of rehabilitation for any offense against the state at any time after the imposition and before or after the service of any sentence.” CONN. GEN. STAT. § 54-130a.

¹⁷ *Missionary Soc. of Connecticut v. Bd. of Pardons & Paroles*, 272 Conn. 647, 653 (2005); *see also Connecticut Board of Pardons v. Dumschat*, 452 U.S. 458, 466 (1981); *McLaughlin v. Bronson*, 206 Conn. 267, 271 (1988).

¹⁸ 2007 WL 2800958 (Conn. A.G. Sept. 20, 2007) (“[T]he Board of Pardons and Paroles does not have the legal authority to commute a sentence which, by the plain language of CONN. GEN. STAT. § 54-125a(b)(1), is ineligible for parole, to a sentence which may be eligible for parole.”).

Legal Representation

Self-Representation

You should not attempt to represent yourself in a sentencing modification hearing before a judge. At a hearing before a judge, you will be involved in an adversarial process. There will be a formally trained State's Attorney representing the State of Connecticut, and their job is to do exactly that: represent the State's interests. Further, the judge will most likely be familiar with the State's Attorney who will be at your hearing because they often work in the same building. If you represent yourself, you are at a distinct disadvantage no matter the strength of your case. Finally, if you file a petition for sentence modification, are granted a hearing, and lose that hearing, you will not be granted another hearing for five years.¹⁹

Motion for Appointed Counsel

If you were represented by a court-appointed attorney in your original case, you should either reach out to that attorney directly or Deputy Chief Public Defender John Day to request assistance filing a motion for appointment of counsel.²⁰ If a long period of time has passed since your original case or if your financial circumstances have changed, you may be asked to complete a new financial application. Additionally, if your original attorney has since developed a conflict of interest, you may be assigned a different one to handle your sentence modification.

If you were not originally represented by a court appointed attorney, but believe that you may be eligible, contact Deputy Chief Public Defender John Day. He will refer you to the correct field office, and that office will ask you to fill out some paperwork to determine your eligibility. If you qualify, but the field office to which you are referred has a conflict, you will be referred to the Assigned Counsel Unit for placement with an attorney.

Clinical Professors/Supervisors

This guide is meant serve as a resource for you and your students when working with clients seeking a sentence modification. The guide includes a wealth of information gleaned from several successful sentence modifications, including templates, forms, and questionnaires. If a student has a question, the first place they should be looking is in the guide.

Sentence modifications are a lot of work mentally, physically, and emotionally. It is important to have regular check-ins with your student teams to make sure that they are making progress and that the work allocation is equitable. Historically, women and people of color take on an outsized share of the workload—this is exacerbated for those holding intersectional identities. While you should not micromanage your teams, it is important to emphasize, up front, your expectation of equity in work allocation. It can also be helpful to make space for students to engage in either a written or oral reflection at regular intervals each semester.

¹⁹ CONN. GEN STAT. § 53a-39(c).

²⁰ See Helpful Contact Information Appendix.

Law Students

This guide should be the first resource you consult when working through a state-level sentence modification as a clinical matter. The materials compiled in this guide should help you understand the relevant law and give you a firm grasp of what materials, documents, and forms you will need to help your client file their petition.

Organization is the best thing you can do for yourself, your team, and your client. Pay special attention to the “Letters of Support” section. Be sure that any document you are drafting is identified as “Privileged and Confidential Attorney Work Product” in the heading. Be methodical—file similar documents together and utilize subfolders when necessary.²¹

Be sure to check in regularly with your supervisor, ideally weekly, but more often if necessary.²² Create agendas for each meeting and do not be afraid to ask questions.²³ Though you should always start with thorough research of the relevant law and procedures, it may not be an efficient use of your time to look for information that the supervisor may have at their fingertips. Further, your supervisor may know of a practitioner who can answer your question. Ultimately, sentence modifications will at times involve extensive research, but if you can save time by contacting a trusted source, do so.

Attorneys

One purpose of this guide is to illuminate all the administrative tasks that nonlawyers can successfully complete before approaching and hiring an attorney for legal representation. In an ideal world, a client who uses this guide correctly will approach you with a mostly completed petition for sentence modification. Your job then will be to review the petition, discuss any issues with your client, and begin formal legal proceedings. This will hopefully mean that you spend less time on nonlegal tasks, and more time communicating with the other legal actors involved, namely the State’s Attorney and the judge.

Often, the State’s Attorney will oppose a sentence modification. This is especially true when there are victims who oppose the modification. However, sometimes the State’s Attorney will take no position, and in even rarer cases, they will support the petition. The important thing to do is present the best petition possible (they see a lot of these) and follow up with the State’s Attorney regularly.

When in conversation with the State’s Attorney, it can be helpful to direct them to especially strong letters of recommendation, a resume that shows a consistent involvement in mentorship or educational activities, and transcripts indicating academic success. The goal is to point to concrete evidence that the type or length (or both) of supervision that your client is under is no longer necessary. For more information on how to make your case to the State’s Attorney, look to the “Process” section.

²¹ For example, it is appropriate to have a folder titled “Letters of Support” that contains all the letter of support drafts you make or receive. As you start to proofread and finalize letters, you should create a folder within your “Letters of Support” folder titled “Finalized Letters.”

²² More frequent meetings may be necessary as you prepare your client for their hearing.

²³ See Sample Agenda for Clinical Law Students, Attachment E.

This guide is designed to make it so that if you are interested in doing sentence modifications, you can do them more quickly and at less of a cost to you and the client.

Friends

As a friend, the most helpful things you can do for someone seeking a sentence modification are 1) write a thoughtful letter of support and 2) attend their hearing. If you have a way of providing the petitioner a stable job or connecting them with housing, that is great too. Think about your skills: are you good with resumes (they will need one), or interviews (the judge may ask the petitioner pointed questions at the hearing), or social events (perhaps you can organize a letter writing event for the petitioner)? There are so many ways to be helpful in this process. The key is to stay organized so that the documents you are gathering do not get lost and so that people are not doing duplicate work.

Look through the “What You Will Need” sections. If you can share the burden of finding this information, doing so will be tremendously helpful.

Family

This process can be very difficult on families. A sentence modification brings up past events that you may wish you could simply forget and move on. It is important to be honest with yourself about what you can and cannot do. The most important things you can do for a family member seeking a sentence modification are 1) writing a thoughtful letter of support and 2) attending their hearing. If you cannot do more than that, it is completely understandable, and you should take care of yourself.

Look through the “What You Will Need” sections. If you can share the burden of finding this information, doing so will be tremendously helpful.

Who Is Eligible?

The first step in applying for a sentencing modification is understanding your eligibility. This will depend on your answers to the questions in the Sentence Modification Eligibility Questionnaire.²⁴ With the answers to these questions in hand, you will be able to proceed to the next part of the guide and further assess your individual situation. These answers will also be helpful when you begin thinking strategically about how to structure your petition to either Board or a judge.

Pretrial

If you are awaiting trial, you are not eligible for a sentence modification. If you are not being detained, your best course of action is to obtain the best legal representation you can find. If you

²⁴ See Sentence Modification Eligibility Questionnaire, Attachment Q.

are detained while awaiting trial, you may file a Motion for Bail Modification.²⁵ In this case, you should consult with an attorney before filing anything with the court.²⁶

Currently Incarcerated

If you are currently incarcerated, you need to know 1) the crime(s) of which you were convicted, 2) the length of sentence you received for each individual conviction, and 3) whether the sentences run consecutively (one after the other) or concurrently (at the same time).²⁷ Without these pieces of information, you will not be able to move further in this process. A person's sentence may not be reduced below the mandatory minimum sentence for crimes that have "nonsuspension" provisions.²⁸ A conviction of murder with special circumstances is the only conviction for which the mandatory sentence is the rest of the person's life.²⁹ If you were convicted under § 53a-54b, you are not eligible for a sentence modification and must pursue a commutation through the Board of Pardons and Paroles.

The easiest way to find this information is by reaching out to the attorney who represented you at trial and asking them to look up your file. It is a good idea to have a friend or family member who you trust meet the lawyer to get a copy of your file. However, you may need to look up your case online or submit a records request. Instructions for how to do this are in the sections titled "How to Look Your Case Up Online" and "How to Submit a Records Request." Note that you may have to do some combination of contacting your prior attorney, looking your case up online, and submitting records requests to retrieve the information that you need.

Once you have these pieces of information, go to the section titled "What You Will Need" for more information.

*Released, On Parole*³⁰

If you are currently on parole, you need to know 1) the crime(s) of which you were convicted, 2) the length of sentence you received for each individual conviction, 3) whether the sentences run

²⁵ CONN. PRACTICE BOOK §§ 38-13, 14. While there is no constitutional right to a bail that you can afford, the State is required to demonstrate, by a preponderance of the evidence, that the amount of the pretrial bail bond is in fact reasonable under the circumstances of case. *State v. Pan*, 345 Conn. 922 (2022).

²⁶ See Helpful Contact Information Appendix.

²⁷ Example: A person is convicted of second-degree assault and unlawful possession of a firearm. They receive a sentence of 5 years incarceration for each conviction. If the sentences run consecutively, this person will serve a total of 10 years. However, if the sentences run concurrently, this person will serve a total of 5 years. CONN. GEN STAT. § 53a-38(b).

²⁸ § 53a-39(d) ("The provisions of this section shall not apply to any portion of a sentence imposed that is a mandatory minimum sentence for an offense which may not be suspended or reduced by the court."). Nonsuspension provisions typically include the following language: "Any person found guilty shall be sentenced to a term of imprisonment of which [X] years of the sentence imposed may not be suspended or reduced by the court." For a general idea of mandatory sentences, see CONN. GEN STAT. 53a-35a(2)–(10).

²⁹ CONN. GEN STAT. § 53a-54b.

³⁰ The purposes of parole are maintaining community safety and successful reentry—not punishment. Evidence that the person seeking a sentence modification has a stable life and has not recidivated should be leveraged strategically. Go to the "What does this mean?" section on page 26 for more information about restrictions to applying for a sentence modification while on parole.

consecutively (one after the other) or concurrently (at the same time), 4) when you were released on parole (the month and year) 5) the length of your parole sentence, and 6) whether you have a term of special parole to follow.

The easiest way to find this information is by reaching out to the attorney who represented you at trial and asking them to look up your file and tell you. It is a good idea to have a friend or family member who you trust meet the lawyer to get a copy of your file. However, you may need to look up your case online or submit a records request. Instructions for how to do this are in the sections titled “How to Look Your Case Up Online” and “How to Submit a Records Request.” Note that you may have to do some combination of contacting your prior attorney, looking your case up online, and submitting records requests to retrieve the information that you need.

Once you have these pieces of information, go to the section titled “What You Will Need” for more information.

Released, On Special Parole³¹

If you are currently on special parole, you need to know 1) the crime(s) of which you were convicted, 2) the length of sentence you received for each individual conviction, 3) whether the sentences run consecutively (one after the other) or concurrently (at the same time), 4) when you were released on parole (the month and year) 5) the length of your parole sentence, and 6) the length of your special parole.

The easiest way to find this information is by reaching out to the attorney who represented you at trial and asking them to look up your file and tell you. It is a good idea to have a friend or family member who you trust meet the lawyer to get a copy of your file. However, you may need to look up your case online or submit a records request. Instructions for how to do this are in the sections titled “How to Look Your Case Up Online” and “How to Submit a Records Request.” Note that you may have to do some combination of contacting your prior attorney, looking your case up online, and submitting records requests to retrieve the information that you need.

Once you have these pieces of information, go to the section titled “What You Will Need” for more information.

³¹ Go to the “What does this mean?” section on page 26 for more information about restrictions to applying for a sentence modification while on special parole.

What You Will Need

To put yourself in the best position to achieve a successful outcome, you will need a lot of information. Do not be discouraged. Some of this information is easy to get. In fact, you may already have it. However, some information can be very difficult or time consuming to obtain. First, this section describes different pieces of information that you should consider gathering when putting together a sentence modification. Next, the section describes a few ways to go about finding it. Some of this information is required and some is optional. However, having more information will always be better because it will allow the sentence modification team to make fully informed, strategic choices.

Basic Information

There is some information that you must have prior to compiling materials for your sentence modification. This information is crucial to knowing what is in your record and what options are available to you when seeking a sentence modification. It is also the starting point for how to strategically present your case. In short, you need this information to move forward.

Docket Number

Your docket number is the number the court clerk assigned to your criminal case. Every document filed with the court that relates to your criminal case will be in this docket. You can think of it as a folder. If you have your docket number, you should be able to look up your case online.³² Once you have your docket number, getting information from the court clerk's office will be much easier because they will be able to easily identify your case.

Crime(s)

If You Went to Trial

You need to know exactly which crime(s) you were convicted of at trial. The more detail you have, the better. For example, it is more helpful to know that your conviction was for second degree assault than it is to know only that you were convicted of assault. If you were convicted of multiple crimes, make sure that you know the details of every conviction.

If You Took a Plea

You need to know the crime(s) to which you pleaded guilty. The more detail you have, the better. For example, it is more helpful to know that your plea was for second degree assault than it is to know only that you pleaded guilty to assault. If you pleaded guilty to multiple crimes, make sure that you the details of every plea agreement.

³² *Criminal/Motor Vehicle Convictions Search by Defendant*, STATE OF CONNECTICUT JUDICIAL BRANCH, <https://www.jud2.ct.gov/crdockets/SearchByDefDisp.aspx> (last accessed Feb. 9, 2024). The case lookup system is not perfect. If your case started as a juvenile proceeding or is over 10 years old, you may be better off calling the clerk's office and asking them to look up your case by docket number.

