

Impact of COVID-19 on Criminal Matters in Connecticut State and Federal Courts

State Court

- All criminal court proceedings consolidated in each of the 13 JD courthouses – meaning that the mass intake/arraignment court business will all be processed at the JD courthouse – GAs are closed – and for indigent defendants, the arraignments will be handled by in-house public defenders, not assigned counsel
- All jury trials suspended for 30 days (exceptions may be made where speedy trial motion filed, but an inundation of potential juror concerns makes it questionable if in client’s interest to push speedy trial). Trials currently in progress may continue.
- Juvenile court proceedings all consolidated to the Hartford and Bridgeport courthouses – juvenile arraignments and detention review hearings from around the State will presumably be held in one of those courthouses.
- With the exception of “Priority 1 Business Functions” – criminal arraignments, domestic violence arraignments, juvenile detention hearings, and relief from abuse applications, all other cases will be administratively continued through the clerk’s offices.
- The Department of Corrections has suspended jail visits; emergency needs for a professional visit must be arranged through the DOC.
- **Note**—some states have ordered the release of low level, non-violent offenders, especially pretrial detainees – possible support for more liberal bail at arraignment proceedings in appropriate cases
- **Note** – the Governor’s March 19, 2020 Executive Order 7G, suspending all non-critical court operations, includes all statutory time limitations and deadlines. In the criminal setting, there may be some such requirements that entail constitutional rights – e.g., (a) the constitutional (vs statutory) right to a speedy trial, and (b) the time within which arraignment must be held for defendants in custody – for both probable cause determinations in the absence of an arrest warrant (*Gerstein v. Pugh*) and review of bail.
- In addition to the Governor’s unlimited suspension of time deadlines, on March 19, 2020 the Connecticut Supreme and Appellate Courts

issued a *sua sponte* order extending all briefing deadlines by 30 days.

Federal Court

- By March 11, 2020 Order of Chief District Judge Underhill, all civil and criminal (grand and petit) jury selections and jury trials scheduled commence from that date through April 10, 2020 are continued pending further order of the Court
- Under the same Order, the time period of the foregoing continuance is excused for purposes of the Speedy Trial Act.
- In person probation interviews are suspended; PSR interviews will be conducted via videoconference. A defendant who prefers to be interviewed in person can file a motion to continue sentencing for at least 30 days.
- By March 1, 2020 order of Chief Judge Underhill, all in-court criminal proceedings scheduled to commence on or before April 10, 2020 are continued pending further order of the Court, except for the following: presentments on new arrests, detention hearings, and grand jury returns.
- Each detainee scheduled to appear in Court will be screened by the U.S. Marshals Service to determine body temperature; where the temperature is 100.4 or above, such detainee shall not be produced in Court.
- There are developing concerns at the federal level, as in many states, for the COVID-19 related implications of incarceration of non-violent offenders, including suggestions that such prisoners should be considered for early release – concerns that may also bear on extension of the time limits applicable to those scheduled for self-surrender under recent sentencing orders, and/or on the new early release provisions of the First Step Act.