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Title:

Organization or Agency: Incarcerated in CT DOC

Topic: Meeting Date Not Listed

NA

Testimony:

WARNING! If you are a Connecticut resident, you may be subject to punishment for exercising your Constitutional right to a “speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.”

You have been warned...

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The practice of punishing defendants more harshly for choosing to go to trial is unjust, unconstitutional, and disturbingly common in Connecticut. Its prevalence forces us to ask deeper questions about sentencing itself: Are sentences designed to rehabilitate, or to retaliate? Is punishment reserved for the crime one committed, or is it wielded as a weapon to discourage people from exercising their constitutional rights? Connecticut's current sentencing practices raise the question: what purpose does a sentence serve in Connecticut's judicial system and how can we trust that that purpose will actually be achieved if our system continually acts in ways that subvert justice?

During the pretrial phase, the state will offer a defendant a punitive plea bargain that they can accept or reject. Most defendants accept, not because they are necessarily guilty, but because the prosecutor has threatened to impose the maximum sentence allowed if the defendant elects to go to trial. This oppressive practice is not rare, but commonplace—97% of all criminal cases in Connecticut result in plea deals.

Imagine your loved one, at age 19, is charged with a crime. After the preliminary proceedings, the state offers him or her a 20 year prison sentence to resolve the matter short of trial. Your loved one, who is innocent, and can't fathom the thought of spending their 20s and 30s in the Connecticut Department of Corrections, decides to reject the plea deal and opts for a jury trial instead. At trial, it is now your loved one versus the mighty power of the state and all its resources.

How can anyone be guaranteed a fair trial when the state that is prosecuting them has a monopoly on the judicial system? The police work for the state; the forensics lab works for the state; the prosecutor works for the state; the judge works for the state; even your loved one's court-appointed attorney works for the state. All things considered, your loved one is at a serious disadvantage.

Nevertheless, your loved one proceeds to trial, unfortunately loses, and is now sentenced to 50 years of imprisonment as a result. Should your loved one have accepted the plea agreement, Connecticut determined it would take 20 years to rehabilitate them. However, since your loved one rejected the plea deal, somehow, Connecticut determined that 30 more years is warranted in order to achieve rehabilitation. Why? Did the severity of the alleged crime change in the time between when the state offered the plea bargain, trial, and sentencing? Quite simply, no. Plainly put, defendants are excessively penalized for exercising their constitutional right to a jury trial. That is not a judicial system that is based on rehabilitation but rather, on retaliation.

This reality should alarm every Connecticut resident. A justice system that penalizes citizens for using the rights guaranteed to them by the Constitution is not a justice system at all. Connecticut—like every state—agreed to uphold those rights when it joined the Union. The Sixth Amendment was written as a

promise, not a trap. The framers of this country did not intend for Americans to have to gamble with their freedom simply by insisting on a fair trial. Yet, that is exactly what Connecticut has made a fair trial: a gamble where, without fail, the house wins and the price for playing is your life.