Past Pleas/Convictions

You need to know about any prior guilty pleas or convictions. You will need this information no matter how old the plea deal or conviction is. Again, the more specific, the better. When you eventually approach a lawyer or law clinic, this information will help them more accurately evaluate your case and strategically compile your petition for the court.

Note: Never disclose an activity that may be criminal to anyone before talking to an attorney. The above section is only dealing with crimes of which you have been convicted or to which you have pleaded guilty. Pleas and convictions are different than arrests or charges that have not been resolved.

Sentence

In order to request a sentence modification, you need to know your original sentence and how much of it you have served.

Start Date

Your sentence starts on the day you are incarcerated. You do not need an exact date, just the month and year. If you were incarcerated before your conviction, for example if you were denied bail or could not pay the bail imposed, that almost always counts toward your sentence. For example: You are arrested on January 1, 2022, you are denied bail and held pretrial beginning January 3. You do not take a plea deal and go to trial in May, the trial lasts two weeks and you are convicted. One month later you are sentenced to 5 years incarceration. Your start date would be January 2022. It would not be June 2022 because you have been incarcerated since January and that time counts toward your sentence.

Length

How long have you been incarcerated? It should be noted that some crimes are known as 85% crimes. If you are convicted of one of these crimes and have not served 85% of your sentence, you are ineligible for parole.³³ It is unlikely that a judge will grant your request for sentence modification if you are ineligible for parole.³⁴

³³ 85% Parole Eligible Offenses, CT.GOV, https://portal.ct.gov/BOPP/BOPP_front-pages/Common-Elements/V4-Template/85-Parole-Eligible-Offenses (last accessed Feb. 9, 2024).

³⁴ See *State v. Carrasquillo*, No. NNHCR030018798, 2022 WL 225650 (Conn. Super. Ct. Jan. 3, 2022) (denying sentence modification where defendant would be eligible for parole in 2 years and 6 months).

Department of Correction Records

Department of Correction (“DOC”) records contain useful information. If you are not incarcerated, you can obtain this information by submitting a request through the DOC FOIA request portal.³⁵ They have four business days from receipt of your request to respond as to whether DOC has your records, the category and location of the records, and the procedures available to review the records.³⁶ If you are seeking records for someone who is currently incarcerated you will need to follow the procedures laid out in the “How to Request” section below.

Master File

A DOC Master File includes: legal custody documents, identification documentation, criminal history documentation, classification history, program participation documentation, and sentence calculation information.³⁷

Medical Records While Incarcerated

Medical records are maintained at the correctional facility or field service office responsible for the supervision of the incarcerated individual.³⁸ They include: medical intake evaluations, treatment history, medications prescribed, and mental health assessments.³⁹

How to Request

You should be able to request these documents via the online platform.⁴⁰ However, if that method does not work or is unreasonably delayed contact the DOC FOIA liaison at (860) 692-6290.

DOC Master File (Non-Medical Records)

First, go to the DOC FOIA website and make an account. You can create an account whether you are currently incarcerated, formerly incarcerated, or neither. After creating your account, you will need to go to the ‘Main Menu’ and select ‘Submit a FOI Records Request.’ Once there you will see checkbox options for which records you want to request. These categories are limited, so you should check all of them, as well as ‘other,’ and then describe the records you would like to request in the box below (work reports, certificates, and disciplinary records/tickets are not included by default—be sure to list these). This list will be the same as the one you put in the CN 4402.⁴¹

³⁵ *Connecticut State Department of Correction*, CT.GOV: FREEDOM OF INFORMATION RECORDS CENTER, [https://docct.govqa.us/WEBAPP/rs/\(S\(vrldgreaydx3wvkbpu5vsqz\)\)/SupportHome.aspx?sSessionID=13013217314LIREQBXXNBSCPXXKHDFVDQPMDDWXH](https://docct.govqa.us/WEBAPP/rs/(S(vrldgreaydx3wvkbpu5vsqz))/SupportHome.aspx?sSessionID=13013217314LIREQBXXNBSCPXXKHDFVDQPMDDWXH) (last accessed Feb. 9, 2024).

³⁶ Regs., Conn. State Agencies § 18-81-20(f)(1).

³⁷ Regs., Conn. State Agencies § 18-81-20(a)(2). Note that work reports, certificates, and disciplinary records/tickets are not included by default. Make sure to request these when you request the Master File.

³⁸ Regs., Conn. State Agencies § 18-81-20(a)(3).

³⁹ *Id.*

⁴⁰ *Connecticut State Department of Correction*, CT.GOV: FREEDOM OF INFORMATION RECORDS CENTER, [https://docct.govqa.us/WEBAPP/rs/\(S\(vrldgreaydx3wvkbpu5vsqz\)\)/SupportHome.aspx?sSessionID=13013217314LIREQBXXNBSCPXXKHDFVDQPMDDWXH](https://docct.govqa.us/WEBAPP/rs/(S(vrldgreaydx3wvkbpu5vsqz))/SupportHome.aspx?sSessionID=13013217314LIREQBXXNBSCPXXKHDFVDQPMDDWXH) (last accessed Feb. 9, 2024).

⁴¹ See CN 4402 Form Authorization of Release for Non-Health Information, Attachment K.

Upload the CN 4402 (Non-medical release form) and list all of the documents you would like to request, even if you are requesting everything.⁴² Be sure to list disciplinary records and tickets as well as work reports—requesting updated ones if applicable—and certificates, as those may not be contained in the Master File by default. Call the correctional facility to confirm the file is ready for retrieval. Once the records are ready, you should be able to pick them up from the correctional facility.

If you have not heard back in four business days, call the DOC FOIA liaison at (860) 692-6290.

DOC Medical Records

If the person seeking the modification is incarcerated, ask them to fill out a CN 4401 (Authorization to Obtain and/or Disclose Protected Health Information) and send it to the correctional facility's medical records department through the inter-facility mailbox.⁴³

If the person seeking the modification is not incarcerated, have them fill out a Form CN 4401 and submit it as an attachment through the DOC FOIA website. Note that if anyone other than the person whose records are being requested is submitting the request, they will also need to attach a signed HIPAA-Compliant Authorization for Release of Confidential Information and Records.⁴⁴

Note: Once the CN 4401 has been submitted, request that the correctional facility process the chart summary first, then process the complete medical record. The chart summary is easier for the facility to process and will include helpful information like the diagnoses, health score, and medications.

Information Not Provided by DOC

If any of the above information is incomplete, you can request specific records from DOC through a Freedom of Information Act Request. You can do this by writing a letter to the Connecticut State Department of Correction.⁴⁵ They are required to respond to your request within four business days.⁴⁶ If your request is denied, you can appeal the decision as long as you do so within thirty days.⁴⁷ Always go through the formal request process before filing a FOIA request.

⁴² *See Id.*

⁴³ *See* CN 4401 Form Authorization to Obtain/Disclose, Attachment J.

⁴⁴ *See* HIPAA-Compliant Authorization for Release of Confidential Information and Records, Attachment A.

⁴⁵ *See* Department of Correction FOIA Request Template, Attachment I.

⁴⁶ CONN. GEN. STAT. § 1-206(a).

⁴⁷ CONN. GEN. STAT. § 1-206(b).

Non-DOC Records

Non-DOC Medical Records

You will need to request records for any non-DOC medical treatment. For each treatment facility, check the facility's website and call to see if there is a formal records request form. If so, fill that out along with a cover letter and HIPAA-Compliant Authorization for Release of Confidential Information and Records.⁴⁸ Send these materials to each facility that has treated the person seeking the sentence modification. For each request, ask for "all the information in the person's medical file including but not limited to" and then list any specific records that you believe will be helpful.⁴⁹

Specific records you may request include: Admission Summaries, Discharge Summaries, Treatment Plans, 90 Day Reviews/Transfer Summaries, Psychological Reports, Psychiatric Evaluations, Medical Reports, Neurological Evaluations, Laboratory Data and Reports, Educational Evaluations, School Adjustments, Speech/Hearing/Language Evaluations, Court/Correction Records, Pediatric Care, Emergency Care, Routine Physicals, Psychiatric information, Drug and Alcohol Abuse Records, and Sexual or Physical Abuse Records.

Which records you request will depend on the type of treatment facility. For example, a request sent to a hospital like Yale New Haven Health might ask for all information in the person's medical file including: Pediatric Care, Emergency Care, Laboratory Reports, Routine Physicals, Psychiatric Information, Drug and Alcohol Abuse Records, and Sexual or Physical Abuse. Whereas a request sent to a Clifford Beers, which provides mental health treatment, might ask for Admission Summaries, Discharge Summaries, Treatment Plans, 90 Day Reviews/Transfer Summaries, Psychological Reports, Psychiatric Evaluations, Medical Reports, Neurological Evaluations, Laboratory Data and Reports, Educational Evaluations, School Adjustments, Speech/Hearing/Language Evaluations, and Court/Correction Records.

Simply put, the information you request from different treatment facilities will vary with the facility. Always request the full medical file and try to be as specific as possible.

Department of Children and Families ("DCF") Records Requests

If the person seeking a sentence modification has been involved in foster care, adoption, juvenile court proceedings, or child protective services, they will have records with the Department of Children and Families. If this is the case, they will need to request the documents by sending a cover letter, HIPAA-Compliant Authorization for Release of Confidential Information and Records form, and DCF Records Request to the DCF Legal Division.⁵⁰

⁴⁸ See Medical Records Request Cover Letter Template, Attachment N; HIPAA-Compliant Authorization for Release of Confidential Information and Records, Attachment A.

⁴⁹ See Medical Records Request Cover Letter Template, Attachment N.

⁵⁰ See DCF Records Request Cover Letter Template, Attachment L; HIPAA-Compliant Authorization for Release of Confidential Information and Records, Attachment A; DCF Records Request Form, Attachment M.

Be sure to request: All papers filed in Juvenile Court, Child Protective Services (CPS) Referrals, Investigation Documents, Running Narratives, Case Plans, Multi-Disciplinary Evaluation Reports, Administrative Case Review Reports, and Service Provider Reports.

Work Reports

Work reports from work that was completed while incarcerated should be included in the DOC Master File. If the petitioner worked prior to being incarcerated or while on parole, contact that employer and try to get work reports or performance reviews. If they are positive, these should be included in the petition to demonstrate the ability to show up on time, work with others, meet deadlines, and keep a regular schedule. Be sure to request updated work reports from any DOC personnel supervising this current work. Although DOC personnel will usually not be permitted to write letters of support, they may say positive and supportive things about the person seeking the sentence modification in work reports.

Certificates

Information about programs completed while incarcerated should be included in the DOC Master File. If not, contact the supervisor of any programs and ask for a certificate of completion for each program completed. These should be included in the petition as they demonstrate goal-setting skills, focus, and determination.

If the person seeking the sentence modification has completed any vocational or educational training while on parole, contact a supervisor and ask for a certificate of completion.

Examples: Trade School, Vocational Training, Religious Studies, GED Programs, and other DOC Programs.⁵¹

Transcripts

Obtain transcripts from as many educational institutions as possible. Prioritize the most recently attended institutions. For post-secondary institutions, you can typically request a transcript through the school website. For public school records you will need to have the petitioner sign a release form and send it to the school from which you would like the records.⁵²

Awards

If the person seeking the sentence modification has received any kind of award, it will be helpful to include documentation of that award in the modification petition. Awards can come from a wide range of activities and institutions, and can acknowledge: academic achievement,

⁵¹ See Parole Preparation Project and Lewin, Michelle L., *A Guide to Parole Preparation In New York State*, FORDHAM LAW ARCHIVE OF SCHOLARSHIP AND HISTORY, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1006&context=pp> (last accessed Feb. 9, 2024).

⁵² See HIPAA-Compliant Authorization for Release of Confidential Information and Records, Attachment A.

community service, exceptional work ethic, mentorship, leadership, etc. Awards demonstrate not only that the person has excelled, but that others have noticed.

Awards can also serve as a source of letter of support writers. Try to identify the person or people who administered the award and reach out to them to see if they are willing to write a letter describing some of their reasons for selecting the petitioner for the award.

Photographs

Photographs can be a powerful way to show the person seeking the sentence modification in a more three-dimensional way. When selecting photographs to include, look for ones with friends, family, a mentor/mentee group, or any kind of supportive group setting. These photographs do not need to be limited to those taken outside of prison. The goal is to include photos that capture the personality and humanity of the person seeking the modification.

Letters of Support

The process of obtaining, proofing, revising, and organizing letters of support can take a lot of time. For fifty people worth of outreach, you may only get twenty finalized letters. Make sure that you have several conversations with your client about anyone and everyone they think could be helpful. This can include: friends, family, co-workers, employers, teachers, children, correctional officers, parole officers, etc.

Letters of support should accomplish three goals: (1) let the reader know who the writer is and how they know the person seeking the sentence modification, (2) provide a positive statement about character of the person seeking the sentence modification based on specific personal experiences, and (3) explain how the writer will be a source of support moving forward. These are explained in more detail in the Letter of Support Guide and Template.⁵³ The letters should in no circumstance be used to express views on the criminal justice system, police officers, or judges. The focus should be on the person seeking the sentence modification and the reasons why they should have their sentence reduced. The goal is to help the prosecutors and the judge see this person as a human being deserving of compassion.

Address all letters of support to the State's Attorney in the location in which you are seeking the sentence modification.⁵⁴ For Class A and B felonies, address the letter to the Chief State's Attorney for the Judicial District in which the modification is being sought.⁵⁵ For Class C, D, and E felonies as well as misdemeanors, address the letters to the Supervising State's Attorney in the Geographic Area in which the modification is being sought.⁵⁶ For Juvenile Matters, address the

⁵³ See Letter of Support Guide and Template, Attachment H.

⁵⁴ *Connecticut's Judicial Districts and State's Attorneys*, CT.GOV, <https://portal.ct.gov/DCJ/About-Us/About-Us/Judicial-Districts-and-States-Attorneys> (last accessed Feb. 9, 2024).

⁵⁵ See, e.g., *Ansonia/Milford Judicial District Office and Court Locations and Directions*, CT.GOV, <https://portal.ct.gov/DCJ/States-Attorneys/AnsoniaMilford/Office-Court-Locations> (detailing contact information for various State's Attorneys in the Ansonia/Milford Judicial District) (last accessed Feb. 9, 2024).

⁵⁶ *Id.*

letter to the State’s Attorney in the municipality in which the sentence modification is being sought.⁵⁷

Note: Make sure that individuals writing letters of support do not contact the State’s Attorney or any Judges. The letters should be sent to a person on the sentence modification team to proofread, edit, and compile all letters in preparation for their inclusion in the packet.

Some considerations for common letter of support writers follow. However, do not limit yourself to these categories. Letters of support can come from unexpected stakeholders including corrections officers, parole officers, and police commissioners. The key thing to remember in your outreach is that this work is on behalf of the person seeking the modification and your actions and communications will reflect on them. Outreach should always be professional, polite, and concise.

Note: Some people feel more comfortable communicating via text message than email. When you are building your list of letter writers, try to get as much contact information as possible so that you can do outreach via multiple modes of communication. Family, friends, clinical law students, and lawyers may assist letters of support writers with drafting, based on their conversations, texts, or other communication with supporters. If you reach out to someone and they would like to help, but lack the time to write a letter, ask them if they have time for a 30-minute call. During the call you can have a conversation and draft a letter on their behalf.⁵⁸ Let them know that you will send them the letter for review and edits before including it in the petition. Always take such a call in a private space.

Organization of Letters of Support

Lawyers, law students, friends, and family: The first thing you should do is make a tracker where you and your team can keep track of potential supporters, their relationship to the client, contact information, dates of outreach, and receipt of letters.⁵⁹ Then, you should create a folder where you place all drafts you receive. Make sure that you do this methodically—it is easier than you may think to miss an email with a helpful letter of support!

Friends

When writing a letter of support for a friend, think about the experiences you have had with the person that make you value that person’s friendship. The more specific the better. Maybe you saw this person’s empathy, capacity for change, or selflessness through shared experience. Maybe they helped you through a particularly difficult time in your life. Being able to discuss these things in detail not only reflects positively on the person, it brings a different dimension to their application and paints them as more than the charges on their record.

⁵⁷ *Id.*

⁵⁸ You can use the Letter of Support Guide and Template to formulate questions for this call.

⁵⁹ See Letter of Support Tracker Template, Attachment G.

Family

As discussed above, for family members this process can be difficult. If you choose to write a letter of support, it can be helpful to write about the way that the person has maintained or regained family ties. It may also help to document hardships that the person experienced before committing the crime for which they are seeking a sentencing modification. Family descriptions of particularly formative events can go a long way with decisionmakers. If the person has taken on a mentorship role or is especially close to any members of the family, it can be helpful to highlight those healthy relationships. In terms of ongoing support, if a family member has the ability to provide employment or housing to the person if their sentence is modified, that should be both discussed with the person's legal team and included in the letter.

Employers/Work Supervisors

Employers and work supervisors are uniquely positioned to speak about a petitioner's consistency, work ethic, and hard skills. An employer will have the legitimizing factor of being an objective third party and should speak to the person's ability to complete tasks and succeed in a structured work environment.

If the person seeking the modification is currently on parole or special parole, try to get at least one letter of support from a current or recent employer. If the person is incarcerated, try to get a work report from a work supervisor.

Co-workers

Similarly, co-workers can add an extra contour to someone's application because they see how the person interacts and approaches problems in a professional setting. A co-worker writing a letter of support should focus on specific experiences where they saw the person succeed or work through a difficult task either individually or as part of a team.

Resume

The applicant should include an updated resume including all educational and work experience. The resume should highlight any and all mentorship, volunteer, and community service involvement.⁶⁰

Victim Notification Form

If the applicant is incarcerated, they must notify the Office of Victim Services when they apply for a sentence modification.⁶¹ To do this, fill out the Notice of application filed Seeking Release or Other Relief Form.⁶² This form is sometimes referred to as a "JD-VS-3."

⁶⁰ See Resume Template, Attachment R.

⁶¹ See Sentence Modification Application, Motion, and Order, Attachment B.

⁶² See Notice of Application Filed Seeking Release or Other Relief, Attachment C.

If the applicant is not incarcerated, they do not have to complete a JD-VS-3. However, as a matter of custom, most State's Attorneys will contact the victim or victim's family any time a sentence modification is being sought. Many clerks will not even process an application if the JD-VS-3 is missing because they are under the impression that they are required in all cases. Because of these factors, it is best to complete the JD-VS-3 form, regardless of whether it is technically required.

Applicant Statement

The person applying for the sentence modification should write a short statement summarizing why they believe that they should receive a sentence modification. This statement is extremely important and should be given considerable thought, time, and energy.

Those who are incarcerated should be aware that anything they write could be confiscated by DOC personnel. Do not write anything that could be incriminating or jeopardize a pending appeal. If you are incarcerated, it may be best to try and speak with someone on the outside who can help you draft a statement that can be kept confidential.

The applicant should take responsibility for the crime(s) of which they were convicted. Do not characterize the crime as a mistake or otherwise attempt to downplay the seriousness of it. Rather, it can be a good idea to give context for the crime: Did the applicant grow up in a neglectful or violent environment? Did they feel unsafe? Did they fall in with a group of people who negatively impacted their decision-making ability? Contextual factors like these can be used to frame why the applicant engaged in criminalized behavior and can serve as a basis from which they can explain why that behavior will not happen in the future.

The applicant should discuss their growth during their period of incarceration or supervision. Think about educational, personal, and professional development. Did the applicant participate in a mentorship program? Did they obtain a vocational certificate or GED? Did they maintain consistent employment? How did these experiences shape their aspirations for life outside of prison? The applicant should reflect on how their life perspective has changed since they were sentenced and discuss what factors contributed to that change.

The applicant should address why the crime for which they were sentenced will never happen again. Often, judges are extremely concerned about the risk of recidivism. The applicant should try to connect the experiences or skills they have obtained while incarcerated with plans for the future.

If the applicant is not currently incarcerated, they should focus heavily on their stability while out of prison. Consistent employment, housing, and connections with family are all indicators that the person is no longer a risk to community safety and that they have successfully reintegrated into society.

Other Helpful Documents

Files From Past Attorneys

If Represented by a Public Defender

If you were represented by a public defender, call the office location that represented you. If you do not know which office represented you, consult the Helpful Contact Information Appendix or call the office of the Chief Public Defender and see if they can direct you to the correct office.⁶³ You will notice that there is not a public defender office for every JD, GA, or Juvenile Court. If there is not an office that correlates to the region in which you were sentenced, call the Chief Public Defender's Office and ask for help.

If Represented by a Private Attorney

If you were represented by a private attorney and have their phone number or email address, first try to contact them that way. If you do not have any contact information but remember their name, try to look them up either through the Connecticut Attorney Firm Lookup Tool or through an internet search.⁶⁴ If you do not remember who your attorney at trial was, you may be able to get that information from the court clerk. Call the clerk for the relevant JD, GA, or Juvenile court and tell them that you are trying to locate the attorney who represented you in your criminal case in that court. If you remember specific dates or the name of the judge, that information will be helpful. All Superior Courts in the state keep records of all cases in the courthouse for four months. After that, you will need to call the clerk of the court in which you were sentenced and ask for a records request form for the disposition of your case. They will then send you the form, which you must fill out and return. The court will then send you the disposition record of your case, which should include the attorney who represented you.

How to Look Up Your Case Online

Connecticut has an online tool available to look up criminal cases.⁶⁵ Be aware that the tool cannot locate all cases, especially those that are particularly old or that originated in juvenile court. To use the lookup tool, you will need the petitioner's last name, first initial, birth year, and Geographic Area or Judicial District in which they were sentenced.

How to Request Records from a Former Attorney

If anyone other than the person seeking the sentence modification is requesting prior legal records, they will need to contact the attorney from whom they are requesting the records and provide them a signed HIPAA-Compliant Authorization for Release of Confidential Information and Records.⁶⁶

⁶³ See Helpful Contact Information Appendix.

⁶⁴ Attorney Firm Look-Up, STATE OF CONNECTICUT JUDICIAL BRANCH, <https://www.jud.ct.gov/attorneyfirminquiry/attorneyfirminquiry.aspx> (last accessed Feb. 9, 2024).

⁶⁵ Criminal/Motor Vehicle Convictions Search by Defendant, STATE OF CONNECTICUT JUDICIAL BRANCH, <https://www.jud2.ct.gov/crdockets/SearchByDefDisp.aspx> (last accessed Feb. 9, 2024).

⁶⁶ See HIPAA-Compliant Authorization for Release of Confidential Information and Records, Attachment A.

Path to Sentence Modification

Conn. Gen. Stat. § 53a-39

Connecticut General Statute § 53a-39 is the law that authorizes the sentencing court to modify a person's sentence. The exact language is:

- (a) Except as provided in subsection (b) of this section, at any time during an executed period of incarceration, 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 conditional discharge for a period not to exceed that to which the defendant could have been originally sentenced.
- (b) On and after October 1, 2021, at any time during the period of a sentence in which a defendant has been sentenced prior to, on or after October 1, 2021, 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 conditional discharge for a period not to exceed that to which the defendant could have been originally sentenced.
- (c) If, after a hearing pursuant to this section, the sentencing court or judge denies or grants in full a motion to reduce a defendant's sentence or discharge the defendant, the defendant may not file a subsequent motion for relief under this section until five years have elapsed from the date of the most recent decision denying such defendant relief pursuant to this section. If, after a hearing pursuant to this section, the sentencing court or judge grants in part a motion to reduce a defendant's sentence, the defendant may not file a subsequent motion for relief under this section until three years from the date of the most recent decision granting such defendant relief pursuant to this section.
- (d) The provisions of this section shall not apply to any portion of a sentence imposed that is a mandatory minimum sentence for an offense which may not be suspended or reduced by the court.
- (e) At the time the defendant files a motion with the court, the defendant shall provide the state with a copy of the motion and any materials and documentation filed with the court in support of such motion.
- (f) At a hearing held by the sentencing court or judge under this section, such court or judge shall permit any victim of the crime to appear before the court or judge for the purpose of making a statement for the record concerning whether or not the sentence of the defendant should be reduced, the defendant should be discharged or the defendant should be discharged on probation or conditional discharge pursuant to subsection (a) or (b) of this section. In lieu of such appearance, the victim may submit a written statement to the court

or judge and the court or judge shall make such statement a part of the record at the hearing. For the purposes of this subsection, “victim” means the victim, the legal representative of the victim or a member of the deceased victim’s immediate family.⁶⁷

What does this mean?

If You Took a Plea Deal and Were Sentenced to More Than 7 Years of Incarceration⁶⁸

You are covered by paragraph §53a-39(b) and must obtain the approval of the State’s Attorney before you can file your request for a sentence modification with the sentencing court.⁶⁹ If you do not do this, your request will be denied. Your lawyer should handle all communications with the State’s Attorney. The State’s Attorney can approve you to file with the court without supporting your request for a sentence modification at the hearing.

As of April 2024, petitioners who fall under §53a-39(b) may both file a petition for sentence modification and have a hearing while incarcerated, on parole, or on special parole.⁷⁰

If You Took a Plea Deal and Were Sentenced To 7 Years of Incarceration or Fewer

You are covered by §53a-29(a) and can file your request for a sentence modification with the sentencing court without the approval of the State’s Attorney.⁷¹ You are still required to send a copy of the sentence modification petition to the State’s Attorney when you file with the court.⁷² It may be a good idea to have your attorney send your application to the State’s Attorney prior to filing with the court. This allows your attorney to establish contact with the State’s Attorney and hopefully engage in productive conversation regarding your petition.

As of April 2024, petitioners who fall under §53a-39(a) may file a petition for sentence modification and have a hearing on that petition while they are incarcerated. However, it is unclear whether the same petitioner may file a petition or have a hearing while on parole or special parole. Some recent cases suggest that the wording in paragraph (a) limits a sentencing court’s jurisdiction to the period of time that the petitioner is actually incarcerated.⁷³ One of these cases is currently

⁶⁷ CONN. GEN. STAT. § 53a-39.

⁶⁸ A person sentenced to 10 years’ incarceration suspended after 6 would not fall within paragraph (b) because their period of incarceration is less than 7 years. *See State v. Roebuck*, No. HHD-CR12-0656628T, 2023 WL 5216250 (Conn. Super. Ct. July 25, 2023) (“The term ‘executed’ in the phrase ‘executed period of incarceration’ generally refers to the time when the defendant is in custody, as opposed to ‘unexecuted’ or ‘suspended,’ when a defendant is released on probation or conditional discharge.”).

⁶⁹ CONN. GEN. STAT. § 53a-39(b).

⁷⁰ *Id.*; see also *Roebuck*, No. HHD-CR12-0656628T, 2023 WL 5216250 at *2 (“Paragraph (b) . . . allow[s] the court to modify a sentence while the defendant is on probation, conditional discharge, or special parole following a seven year or more term of incarceration.”).

⁷¹ CONN. GEN. STAT. § 53a-39(a).

⁷² CONN. GEN. STAT. § 53a-39(e).

⁷³ *Roebuck*, No. HHD-CR12-0656628T, 2023 WL 5216250 at *3 (dismissing sentence modification for lack of jurisdiction because petitioner was on special parole when he filed and had his hearing); *State v. Barnes*, No. H14H-CR16-0172323T at *8 (Conn. Super. Ct. March 9, 2023) (dismissing sentence modification for lack of jurisdiction where petitioner filed while incarcerated but the hearing did not happen until he was on special parole).

on appeal. If you fall under paragraph (a) and are not incarcerated, you should speak with your lawyer before filing a petition.

If You Went to Trial

You are covered by §53a-29(a) and can file your request for a sentence modification with the sentencing court without the approval of the State’s Attorney.⁷⁴ You are still required to send a copy of the sentence modification petition to the State’s Attorney when you file with the court.⁷⁵ It may be a good idea to have your attorney send your application to the State’s Attorney prior to filing with the court. This allows your attorney to establish contact with the State’s Attorney and hopefully engage in productive conversation regarding your petition.

As of April 2024, petitioners who fall under §53a-39(a) may file a petition for sentence modification and have a hearing on that petition while they are incarcerated. However, it is unclear whether the same petitioner may file a petition or have a hearing while on parole or special parole. Some recent cases suggest that the wording in paragraph (a) limits a sentencing court’s jurisdiction to the period of time that the petitioner is actually incarcerated.⁷⁶ One of these cases is currently on appeal. If you fall under paragraph (a) and are not incarcerated, you should speak with your lawyer before filing a petition.⁷⁷

“Good Cause”

§ 53a-39 does not define good cause. Rather, Connecticut courts assess whether or not good cause for a sentence modification exists by looking to the factors considered when granting parole as well as the overall policy objectives of sentencing.⁷⁸ The factors considered when granting parole include whether:

- (1) There is a reasonable probability that such person will live and remain at liberty without violating the law, (2) the benefits to such person and society that would result from such person’s release to community supervision substantially outweigh

⁷⁴ CONN. GEN. STAT. § 53a-39(a).

⁷⁵ CONN. GEN. STAT. § 53a-39(e).

⁷⁶ *Roebuck*, No. HHD-CR12-0656628T, 2023 WL 5216250 at *3 (dismissing sentence modification for lack of jurisdiction because petitioner was on special parole when he filed and had his hearing); *Barnes*, No. H14H-CR16-0172323T at *8 (dismissing sentence modification for lack of jurisdiction where petitioner filed while incarcerated but the hearing did not happen until he was on special parole).

⁷⁷ For example: Petitioner A is sentenced to 10 years’ incarceration, followed by 5 years’ parole and 5 years’ special parole. Petitioner B is sentenced to 10 years’ incarceration suspended after 8, followed by 5 years’ parole and 5 years’ special parole. Petitioner C is sentenced to 10 years’ incarceration suspended after 3, followed by 5 years’ incarceration and 5 years’ special parole. Petitioners A and B may file their petition and have their hearing during any part of their sentence. However, under *Roebuck* and *Barnes*, Petitioner C may need to file *and* have their hearing while incarcerated.

⁷⁸ *State v. Jenkins*, No. NNH CR96-0438878, 2022 WL 14382130, at *3 (Conn. Super. Ct. Oct. 3, 2022) (“[T]he statute governing parole eligibility and suitability, C.G.S. §54-125a(4), provides an instructive and practical backdrop in assessing the existence of ‘good cause’ sufficient to modify a sentence.”); *see also State v. Rosario*, No. NNH-CR00-200899, 2023 WL 5696863 (Conn. Super. Ct. Aug. 14, 2023) (“The term ‘good cause’ is used in all areas of the law and the definition is usually left to its common understanding and usage. That common understanding and usage is articulated in Black’s Law Dictionary as ‘[a] legally sufficient reason.’”).

the benefits to such person and society that would result from such person's continued incarceration, and (3) such person has demonstrated substantial rehabilitation since the date such crime or crimes were committed⁷⁹

These factors are consistent with those set forth in Connecticut General Statutes § 54-300, which explains the policy goals of sentencing:

(1) The primary purpose of sentencing in the state is to enhance public safety while holding the offender accountable to the community . . . (2) sentencing should reflect the seriousness of the offense and be proportional to the harm to victims and the community . . . (3) sentencing should have as an overriding goal the reduction of criminal activity, the imposition of just punishment and the provision of meaningful and effective rehabilitation and reintegration of the offender, and (4) sentences should be fair, just and equitable while promoting respect for the law.⁸⁰

Based on these guiding statutes, courts have articulated a list of factors they consider when evaluating whether a petitioner has shown good cause. These factors include, but are not limited to:

1. The gravity of the crime.
2. Correctional record and length of time incarcerated.
3. Age and circumstances at the time of the offense.
4. Demonstrated remorse and increased maturity since the date of the offense.
5. Efforts to overcome substance abuse, addiction, trauma, lack of education or obstacles faced as a child or youth.
6. Contribution to the welfare of other persons through service while incarcerated.
7. The degree to which the petitioner has fully availed themselves of opportunities for growth, rehabilitation, and contribution within the correctional system considering the nature and circumstances of the crime committed.
8. The overall degree of rehabilitation considering the nature and circumstances of the crimes.⁸¹

⁷⁹ CONN. GEN. STAT. § 54-125(a)(4).

⁸⁰ CONN. GEN. STAT. § 54-300(c).

⁸¹ *State v. Martin G.*, 222 Conn. App. 395, 401 (2023), *cert. denied*, 348 Conn. 944 (2024); *State v. Brelsford*, No. NNH-CR94-0401989-T, 2022 WL 4286493, at *2 (Conn. Super. Ct. Sept. 16, 2022); *State v. Wheatland*, No. NNH CR00-0201332 S, 2022 WL 14389397, at *3.

Judges will always consider the position of the victim and the victim's family, as well as the position of the State. However, their positions are not necessarily dispositive.⁸² Individual judges will weigh each of these factors differently depending on the facts of a given case.⁸³

⁸² See, e.g., *State v. Foster*, No. NNHCR110265645, 2021 WL 6101178, at *1 (Conn. Super. Ct. Dec. 8, 2021) (granting sentence modification despite opposition of one of two businesses the defendant robbed); *State v. White*, No. NNH CR04-0035114, 2022 WL 1684664, at *1 (Conn. Super. Ct. May 26, 2022) (granting sentence modification where victim's family was opposed to any modification yet the State agreed that some reduction of the sentence was appropriate); *State v. Boyd*, No. NNHCR890319242, 2021 WL 3609656, at *1 (Conn. Super. Ct. July 14, 2021) (granting partial sentence modification where the victim's mother could not be located but had opposed a previous modification).

⁸³ Alexander Taubes keeps a database of sentence modification decisions at this link: <https://drive.google.com/drive/folders/10zlkbb8kQOPDsYibL8u1OWhB-1CMTY0R>. These decisions may be helpful for understanding the weight that different judges put on specific factors.

Process

Gather Materials (Applicant, Friends, Family, Supporters)

1. Begin by collecting basic information.⁸⁴ Usually the applicant will have some of this information, but you may need to call the court clerk or a former attorney for things like the docket number.
2. Request school, medical, and DOC records. These records will have important information that will inform the applicant's attorney on what strategic approaches to take or stay away from. Follow the procedures in the relevant sections: "DOC Records" and "Non-DOC Records." As you receive these records, keep them organized by institution. For example, you may have separate folders for DOC Medical Records, DOC Non-Medical Records, Yale New Haven Health Hospital Records, and Clifford Beers Records. It is crucial that this information remain organized. If it is possible to arrange the material in chronological order, that is even better.
3. Work with the applicant to build a list of potential letter of support writers and put their names and contact information into a tracker.⁸⁵ As mentioned before, this process is extremely time consuming, so make sure that you are checking in with people and updating the tracker with information on who has responded and when they have responded. It can be helpful to have multiple discussions with the applicant about letter of support writers because different people may come to mind on different days. As you receive letters of support, organize them in a way that will be easy for an attorney or legal clinic to navigate. For example, you could create a folder with all letters of support organized by the name of the supporter. Once you have received all the letters, create a cover sheet with a list of all of the names of the letter of support writers in alphabetical order to go with the letters themselves.
4. Work with the applicant to create a resume. The resume should include all work, volunteer, and educational experience both while incarcerated and on parole (if applicable). Be sure to highlight leadership positions, mentorship roles, and anything else that demonstrates consistency, focus, and responsibility.
5. Work with the applicant on their statement. It can be helpful to have a conversation with the applicant about what they would like to say in their letter and create a draft based on that conversation. If the applicant would like to write their own statement, friends, family, and other supporters can offer to read the statement and give constructive suggestions and edits.
6. Collect other helpful documents: Photographs, Awards/Certificates, Etc.

Compile Materials and Seek Legal Representation (Applicant, Friends, Family, Supporters)

1. Organize all materials into their relevant categories (DOC Records, Medical Records, School Records, Awards/Certificates, Photographs, Resume, Letters of Support)
2. Contact legal clinics, local attorneys, and the Public Defender Service (if eligible) for representation.⁸⁶

⁸⁴ See Sentence Modification Applicant Eligibility Questionnaire, Attachment Q.

⁸⁵ See Letter of Support Tracker Template, Attachment G.

⁸⁶ See Helpful Contact Information Appendix.

Receive Application Materials, Review, and Compile Affidavit (Legal Clinic and Attorneys)

1. Review Materials:

Once a client approaches you and you decide to take their case, carefully review all the materials they have provided. If needed, follow up for additional information.

2. Outline and Draft Argument in Support of Sentence Modification:

Begin with an introductory paragraph explaining how your client has demonstrated their suitability for a sentence modification. Include the length of the reduction you are seeking. If your client took a plea deal and was sentenced to more than 7 years incarceration, ask for leave to petition the court for a sentence modification. If your client is not incarcerated, ask the State's Attorney to review the petition and inform them that you will be filing an affidavit with the court and would like to speak with them once they have had an opportunity to review the materials.

After the introduction, proceed with your argument as to why your client deserves the sentence modification. It is helpful to approach this much like you would a legal brief. One way to structure the argument is to detail the purposes of incarceration or parole and then lay out how those purposes have been fulfilled as a result of the length of incarceration or supervision your client has served and the actions your client has taken during that time.⁸⁷ For all assertions regarding the client's actions, development, and accomplishments, cite to letters of support, records, or the client's resume.

Be sure to include a section in your letter about your client's reentry plan if they are incarcerated. This is important as judges are often concerned about recidivism during the period immediately after someone is released from prison. If your client is on parole, you should reiterate their stability by discussing consistent employment, lack of negative interactions with law enforcement, strong family ties, etc.

Conclude your letter by summarizing all relevant points and explaining why continued incarceration or supervision is no longer necessary.

⁸⁷ The four theoretical purposes of sentencing are deterrence, retribution, incapacitation, and rehabilitation. In *Morrissey v. Brewer*, the Supreme Court stated that the purpose of parole "is to help individuals reintegrate into society as constructive individuals as soon as they are able, without being confined for the full term of the sentence imposed." 408 U.S. 471, 477 (1972).

3. Compile Affidavit

Once your letter to the State's Attorney is complete, you are ready to start compiling the affidavit.

Components (in this order)

1. Cover letter to State's Attorney explaining that you are seeking a sentence modification (different than the argument described in step 2).⁸⁸
2. Affidavit in Support of Sentencing Modification
 - a. Caption
 - b. Table of Contents
 - c. Argument
 - d. List of Attachments
 - i. Resume
 - ii. Applicant Statement
 - iii. Letters of Support
 - iv. Transcripts
 - v. Photos
 - vi. Awards/Certificates

Contact State's Attorney (Legal Clinic and Attorneys)

Once you have all the petition materials compiled, send them to the State's Attorney before you file with the court.⁸⁹ Some offices prefer that you mail a physical packet, while some will accept electronic files. Either check with an experienced local attorney who knows the State's Attorney's preference or call the State's Attorney's office and ask. Regardless of how you send the packet, follow up with an email explaining that you are seeking a sentence modification and attach an electronic copy of the packet. It can be helpful to direct the State's Attorney to especially strong letters of support, a resume that shows a consistent involvement in mentorship or educational activities, and transcripts indicating academic success.⁹⁰

File Affidavit (Legal Clinic and Attorneys)

Depending on what Geographic Area or Judicial District you are in, there will be different rules for filing. The best way to ensure that your affidavit is formatted correctly for the locality in which you are filing is to call the clerk for that court.⁹¹

⁸⁸ See Cover Letter to State's Attorney Template, Attachment O.

⁸⁹ CONN. GEN. STAT. § 53a-39(e) ("At the time the defendant files a motion with the court, the defendant shall provide the state with a copy of the motion and any materials and documentation filed with the court in support of such motion.").

⁹⁰ If your client was sentenced to less seven or less years as a result of a plea deal, you are not required to seek the approval of the State's Attorney before filing your petition with the court. CONN. GEN. STAT. 53a-39(a). It may still be a good idea to reach out to the State's Attorney before filing to start a dialogue.

⁹¹ See Helpful Contact Information Appendix.

General Formatting Rules⁹²

1. Font: Arial, 12pt
2. Leave 2 inch bottom margin on the first page
3. Standard Two Hole Punch at the top of the page: 7/16ths inch from top of the page, 2 and 7/8ths inch in from the sides

Preparing For the Hearing (Applicant, Friends, Family, Supporters, Legal Clinic, and Attorneys)

At this point, the person seeking the sentence modification should have an attorney. That attorney should prepare the client for their hearing by asking them questions about their sentence modification application. This is a process known as “mooting” and is crucial to ensuring that the person seeking the sentence modification is prepared for their hearing. As mentioned above, one of the single biggest factors a judge is going to consider when granting or denying a sentence modification is whether they believe that the person in front of them is truly rehabilitated. If that person cannot clearly explain their remorse for their crime and why it will never happen again, it will seriously hinder their chance of success.

In preparation for the sentence modification hearing, the person seeking the sentence modification and anyone who will be speaking on their behalf should be mooted. For the person seeking the modification, this should happen multiple times, and the goal should be to refine answers for clarity, simplicity, and authenticity. For any other supporters speaking in court, they should either have a script or bullet points to stick to for the day of the hearing. Some judges also question supporters who speak in court, so it is not a bad idea to prepare anyone speaking on the record with mock questions relevant to their particular testimony.⁹³

Attorneys: Once you contact the State’s Attorney and file your client’s affidavit with the court, you should reach out to the court clerk regularly for updates on who the judge will be and where the proceeding will take place. Depending on the district, the clerk may not reach out to you with this information until very close to the hearing date, so it is crucial that you maintain consistent contact with them and the State’s Attorney so that you can give your client as much preparation as possible. Further, the more notice you can give to people who helped request records, compile materials, and write letters, the more likely they will be able to make arrangements to attend the hearing.

What To Expect At the Hearing (Applicant, Friends, Family, Supporters, Legal Clinic, and Attorneys)

Prior to the day of the hearing, you should be given the name of the judge presiding over the hearing as well as the courtroom in which the proceeding will take place. Once you have this information, send an email or text message (or both) to everyone who wrote a letter of support or helped prepare the sentence modification application. Let them know the day, time, and location of the proceeding and encourage them to attend. Make sure that you include information about

⁹² See CONN. PRACTICE BOOK § 4-1.

⁹³ See Mooting Guide, Attachment S.

where to park and emphasize the need to be on time. Additionally, tell people that they should turn their cell phones off during the proceeding and must not record anything.

The legal team, person seeking sentence modification, and any speakers should meet at the courthouse at least 15 minutes prior to the hearing. No judge will look favorably on parties who are late to the proceeding.

The judge will first hear from the attorney representing the person seeking the sentencing modification. It is likely that the judge has already reviewed the material in the sentence modification petition, so the opening argument should summarize the key reasons that the modification should be granted. While it is important to adequately cover these reasons, take care to not make this opening statement excessively long.

After counsel for the petitioner speaks, the person seeking the modification should address the court, along with any supporters. The order in which this happens is up to the legal team, but the person seeking the modification should either speak first or last—not in between other speakers. The judge may ask questions at any point in this process—do not be surprised or thrown off if they interrupt a speaker. Prepare for this by thoroughly mooting each speaker. The person seeking the modification should address and take responsibility for their crime, express their remorse, and explain why it will never happen again. If they are currently incarcerated, they should briefly explain what they plan to do upon release from prison. Other supporters will ideally be able to speak to different aspects of the person's life and development. The presentation in court should touch on the strongest points of the written application and illustrate the ways in which the person seeking the modification is more than their crime.

Next, the State's Attorney will present their argument, followed by any victims or family members of victims who would like to speak. Pay careful attention to the argument the State's Attorney makes. If they introduce any information that was not previously made available, the defense attorney should be prepared to rebut, or at least address that information accordingly.

Often, statements by the victim or family of the victim are incredibly intense, and understandably so. Many victims of crime do not feel that it is fair or just to reduce a sentence, especially when they are still feeling the hurt and trauma of the crime. If the attorney for the person seeking the modification chooses to speak again after the State rests, they should briefly thank the victim or family of the victim for expressing their experience.

Once everyone present has spoken, the judge will likely take a brief break (also called a recess). When they return, they will either issue an opinion from the bench or issue a written opinion at a later date. If the judge issues an opinion from the bench, those in the courtroom should remain quiet. It can be incredibly emotional to hear the outcome of months or years of work, but it is also important to respect the other parties to the case as well as the court. Lawyers and law students should have a conversation about this with anyone who will be in attendance. It is a good idea to highlight courtroom expectations in the logistics email sent prior to the hearing.

If the sentence modification is denied or granted in full, the petitioner must wait five years to file another modification petition.⁹⁴ If the sentence modification is granted in part, the petitioner must wait three years to file another modification petition.⁹⁵ If the sentence modification is granted in part or in full, the court will fill out a form (called a mittmus) which details the new sentence. Take a picture of the mittmus and store the original copy in a safe place.

⁹⁴ CON. GEN. STAT. § 53a-39(c).

⁹⁵ *Id.*

Examples, Templates, and Forms⁹⁶

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⁹⁶ All official forms (Attachments B, C, D, J, K, and M) are linked to the Official Connecticut Judicial Branch website. Do not print or fill out forms in this guide as they are only meant to show what the forms look like and are not the correct size for submission to a court. Click on the form, print the official copy, and fill it out.

Attachment A: HIPAA—Compliant Authorization for Release of
Confidential Information and Records

**HIPAA-COMPLIANT AUTHORIZATION
FOR RELEASE OF CONFIDENTIAL INFORMATION AND RECORDS**

To: _____

I, _____, by this release or a copy and/or facsimile thereof, authorize and request you to release to attorneys _____, or their designees and other agents The Jerome N. Frank Legal Services Organization____, any and all information and/or records relating to me and/or my deceased family members and/or my minor children, including (but not limited to) vital including birth, death and marriage, law enforcement, jail and prison (including classification and custody, psychological/medical, disciplinary, parole and probation, counseling, correspondence, etc.) academic, adoption, social service, military, juvenile, employment including Social Security Administration & Worker's Compensation, welfare benefits (food stamps, WIC, housing assistance or any other public assistance programs), financial (including banking records), judicial, medical (including nurse notes, physician notes, progress reports, ward notes, films, reports, charts, invoices for services, discharge summaries and emergency room records, raw data, test scores and notes, Hospital/ Inpatient Records, Clinic/Outpatient Records, Laboratory Reports, Pathology Reports, Radiology Reports, Pharmacy Reports, Clinic Notes), child custody and marriage records, files prepared in connection with prior civil or criminal litigation, as well as any other records whatsoever, including those normally deemed confidential. I realize that the information to be used or disclosed pursuant to this authorization form may include information relating to: (1) Acquired immunodeficiency syndrome ("AIDS") or human immunodeficiency virus ("HIV") infection; (2) diagnosis, test results or treatment for drug or alcohol abuse; (3) mental or behavioral health or psychiatric care; (4) genetic test results (specifically for Factor V Leiden, Prothrombin DNA, Urovysion, Methylenetetrahydrofolate Reductase, Her2/new Fish for breast cancer, Cystic Fibrosis and other genetic test results) and chromosome analysis of blood, bone marrow, CVS, tissue and amniotic fluid. I consent to the disclosure of this information unless specified here: _____.

Initial here_____.

I specifically request that you release all records pertaining to:

Name: _____ DOB: _____

SSN: _____ Relationship: _____

DOD (if applicable): _____

You are specifically authorized to photocopy and certify these records, to release copies to and discuss with the above mentioned investigators and attorneys or their designees any and all information pertaining to me, including confidential information. This information can include information obtained from, given to, or exchanged with any and all physicians, experts, attorneys, police officers, witnesses, prosecutors, judges, probation officers, correctional officers, therapists, or any other individual.

In consideration of this disclosure of otherwise confidential information, I hereby release you (in your individual and/or institutional capacity) from any and all liability arising from such disclosure to these designated parties.

These records and this information will be used as background social history information in pending court proceedings. It will not otherwise be re-disclosed. I understand that at any time, I have the right to revoke this authorization in writing. I realize that I am entitled to a copy of this release/authorization. I have been informed that the disclosure of this information will not result in the direct or indirect remuneration of any health care provider. This authorization expires on the 730th day, or 2 calendar years, from the signing.

Signed: _____

Date: _____

Witness: _____

Date: _____

Attachment B: Sentence Modification Application, Motion, and Order Form

**APPLICATION TO MODIFY (CHANGE)
SENTENCE AND ORDER**

JD-CR-68 Rev. 12-23
C.G.S. §§ 53a-39, 54-227; P.B. § 43-21; P.A. 23-47 § 1

STATE OF CONNECTICUT
JUDICIAL BRANCH
SUPERIOR COURT
www.jud.ct.gov



Instructions to Defendant

1. Complete this form and the Notice of Application Filed Seeking Release or Other Relief form (JD-VS-3).
2. File both forms with the clerk at the court where you were sentenced.

NOTE: You cannot use this form to ask the court for more jail credit.

Instructions to Clerk

1. Do not accept this application if the only relief requested is additional jail credit.
2. If the defendant has not attached a JD-VS-3, return the application to the defendant with an instruction to file a completed JD-VS-3. Keep a copy of the returned application and the Return of Papers form.
3. Stamp form on filing. File original as a pending matter. Request the file. Give a copy to the State's Attorney's office and the Presiding Judge.
4. After judgment:
 - File the original judgment with the original information sheet and file 1 copy under the date of this order.
 - Send a copy of the judgment to defendant or defendant's attorney.
 - If defendant is incarcerated, send a copy of the judgment to the Records Office of defendant's correctional facility.
 - If defendant is on probation or the existing probation is modified, send a copy of the judgment to Adult Probation Services.

For information on ADA accommodations, contact the Centralized ADA Office at 860-706-5310 or go to: www.jud.ct.gov/ADA/

Name of defendant	Inmate number	Docket number
Crime(s) of which the defendant was convicted		Date of sentencing
JD/GA number	Address of court	
Original sentence (Include any part of the sentence that was suspended and any fine ordered. If original sentence was modified before, say when and include the new sentence.)		

Application for Modification

I ask the court to modify (change) the defendant's sentence by the court, by:

- ☐ suspending execution of the unexecuted portion of the jail sentence.
- ☐

Reason for request (Attach another sheet, if necessary)

1. Has a Sentence Modification application in this case been filed before? ☐ No ☐ Yes on (date) _____
2. Is the defendant in the custody of the Department of Correction now? ☐ No ☐ Yes

Signature (Defendant or defendant's attorney)	Print name	Date
---	------------	------

Order of the Court

The motion, after being presented to and considered by the Court, is:

- ☐ **Denied**
- ☐ **Granted** because the defendant has shown good cause, and the sentence is modified as follows:

- ☐ **Dismissed** because the Court does not have jurisdiction:
- ☐ The defendant was sentenced to serve more than 7 years as a result of a plea agreement, and the State's Attorney has indicated that they do not agree to the defendant seeking review of the sentence.
 - ☐ The defendant's sentence was modified in full less than 5 years ago.
 - ☐ The defendant's sentence was modified in part less than 3 years ago.
 - ☐ Other (Specify) _____

By the Court (Name of Judge)	Signed (Clerk/Assistant Clerk)	On (Date)
------------------------------	--------------------------------	-----------

Notice to Defendant

- If the court grants your application in full (gives you everything you asked for), you cannot file another application for 5 years from the date of the court's order.
- If the court grants your application in part (gives you something, but not everything you asked for), you cannot file another application for 3 years from the date of the court's order.

Attachment C: Notice of Application Filed Seeking Release or Other
Relief (Victim Notification Form)

**NOTICE OF APPLICATION FILED SEEKING
RELEASE OR OTHER RELIEF**

JD-VS-3 Rev. 9-22
C.G.S. § 54-227

STATE OF CONNECTICUT
OFFICE OF VICTIM SERVICES
JUDICIAL BRANCH
www.jud.ct.gov



Instructions

1. Fill out this notice and have a Commissioner of the Superior Court or a Department of Correction (DOC) official complete the witness section.
2. If an attorney is completing this notice for the inmate/defendant, select the designated box indicating this. An attorney may not complete the witness section. The attorney's juris number must also be entered in the assigned field.
3. Make a copy of this notice and attach the original notice with the application that you file with the Superior Court, Board of Pardons and Paroles, or DOC, and send the copy of this notice to the Office of Victim Services (OVS) and to the DOC – Victim Services Unit.
4. Keep a copy of this notice for your records.

For information on ADA accommodations,
contact a court clerk or go to:
www.jud.ct.gov/ADA.

To: Office of Victim Services, 225 Spring Street, 4th Floor, Wethersfield, CT 06109 or E-mail: OVS@jud.ct.gov

To: Department of Correction - Victim Services Unit, 24 Wolcott Hill Road, Wethersfield, CT 06109 or E-mail: doc.victimservices@ct.gov

Name of person completing notice	☐ Attorney for the inmate/defendant	JD/GA court location where application is filed	Docket number
Name of inmate/defendant	Department of Correction inmate number (If known)	Inmate/defendant's date of birth (If known)	

Select the box that describes the application to be filed. If you select more than one box, this notice will be returned to you. You MUST complete a Notice of Application Filed Seeking Release or Other Relief for each application you file.

Board of Pardons and Paroles:

- ☐ for parole - Parole Division
☐ for pardon - Pardon Division
☐ for commutation - Pardon Division

Department of Correction

- ☐ for release other than a furlough

Superior Court

- ☐ for sentence modification, motion and order
☐ for review of sentence
☐ to restrict or to remove restriction on dissemination of sex offender registration information
☐ for exemption from the sex offender registration requirements

By signing this notice, I am stating that I am the person completing this notice and the information in this *Notice of Application Filed Seeking Release or Other Relief* is true and accurate.

I understand that the application will not be processed by the Superior Court, Board of Pardons and Paroles, or DOC unless the Office of Victim Services and the Department of Correction - Victim Services Unit confirms that a copy of the notice was provided. I will provide a copy of this notice as noted below:

Date provided to Office of Victim Services	Please check one box: ☐ Sent by first class mail, postage paid ☐ Hand delivered ☐ E-mail ☐ Other (Specify)			
Date provided to Department of Correction	Please check one box: ☐ Sent by first class mail, postage paid ☐ Hand delivered ☐ E-mail ☐ Other (Specify)			
Signed (Applicant) ☐ Attorney for the inmate/defendant		Juris Number for Attorney	On (Date)	

Witness Statement (Not required if attorney for inmate/defendant completes this notice)

I acknowledge that the applicant noted above provided a copy of this *Notice of Application* to the Office of Victim Services and to the Department of Correction - Victim Services Unit in the way specified above.

Signed (Commissioner of the Superior Court/Corrections Official)	On (Date)	Title
--	-----------	-------

**NOTICE OF APPLICATION FILED SEEKING
RELEASE OR OTHER RELIEF**
JD-VS-3 Rev. 9-22
C.G.S. § 54-227

**STATE OF CONNECTICUT
OFFICE OF VICTIM SERVICES
JUDICIAL BRANCH**
www.jud.ct.gov



To be Completed by the Applicant

Name of person completing notice ☐ Attorney for the inmate/defendant	JD/GA Court location where application filed	Docket number
Name of inmate/defendant	Department of Correction inmate number <i>(if known)</i>	Inmate/defendant's date of birth <i>(if known)</i>

For OVS Use Only

OVS Compliance Requirement	
☐ Received and Processed by Office of Victim Services.	
Signed <i>(OVS Staff)</i>	Date signed

For DOC Use Only

DOC Compliance Requirement	
☐ Received and Processed by Department of Correction, Victim Services Unit.	
Signed <i>(DOC Staff)</i>	Date signed

Attachment D: Application for Appearance of Legal Intern

**APPLICATION FOR
APPEARANCE OF LEGAL INTERN**JD-ES-96 Rev. 10-19
P.B. §§ 3-14 through 3-18**ADA NOTICE**

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

STATE OF CONNECTICUT
SUPERIOR COURTwww.jud.ct.gov**COURT USE ONLY**

APP

**To: The Superior Court of the State of Connecticut**

Judicial District or Geographical Area number	Address of court (Number, street, town and zip code)	Docket number
Name of applicant (Legal Intern)	Name of case	
Name and address of law school	Class of	
Name and address of supervising attorney		

Application for Appearance of Legal Intern**I hereby certify as follows:**

1. I am a law student at the above-mentioned law school and have completed legal studies amounting to at least two semesters of credit or the equivalent.
2. A certificate of the Dean of the Law School that I am of good character and competent legal ability as required by section 3-16 of the Practice Book has been filed with the Clerk of the Superior Court for the Hartford Judicial District at Hartford.

WHEREFORE, I do respectfully request the approval of the Court to appear in this matter on behalf of the party mentioned herein, under supervision of the above-named attorney, subject to the provisions of sections 3-14 et seq. of the Practice Book.

Signed (Law Intern)	Date signed
---------------------	-------------

Consent of Party

I hereby consent to the appearance on my behalf of the applicant as a legal intern to provide legal service and appear in court or administrative tribunals for me in the above-captioned matter under the supervision of the above-named attorney.

Signed (Consenting party)	Date signed
---------------------------	-------------

Consent of Supervising Attorney**I hereby certify that: (Select one)**

- ☐ I have been admitted to the Connecticut Bar for at least three years;
- ☐ I am employed by an attorney of five years standing;
- ☐ I am employed by an accredited law school in Connecticut;
- ☐ I have been approved as a supervising attorney by the presiding judge in this case.

I hereby assume personal professional responsibility for the work of the applicant as a legal intern under section 3-15 of the Practice Book, agree to supervise said intern in accordance with the requirements of said section, and approve their appearance in this matter.

Signed (Supervising attorney)	Date signed
-------------------------------	-------------

For Court Use Only

The above application/appearance is hereby: ☐ **Approved.** ☐ **Denied.**

Signed (Judge of the Superior Court)	Date signed
--------------------------------------	-------------

Attachment E: Sample Agenda for Clinical Law Students Template

Agenda

Weekly Supervisory Meeting

[MONTH DAY, YEAR]

[TIME]

Attendees:

Location:

Item #1:

Item #2:

Item #3:

Item #4:

Additional Questions

Next Meeting: [Month] [DD], [YYYY], [Time] [Location]

Notes:

Next steps:

Attachment F: Letter of Support Request Template

Dear _____,

I hope you are well. My name is [NAME] and I am working with [NAME OF APPLICANT] to put together a sentencing modification application. In that packet, we are hoping to include letters of support from those familiar with their work. [NAME OF APPLICANT] gave me your name as a person who might be willing to write a letter for him.

A letter of support will ideally describe the positive experiences you've had with [NAME OF APPLICANT]. The more specific you can be about [NAME OF APPLICANT]'S qualities and leadership, the more helpful the letter will be. If it would be helpful, we would be happy to send you a template with suggestions for what to include in the letter and how to format it.

I would also be happy to answer any questions you might have or to help you brainstorm ideas for what to include in the letter. If it would be easier for you, I would be happy to set up a time to speak with you over the phone. Thank you for your time and I look forward to hearing back from you.

Sincerely,

Attachment G: Letter of Support Tracker Template⁹⁷

⁹⁷ This template will be most useful if recreated in Microsoft Excel or Google Sheets.

Attachment H: Letter of Support Guide and Template

Guide to Writing a Letter of Support:

Below is a rough outline of what to include in a letter of support for a sentencing modification. Note that the purpose of this letter is not to make remarks about the criminal justice system, police officers, judges, etc. Please focus only on the person seeking the modification. The goal is to help the prosecutors/judge see this person as a human being deserving of compassion. Once your letter is complete, do NOT send it directly to the judge or State's Attorney.

Month Day, Year

[STATE'S ATTORNEY NAME]

State's Attorney's Office

[GEOGRAPHIC AREA OR JUDICIAL DISTRICT]

[STREET ADDRESS]

[CITY], CT [ZIP CODE]

Re: [NAME OF APPLICANT]

Begin with a statement about who you are and how you know the person seeking a sentence modification. Describe your relationship with this person. You may wish to share how many years and in what capacity you have known them. For example, if you met them through a criminal justice non-profit and/or event, discuss those circumstances—and how you have maintained a relationship since then. If you have collaborated with them on a project, program, or written text, please describe what precisely that initiative was. When describing your relationship, remember to highlight the positive aspects, such as love, friendship, and respect.

Next, provide a character statement about the person seeking a sentence modification. You should highlight positive traits and provide examples, stories, and personal experiences. The more specific you can be about your anecdotes the better. For example, it is better to recall precisely what positive things the person did or said, rather than simply that they are “nice,” “smart,” or “kind.” Feel free to mention several such anecdotes. If this person has had a large positive impact on your life, feel free to describe that impact in your own words. For example, you may write about how the person has helped you grow, see life differently, or inspired you. If this person mentored you or someone you know, include the details of that mentorship.

Write a statement of support. If you plan to be part of this person's support network, detail how you can help them moving forward (e.g., jobs, education, social or emotional well-being). If the person has discussed their life plans, goals, or aspirations with you, you may want to write about that. You can also write about the positive contributions the person has already made and will continue to make to society. Again, it is good to be as specific as possible. Finally, if this person has expressed remorse or regret to you about their wrongdoings, please write that—it shows a sense of responsibility. If you do discuss the offense, be honest about it—there is no benefit in diminishing the seriousness of it.

Write a conclusion summarizing your letter. Thank the court for considering your letter.

Sincerely,

[Your Name]

[Your Occupation]

[Contact Information (address, email, and phone number if possible)]

Attachment I: DOC FOIA Request Template

ATTN: FOIA Coordinator

Connecticut State Department of Correction
2 Wolcott Hill Road
Wethersfield, CT 06109
Fax: (860) 692-7873

[Month] [DD], [YYYY]

Re: REQUEST UNDER FREEDOM OF INFORMATION ACT

To Whom It May Concern:

This letter constitutes a request (“Request”), pursuant to the Freedom of Information Act (“FOIA”), CONN. GEN. STATS. § 1-200 et seq., for records⁹⁸ in the possession the Connecticut State Department of Correction (“DOC”). The request is submitted on behalf of [YOUR NAME], the “Requester.”

Requester seeks the release of the following records:

- 1) [LIST RECORDS YOU ARE REQUESTING]
- 2) PRESS ‘ENTER’ TO CREATE A NEW NUMBERED LINE

I request that any records that exist in electronic form be provided on a compact disc. If any of the requested records are not kept in a succinct format, I request the opportunity to view the documents in your offices. If the Connecticut State Department of Correction believes that it would be in the interest of all parties to discuss possible ways to narrow the scope of this request that would allow it to respond to the request more expeditiously, please contact undersigned counsel.

Requester agrees to pay search, duplication, and review fees up to \$100.00. If the fees amount to more than \$100.00, please inform Requester before conducting the search.

Finally, pursuant to applicable regulations and statute, Requester expects the determination of this request for documents within four business days. *See* CONN. GEN. STAT. § 1-206. If this Request is denied in whole or in part, please justify all redactions by reference to specific FOIA exemption(s). In addition, please release all disclosable portions of otherwise exempt material. Requester reserves the right to appeal your decision to withhold any information or to deny a fee waiver.

Should you have any questions while processing this Request, we can be contacted at [EMAIL] or by telephone at [(XXX) XXX-XXXX].

Please furnish all applicable records to:

[NAME]

[STREET ADDRESS]

[CITY], CT [ZIP]

Thank you for your prompt attention to this matter.

Sincerely,

/s/ [NAME]

⁹⁸ The term “records” as used herein, includes all records or communications preserved in electronic or written form, including but not limited to correspondence, documents, data, videotapes, audio tapes, emails, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, technical specifications, training manuals, or studies.

Attachment J: CN 4401 Form Authorization to Obtain/Disclose
Protected Health Information Form



**Authorization to Obtain and/or Disclose
Protected Health Information
Connecticut Department of Correction**

CN 4401/1
REV 11/17/22

Inmate Name: _____

Inmate Number: _____

Date of Birth: _____

I hereby authorize the Connecticut Department of Correction (CTDOC), and the Connecticut Board of Pardons and Paroles (CTBOPP):

☐ to **OBTAIN** the following information from:

(Complete name and address box)

Name: _____

☐ to **DISCLOSE** the following information to:

(Complete name and address box)

Address: _____

Instructions: The person completing this authorization should be advised that this form may not be used to release psychotherapy notes. Authorizations for use or disclosure of sensitive health information (such as HIV/AIDS or substance abuse) should be initiated by the requestor. ("X" All that apply):

☐ Current Health Record (includes mental health information, other than psychotherapy notes)

☐ Health information related to (specific diagnosis, injury, operation, etc.): _____

☐ Partial Health Record - period from _____ to _____

☐ Other health information (be specific): _____

☐ I specifically authorize the release of the following information from my health record. (Initial all that apply)

_____ Substance Abuse (Alcohol/Drug)

_____ Confidential HIV/AIDS Related Information

_____ Mental Health (Other than psychotherapy notes)

_____ Sexually Transmitted Disease

I am requesting that this information be **disclosed** or **obtained** for the purpose of: _____

I understand that this authorization is voluntary and that I may withdraw my consent, in writing, at any time, except to the extent that it has already been acted upon. My consent, if not withdrawn, will continue throughout my term of supervision by the CTDOC regardless of my placement and including any time spent on parole or community supervision. If this form is used to obtain or disclose records for a person not under CTDOC supervision, consent shall be valid for a period of one (1) year from the date the person signs, unless withdrawn.

Notice to Individual Requesting the Disclosure. Your signature below indicates that you understand that if the organization authorized to receive the information is not a health care provider or health plan, and the information disclosed is NOT protected by Title 42 CFR Part 2 and C.G.S. Ch. 368x, then the released information may no longer be protected by the HIPAA Federal Privacy Regulation.

Patient Name (print)

Signature of Patient or Legal Representative

Date

Printed Name of Legal Representative *

* A copy of the personal representative's legal authority to act on behalf of the patient is attached.

Relationship to patient

Witness Signature

Date

Parent or Guardian Signature
(if requestor is a minor)

Date

If authorization is to *obtain* information, please provide information to address stamped below.

Name:

Facility Stamp



**Authorization to Obtain and/or Disclose
Protected Health Information
Connecticut Department of Correction**

CN 4401/2
REV 11/17/22

Inmate Name:

Inmate Number:

Date of Birth:

Notice to Recipients:

As the recipient of this information, you may use this information only for the stated purpose. You may disclose this information to another party ONLY:

- *With written authorization from the patient of his or her legal representative;*
- *As required or authorized by state and/or federal law; or,*
- *If urgently needed for the patient's continued care.*

If this disclosure contains information relating to HIV, behavioral health, alcohol or drug abuse education, training, treatment, rehabilitation, or research, the following shall apply: This information has been disclosed to you from records whose confidentiality is protected by federal law. Federal regulations (Title 42 CFR Part 2 and C.G.S. Ch. 368x) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose. State law contains similar provisions with respect to confidential HIV information, C.G.S. 19a-585.

Notice to Individual Requesting the Disclosure:

I understand that I may inspect and copy the information to be used and disclosed under this authorization and that I may receive a copy of this signed authorization form. There may be a fee associated with the copying, not to exceed what Connecticut State law authorizes.

CTDOC and CTBOPP and their employees, officers, and physicians are hereby released from any legal responsibility or liability for disclosure of the above information to the extent indicated and authorized herein.

I understand that CTDOC or CTBOPP may not condition present or future treatment on the provision of this authorization.

REQUEST TO WITHDRAW AUTHORIZATION (except to the extent that the release has already been acted on)

I withdraw my consent to disclose or obtain health information authorized above.

Patient Name (print)

Signature of Patient or Legal Representative

Date

Witness Signature

Date

Parent or Guardian Signature
(if requestor is a minor)

Date

Attachment K: CN 4402 Form Authorization of Release for Non-Health
Information



Authorization for Release of Non-Health Information
Connecticut Department of Correction

CN 4402
REV 6/30/09

Inmate name:

Inmate number:

Date of birth:

I hereby authorize the State of Connecticut, Department of Correction and its staff at the *(list facility)*:

To disclose the following information from my master file:

(initial)

Date(s) of admission/discharge.

(initial)

Other master file information *(specify)*:

(initial)

To disclose the following information *(specify)*:

(initial)

Individual/organization to receive information:

The specific purpose of this request:

I understand that this authorization is voluntary and that I may withdraw my consent at any time prior to the release of the indicated information. My consent, if not withdrawn, will continue throughout my term of supervision by the DOC regardless of my placement and including any time spent on parole or community supervision.

Return to (facility stamp) :

requestor signature

date

witness signature

date

parent/guardian signature
(if requestor is a minor)

date

Attachment L: DCF Records Request Cover Letter Template

[MONTH DD, YYYY]

(860) 920-3013
ATTN: Records Requests
DCF Legal Division
505 Hudson Street
Hartford, CT 06106

Re: Records of [NAME OF APPLICANT]

To Whom It May Concern:

My name is [YOUR NAME], and I am working as an authorized representative on behalf of [NAME OF APPLICANT]. I am writing to request DCF records for [NAME OF APPLICANT], which I require for [HIS/HER/THEIR] legal representation. [NAME OF APPLICANT]'s date of birth is [MM]/[DD]/[YYYY]. I would like all papers filed in Juvenile Court, Child Protective Services (CPS) Referrals, Investigation Documents, Running Narratives, Case Plans, Multi-Disciplinary Evaluation Reports, Administrative Case Review Reports, and Service Provider Reports pursuant to Connecticut General Statute § 17a-28. Please note that records may also appear under [NAME OF APPLICANT]'s biological mother [NAME OF APPLICANT'S BIOLOGICAL MOTHER].

Attached are a DCF Record Request form and a HIPAA Compliant Authorization for Release of Confidential Information and Records which has been read and signed by [NAME OF APPLICANT]. The records may be sent to [NAME AND ADDRESS].

My email address is [YOUR NAME], and my telephone number is [XXX-XXX-XXXX]. If there are any issues with this request, or if any further documentation is required, please do not hesitate to contact me by email or by phone.

Sincerely,

/s/[YOUR NAME]
[YOUR NAME]
[EMAIL]
[ADDRESS]

Attachment M: DCF Records Request Form

Department of Children and Families
AUTHORIZATION FOR THE RELEASE OF INFORMATION (FROM DCF)
 DCF-2131(F)
 1/13 (Rev.)



I, _____ authorize the Department of Children and Families to disclose to
 (First and Last name of person granting permission)

 (First and Last name, address and telephone number of person, institution or organization receiving the information)

information/records pertaining to: _____
 (First and Last name and DOB of person who is the subject of the record)

Type of records to be released (check all that apply):	
☐ Psychiatric	☐ Psychological
☐ Medical	☐ Education
☐ Medication	
☐ Psycho-therapy notes	
(NOTE: a request for psycho-therapy notes cannot be combined with a request for any other records).	
☐ Other (explain):	
☐ I specifically authorize the release of the following sensitive information from my record:	
(Sign below for release of which type(s) of sensitive information you are granting)	
☐ Substance abuse (alcohol/drug)	_____
☐ Confidential HIV/AIDS related information	_____
☐ Sexually transmitted diseases	_____
☐ Genetic testing	_____
Purpose of authorization/disclosure:	
The nature and extent of the information to be disclosed is the entire record unless otherwise specified below:	
This authorization will expire in one year, if not cancelled _____	
Enter expiration date – one year from today	
I understand that refusal to sign this authorization form will not affect my right to obtain present and future services, except where disclosure of the records requested is necessary for services. I also understand that I may revoke this authorization by notifying DCF or the named recipient in writing. A revocation of this authorization will not apply to any records disclosed before the authorization is revoked. Pursuant to C.G.S. 17a-28(k) the information disclosed pursuant to this authorization is not subject to re-disclosure by the recipient without a separate authorization for that purpose except as provided by said statute.	
Signature of person authorizing disclosure or authorized representative	Date
Check boxes below if this form has been signed by a person other than the subject of the record:	
☐ Parent/guardian	☐ Attorney
☐ Guardian ad litem	☐ Other (explain):

NOTE: Confidentiality of psychiatric, drug and/or alcohol abuse and HIV/AIDS records is required and no information from these specific records shall be transmitted to anyone else without written consent or authorization under Connecticut General Statutes, Chapters 899c and 368x and Federal Regulations 42 CFR 2. These laws prohibit the recipient of the record from making any further disclosure without specific written consent of the person to whom the record pertains. A general authorization for the release of this information is NOT sufficient for this purpose.

Attachment N: Medical Records Request Cover Letter Template

[MONTH DD, YYYY]

[TREATMENT FACILITY]
[RELEVANT DEPARTMENT]
[STREET ADDRESS]
[CITY], [ST] [ZIP CODE]

Re: Records of [NAME OF APPLICANT] [DOB: MM/DD/YYYY]

To Whom It May Concern,

My name is [YOUR NAME], and I am working as an authorized representative on behalf of [NAME OF APPLICANT]. I am writing to request medical records for [NAME OF APPLICANT], which I require for [HIS/HER/THEIR] legal representation. I am writing to request all medical records for [NAME OF APPLICANT (DOB:MM/DD/YYYY)], who may have sought medical care at your facilities from roughly [YYYY] to [YYYY]. I would like all information contained in [NAME OF APPLICANT]'s medical records, including: [LIST SPECIFIC RECORDS THAT YOU ARE SEEKING FROM TREATMENT FACILITY].

Attached are [INCLUDE ANY RELEASE OR REQUEST FORM REQUIRED BY THE FACILITY] and a HIPAA Compliant Authorization for Release of Confidential Information and Records which has been read and signed by [NAME OF APPLICANT]. The records may be sent to [NAME AND ADDRESS].

My email address is [EMAIL], and my telephone number is [PHONE]. If there are any issues with this request, or if any further documentation is required, please do not hesitate to contact me by email or by phone.

Sincerely,

/s/[YOUR NAME]
[YOUR NAME]
[YOUR EMAIL]
[STREET ADDRESS]

Attachment O: Cover Letter to State's Attorney Template

[MONTH DD, YYYY]

[NAME OF SA]

State's Attorney's Office

[STREET ADDRESS]

[CITY], CT [ZIP CODE]

Re: Petition for Sentence Modification for [APPLICANT NAME] (Docket No.:
[NUMBER])

Dear Attorney [SA LAST NAME],

Please find attached our petition to modify [APPLICANT NAME]'s sentence and accompanying exhibits. We thank you in advance for your time. Please feel free to reach out if you have any questions regarding [APPLICANT NAME]'s petition. We look forward to hearing back from you.

Sincerely,

/s/

[ATTORNEY]

[ATTORNY] JURIS: [XXXXXXX]

[INCLUDE LEGAL STUDENT INTERN NAMES/CONTACT INFORMATION IF
APPLICABLE]

Attachment P: Sentence Modification Applicant Profile Sheet

Sentence Modification Applicant Profile

Name:

Charge(s):

Plea Deal?:

Sentence(s):

Length of each sentence:

Consecutive or Concurrent?:

Total Length of Incarceration:

Total Length of Parole:

Total Length of Special Parole:

Current Status (Released or Incarcerated):

Attachment Q: Sentence Modification Eligibility Questionnaire

Sentence Modification Eligibility Questionnaire

The answers to these questions should be short (yes or no in most cases). If the answer to question 2 is yes, provide an explanation to the best of your ability in the blank space at the bottom of the page.

What were you charged with?

Did you accept a plea deal? (If yes, explain):

Have you been to trial?

Have you been convicted?

Have you been sentenced?

How long is your sentence?

How long have you been incarcerated?

Have you been released?

Are you on Parole or Special Parole?

Attachment R: Resume Template

[First Last]

[EMAIL] • [XXX-XXX-XXXX] • [CITY, ST, ZIP CODE]

PROFESSIONAL EXPERIENCE

[Professional Experience #1], [Location]

[Month YYYY] – [Month YYYY]

[Position]

- Led team of X# responsible for conducting ABC
- Built/Improved XYZ database used to do ABC
- Organized XYZ presentation to address the XYZ to an audience of over X # of people
- []
- []

Professional Experience #2], [Location]

[Month YYYY] – [Month YYYY]

[Position]

- Led team of X# responsible for conducting ABC
- Built/Improved XYZ database used to do ABC
- Organized XYZ presentation to address the XYZ to an audience of over X # of people
- []
- []

Professional Experience #3], [Location]

[Month YYYY] – [Month YYYY]

[Position]

- Led team of X# responsible for conducting ABC
- Built/Improved XYZ database used to do ABC
- Organized XYZ presentation to address the XYZ to an audience of over X # of people
- []

VOLUNTEER EXPERIENCE

[Organization Name #1], [City, ST]

[Month YYYY] – [Month YYYY]

[Position]

- Led team of X# responsible for conducting ABC
- Built/Improved XYZ database used to do ABC
- Organized XYZ presentation to address the XYZ to an audience of over X # of people
- []

[Organization Name 2], [City, ST]

[Month YYYY] – [Month YYYY]

[Position]

- Led team of X# responsible for conducting ABC
- Built/Improved XYZ database used to do ABC
- Organized XYZ presentation to address the XYZ to an audience of over X # of people
- []

EDUCATION

[Educational Institution #1], [City, ST]

[Month YYYY] – [Month YYYY]

[Degree], GPA [X.X]

Relevant Coursework:

- [Course Number]: [Course Name], [Professor Name]
- [Course Number]: [Course Name], [Professor Name]
- [Course Number]: [Course Name], [Professor Name]

SKILLS & AWARDS

Skills: [PUBLIC SPEAKING, FOREIGN LANGUAGES, SOFTWARE SKILLS, ETC.]

Awards: [AWARDS/HONORS/CERTIFICATES]

Attachment S: Mooting Guide

Mooting Guide

Mooting in preparation for a sentencing modification hearing is extremely important. A huge amount of time and effort goes into producing an excellent written argument—the same effort should go into preparation for the hearing.

Mooting is essentially role playing the questions the judge will ask the attorney, the person seeking the sentence modification, and those who speak in support of the person seeking the sentence modification. The process is straightforward: (1) come up with questions that a judge might ask, (2) have someone play the role of the judge and ask the questions, (3) track the answers, (4) review the answers, think critically about them, and give feedback, (5) repeat, tracking the responses and feedback.

If you know the name of the judge who will be presiding over the hearing, and if the judge was the sentencing judge, review transcripts from their previous sentence modification or sentencing hearings. Read interviews with the presiding judge and look for news stories in which they may have been featured. Try to attend sentencing modification hearings for other petitioners to gain a general sense of the process.

Questions

Interrogate the arguments put forth in the petition, as well as the ones the attorney plans to put forth at the hearing, to identify points about which the judge may have doubts or want clarification.

The questions you ask in mooted sessions should cover a range of subjects, including:

- The crime(s) and the events leading up to it
- If applicable, plans for re-entry (with specific questions about short and long-term plans)
- Time spent in prison (appropriateness of sentence, changes in thinking during incarceration)
- Personal rehabilitation and efforts to rehabilitate others
- Remorse (with specific questions about the evolution of the person's feelings toward their role in the crime)

Approaching Difficult Questions

One aspect of mooted that will require a lot of caution and forethought is balancing the desire to prepare the person seeking a sentence modification for challenging questions with the desire to not overwhelm them or induce anxiety.

Some of the questions involved in this process may require the person to relive the moment of their crime, or other traumatic experiences that they have survived since then. For obvious reasons, probing questions can evoke strong emotional reactions. One strategy to help mitigate the impact of difficult questions is to set expectations at the beginning of the mooted session. You can begin each moot by telling the person what the overarching subject of the questions will be (re-entry, rehabilitation, remorse, etc.). This way, if there are questions about the crime or feelings about its impact on the victim or their family, there will be built-in time and space to address them up front.

Be sure to leave time at the end of each moot to debrief, ask how the person being mooted is doing generally, and discuss topics unrelated to the case. This can help close up any reservoirs of intense emotion that may have opened during the questioning. Bookending your moots with expectation setting and debriefing allows the team to prepare the person being mooted for potentially challenging and emotionally provocative questions without contributing unnecessarily to the stress they will inevitably be under in the days and weeks leading up to the hearing.

Tracking Questions & Responses

Staying organized is crucial to the ability to prepare people to effectively to speak at a sentencing modification hearing—especially the person seeking the modification. Use a tracking document to keep questions and responses organized.⁹⁹ Fill out the “date of moot,” “team members present,” and “questions asked” sections ahead of time to ensure that you have adequate time before the hearing to cover all the necessary topics. The prepared questions should serve as a guide—feel free to depart from them to ask follow-up questions or pursue certain lines of thinking based on responses to the prepared questions.

It is helpful to have two team members on each moot: one person to ask questions and provide feedback on answers and another to record what is being said verbatim. The notetaker can provide feedback as well but should be primarily responsible for recording answers and feedback. The “notes and follow-up” section should be used to record general impressions from the moot, such as: questions or topics that need more practice, additional research questions for the team, or logistical notes about documents or records the person being mooted may want to review. If, for example, the person seeking modification struggled to answer a question about what they would do for money if they were to be released, there might be a note that said, “discuss employment opportunities and 5-year plan with client before next moot.”

Best Answers

Depending on the lead time before the hearing and the number of moots conducted, it may be useful to distill the contents of the mooting tracker into a “Best Answers” document: a list of 20 questions practiced throughout the mooting sessions with bullet points of answers that the petitioner has given. The purpose of this document is to capture the most powerful, solid answers from the moots and collect them in one place so the person seeking the modification can access them during the hearing in case nervousness or emotion affects them and makes them unable to articulate answers to the judge’s questions.

Conclusion

At the hearing, the judge may not ask anyone any questions, they may only ask questions of the person seeking the modifications, or they may ask questions of everyone who speaks. You must prepare for the judge to have questions for everyone who speaks on the record. Even if the judge asks no questions, mooting is a useful tool to mitigate anxiety and encourage deep reflection. This

⁹⁹ See Mooting Tracker, Attachment T.

can help the person seeking the modification better articulate the main points they want the judge to know in their individual statement to the court.

Overall, mooting is a crucial element of hearing preparation. Mooting consistently and frequently, providing thorough, detailed feedback, and revisiting the same subjects repeatedly are the most important aspects of this approach.

Attachment T: Mooting Tracker¹⁰⁰

¹⁰⁰ This template will be most useful if recreated in Microsoft Excel or Google Sheets.

Date	Team Members	Questions Asked	Responses	Team Feedback	Notes/Follow up

Helpful Contact Information Appendix

<u>COURT CLERK’S OFFICE PHONE NUMBERS BY JUDICIAL DISTRICT (J.D.)</u>	82
<u>CLERK’S OFFICE PHONE NUMBERS BY GEOGRAPHIC AREA (G.A.)</u>	83
<u>CLERK’S OFFICE PHONE NUMBERS BY JUVENILE DISTRICT</u>	86
<u>PUBLIC DEFENDER SERVICES OFFICE PHONE NUMBERS BY JUDICIAL DISTRICT</u>	87
<u>PUBLIC DEFENDER SERVICES OFFICE PHONE NUMBERS BY GEOGRAPHIC AREA</u>	88
<u>PUBLIC DEFENDER SERVICES OFFICE PHONE NUMBERS BY JUVENILE DISTRICT</u>	89
<u>LAW SCHOOL LEGAL SERVICES ORGANIZATIONS</u>	90
<u>DEPARTMENT OF CORRECTION FOIA CONTACT INFORMATION</u>	91

Court Clerk's Office Phone Numbers by Judicial District (J.D.)¹⁰¹

Judicial District	Phone Number
Ansonia-Milford Judicial District	203-877-4293
Danbury Judicial District	203-207-8600
Fairfield Judicial District	203-579-6527
Hartford Judicial District	860-566-1983
Litchfield (Torrington) Judicial District	860-626-2300
Middlesex Judicial District	860-343-6445
New Britain Judicial District	860-515-5080
New Haven-Meriden Judicial District	203-503-6800
New London-Norwich Judicial District	860-447-0893
Stamford-Norwalk Judicial District	203-965-5208
Tolland Judicial District	860-870-3200
Waterbury Judicial District	203-236-8100
Windham Judicial District	860-779-8474

¹⁰¹ See 2024 State of Connecticut Judicial Branch Directory, <https://jud.ct.gov/directory/JudDir.pdf#page=79> (last accessed Feb. 9, 2024).

Clerk's Office Phone Numbers by Geographic Area (G.A.)¹⁰²

Geographic Area	Towns Covered	Phone Number
G.A. 1 at Stamford	Darien, Greenwich and Stamford	203-965-5208
G.A. 2 at Bridgeport	Bridgeport, Easton, Fairfield, Monroe, Stratford and Trumbull	203-579-6560
G.A. 3 at Danbury	Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, Ridgefield and Sherman	203-207-8600
G.A. 4 at Waterbury	Middlebury, Naugatuck, Prospect, Southbury, Waterbury, Watertown, Wolcott and Woodbury	203-236-8100
G.A. 5 at Derby	Ansonia, Beacon Falls, Derby, Orange, Oxford, Seymour and Shelton	203-735-7438
G.A. 7 at Meriden	Cheshire, Hamden, Meriden, North Haven and Wallingford	203-238-6130
G.A. 9 at Middletown	Chester, Clinton, Cromwell, Deep River, Durham, East Haddam, East Hampton, Essex, Haddam, Killingworth, Middlefield, Middletown, Old Saybrook, Portland and Westbrook	860-343-6445
G.A. 10 at New London	East Lyme, Groton, Ledyard, Lyme, New London, North Stonington, Old Lyme, Stonington and Waterford	860- 443-8343

¹⁰² *Id.*; In 2002, G.A. 6 and G.A. 8 were consolidated into G.A. 23. All matters pending in G.A. 6 or 8 were transferred to G.A. 23. Press Release, State of Connecticut Judicial Branch, Consolidation of Geographical Areas 6 and 8 into New Geographical Area 23, Merger of Geographical Area 16 and Establishment of New Geographical Area 14 <https://jud.ct.gov/external/news/Press084.html>; In 2002, G.A. 16 was merged into G.A. 14. All criminal matters pending in G.A. 16 were transferred to G.A. 14. *Id.* On September 3, 2019, G.A. 17 was merged with G.A. 15. All matters pending in G.A. 17 were transferred to G.A. 15. Press Release, State of Connecticut Judicial Branch, FAQs Regarding Closure of Bristol Courthouse, <https://www.jud.ct.gov/HomePDFs/FAQs%20regarding%20closure%20of%20Bristol%20Courthouse.pdf>; State of Connecticut Judicial Branch, CT Judicial Branch Announces Intent to Close Bristol Courthouse, <https://www.jud.ct.gov/HomePDFs/Bristol%20Court%20Closing%20Advisory.pdf>; *State Plans to Close Bristol Courthouse*, NBC CONNECTICUT (Apr. 29, 2019 at 4:45PM), <https://www.nbcconnecticut.com/news/local/state-plans-to-close-bristol-courthouse/128434/> (last accessed Feb. 9, 2024).

G.A. 11 at Danielson	Ashford, Brooklyn, Canterbury, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, Windham and Woodstock	860-779-8480
G.A. 12 at Manchester	East Hartford, Glastonbury, Manchester, Marlborough and South Windsor	860- 647-1091
G.A. 13 at Enfield	East Granby, East Windsor, Enfield, Granby, Simsbury, Suffield, Windsor and Windsor Locks	860-741-3727
G.A. 14 at Hartford	Avon, Bloomfield, Canton, Farmington, Hartford and West Hartford	860- 566-1630
G.A. 15 at New Britain	Berlin, Bristol, Burlington, New Britain, Newington, Plainville, Plymouth, Rocky Hill, Southington and Wethersfield	860- 515-5080
G.A. 18 at Torrington	Barkhamsted, Bethlehem, Bridgewater, Canaan, Colebrook, Cornwall, Goshen, Hartland, Harwinton, Kent, Litchfield, Morris, New Hartford, New Milford, Norfolk, North Canaan, Roxbury, Salisbury, Sharon, Thomaston, Torrington, Warren, Washington and Winchester (Winsted)	860-626-2300
G.A. 19 at Rockville	Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Tolland, Union, Vernon and Willington	860-870-3200
G.A. 20 at Norwalk	New Canaan, Norwalk, Weston, Westport and Wilton	203-849-3580 ¹⁰³

¹⁰³ Temporarily closed. *Geographic Area 20 at Norwalk*, STATE OF CONNECTICUT JUDICIAL BRANCH, <https://www.jud.ct.gov/directory/directory/directions/20.htm> (last accessed Feb. 9, 2024).

G.A. 21 at Norwich	Bozrah, Colchester, Franklin, Griswold, Lebanon, Lisbon, Montville, Norwich, Preston, Salem, Sprague and Voluntown	860-889-7338
G.A. 22 at Milford	Milford and West Haven	203-874-1116
G.A. 23 at New Haven	Bethany, Branford, East Haven, Guilford, Madison, New Haven, North Branford and Woodbridge	203-789-7461

Clerk's Office Phone Numbers by Juvenile District¹⁰⁴

Juvenile Matters Location	Phone Number
Bridgeport	203-579-6544
Hartford	860-244-7900
Middletown	860-344-2986
New Britain	860-515-5165
New Haven	203-786-0337
Rockville	860-872-7143
Stamford	203-965-5708
Torrington	860-626-2400
Waterbury	203-596-4202
Waterford	860-440-5880
Willimantic	860-456-5700

¹⁰⁴ See 2024 State of Connecticut Judicial Branch Directory, <https://jud.ct.gov/directory/JudDir.pdf#page=79> (last accessed May 4, 2023).

Public Defender Services Office Phone Numbers by Judicial District¹⁰⁵

Chief Public Defender: 860-509-6400
Deputy Chief Public Defender: 860-509-6403

Judicial District	Phone Number
Ansonia/Milford Judicial District	203-913-6699
Danbury Judicial District	203-913-4487
Bridgeport Judicial District	203-913-4339
Hartford Judicial District	860-707-3807
Litchfield Judicial District	860-707-6352
New Britain Judicial District	860-707-9493
New Haven Judicial District	203-913-1251
New London Judicial District	860-707-5444
Stamford-Norwalk Judicial District	203-913-5338
Tolland/Rockville Judicial District	860-335-2567
Windham Judicial District	860-707-5357

¹⁰⁵ Connecticut State Division of Public Defender Services, CT.GOV, <https://portal.ct.gov/OCPD/Contact-Info/Contact-Us---Offices-and-Locations> (last accessed Feb. 9, 2024).

Public Defender Services Office Phone Numbers by Geographic Area¹⁰⁶

Chief Public Defender: 860-509-6400
Deputy Chief Public Defender: 860-509-6403

Geographic Area	Phone Number
Bridgeport GA#2	203-913-5702
Danbury GA#3	203-913-4487
Waterbury GA#4	203-913-6397
Derby GA#5	203-913-0189
Meriden GA#7	203-913-0728
New London GA#10	860-707-5956
Windham GA #11	860-707-5357
Manchester GA#12	860-707-0640
Enfield GA#13	860-707-3246
Hartford GA#14	860-707-9669
Tolland/Rockville GA#19	860-335-2567
Norwalk GA#20	203-913-5169
Norwich GA#21	860-707-3633
Ansonia/Milford GA#22	203-913-6699
New Haven GA#23	203-913-1009

¹⁰⁶ Connecticut State Division of Public Defender Services, CT.GOV, <https://portal.ct.gov/OCPD/Contact-Info/Contact-Us---Offices-and-Locations> (last accessed Feb. 9, 2024).

Public Defender Services Office Phone Numbers by Juvenile District¹⁰⁷

Chief Public Defender: 860-509-6400
Deputy Chief Public Defender: 860-509-6403

Juvenile District	Phone Number
Bridgeport Juvenile	203-913-5527
Hartford Juvenile	860-707-9208
Middletown Juvenile	860-343-6376
New Britain/Rockville Juvenile	860-707-5661
New Haven Juvenile	203-913-6049
Waterbury Juvenile	203-819-6658
Waterford/Willimantic Juvenile	860-772-4171

¹⁰⁷ Connecticut State Division of Public Defender Services, CT.GOV, <https://portal.ct.gov/OCPD/Contact-Info/Contact-Us---Offices-and-Locations> (last accessed Feb. 9, 2024).

Law School Legal Services Organizations

Law School	Clinic(s)	Contact Information
Quinnipiac University School of Law	Defense Appellate Clinic	Sarah Russell, Director Sarah.Russell@quinnipiac.edu (203) 582-5258
UConn School of Law	Criminal Defense Clinic	Anna VanCleave, Director anna.vancleave@uconn.edu (860) 570-5165; (860) 570-5166

Department of Correction FOIA Contact Information

Administrator	Stephanie Secore
Office Location	24 Wolcott Hill, Wethersfield, CT 06109
Phone	(860) 692-6290
Fax	(860) 692-7873