



Connecticut

Post-Conviction Case Activity & Victims' Rights

Post-Sentencing Review

After an individual has been convicted and sentenced, they may file motions in the trial court to challenge their conviction or sentence. For example, they may file:

- A motion for an acquittal
- A motion for a new trial based on new evidence, jury misconduct, legal errors at trial, or other problems with the proceedings
- A motion to withdraw a plea
- A motion to modify a sentence

Victims' Rights

Victims have the right to be treated with fairness, respect, and dignity. This right extends throughout all stages of the post-conviction process.

Victims have the right to timely disposition of the case.

Victims have the right to notification of and presence at court proceedings.

Victims have the right to communicate with the prosecution.

Victims are entitled to the return of property no longer needed as evidence.

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Direct Appeal

After the court decides on any post-trial motions (or if no post-trial motions are filed), the individual convicted of a crime may ask a higher court to review the trial court's or jury's decisions. This is called a "direct appeal." On appeal, the court does not admit new evidence or call witnesses. Instead, it reviews what happened at trial (called the trial record) and written briefs filed by both sides describing their positions.

If an individual convicted of a crime requests an appeal, they may ask the court to release them while the appeal is ongoing. The convicted individual is more likely to be released in misdemeanor cases than in felony cases.

The convicted individual generally has 20 days after sentencing to decide whether to appeal. If the convicted person appeals, the state's [Division of Criminal Justice](#) assigns a lawyer for the state to oppose the appeal. The state's lawyer and the convicted individual's lawyer then prepare written briefs for the judges, which generally takes several months. In some cases, the lawyers from both sides present oral arguments to the judges. Then, the judges prepare a written decision in the case. The appeal process takes roughly a year or more.

Victims' Rights

Victims have the right to a free copy of the transcript.

Victims have a right to request notification about the appeal from the prosecution.

Victims have the right to notification of the appeal decision.

State Post-Conviction Proceedings

Post-conviction motions are requests to have the conviction or sentence reviewed that are filed after the direct appeal process has ended. These motions can seek many outcomes, but the main requests and outcomes in Connecticut are the following:

- State habeas corpus: Incarcerated people may seek relief in state court in a process called “habeas corpus.” These proceedings provide convicted individuals with an opportunity to challenge their convictions or sentences, the conditions at their prison, or disciplinary action taken against them in prison.
- Motion to reduce the sentence: A convicted person may seek to reduce their sentence.
- Writ of error coram nobis: Within 3 years of the conviction becoming final, a convicted person may seek this writ to invalidate their conviction based on facts unknown at the time of trial, such as new proof of juror misconduct.

Victims’ Rights

Victims have the right to request notification about post-conviction from the prosecution.

DNA Testing

The convicted person may file a motion seeking DNA testing of evidence in the state’s possession.

The court will not automatically grant the requested testing. Instead, testing will be awarded if the court finds a reasonable probability that the incarcerated person would not have been prosecuted or convicted if favorable results had been obtained through earlier DNA testing or a reasonable probability that this testing would have changed the sentence.

If the court grants testing and the evidence supports the convicted person’s claims, that person may seek to vacate their conviction, obtain a new trial, or other relief. If the court grants a motion for a new trial, the case starts over.

Federal Habeas Corpus

After seeking post-conviction relief in state court, a person convicted under Connecticut law may seek habeas corpus relief in federal court. Relief is available only in specific and rare circumstances. Issues often raised in federal habeas cases include claims that the convicted person had an inept attorney, claims that police or prosecutors violated their rights, hid evidence, or committed other misconduct.

In general, a person can file only one request for relief in federal habeas proceedings, though there are some exceptions to this rule.

Victims' Rights

Except for narrow exceptions when victims are testifying, victims have the right to attend federal habeas hearings, arguments, and proceedings.

Victims have the right to be heard at any federal district court proceeding involving the release, sentencing, or parole of the individual convicted of a crime.

Victims have the right to proceedings free from unreasonable delay.

Victims can request notification about federal habeas corpus proceedings from the prosecution.

Early Release Programs

If someone is sentenced to a term of imprisonment, they may be released from prison earlier than expected through these programs: parole, medical parole, compassionate release, or reductions in their sentence (called "[Risk Reduction Earned Credits](#)") for good behavior or completing certain educational programs.

Victims' Rights

Victims have the right to information about the sentence, imprisonment, escape, transfer to another state, and release of the convicted person including parole.

Victims have the right to be informed of parole requests and hearings.

Victims have the right to participate in the parole process by making a statement.

Victims can register for early release and movement notifications through the Connecticut Statewide Automated Victim Information and Notification (CT SAVIN) by calling 1-877-846-3428.

Prosecutorial Review

Connecticut's Office of the Chief State's Attorney has established a [Conviction Integrity Unit](#) to independently review past convictions of people who claim innocence. Review is entirely discretionary, and a denial of review or relief cannot be challenged in court.

Victims' Rights

Victims have the right to notification of decisions involving sentence reduction.

Clemency

The [Board of Pardons and Paroles](#) can grant clemency to people convicted of felonies under Connecticut law. Clemency typically takes one of three forms:

1. Commutation: the reduction of a sentence to a less severe punishment
2. Pardon: an official act of forgiveness that frees a convicted person from punishment that erases the legal consequences of the crime
3. Certificate of rehabilitation: a relief from barriers that may prevent convicted people from obtaining licenses or employment

Compensation

Restitution is a court-ordered payment from the convicted person to the victim in order to account for the victim's loss or injury.

Crime victims' compensation helps with financial losses that directly result from violent crime. These losses include loss of wages, medical expenses, mental health counseling, as well as funeral and burial costs.

Victims' Rights

Victims have the right to information about the pardon of the convicted individual.

Victims have the right to be informed of pardon requests and hearings.

Victims have the right to participate in the pardon process by making a statement.

Victims' Rights

Victims have the right to request restitution. Victims have the right to apply to the [Victim Compensation Program](#).

The information provided in this resource is not intended as legal advice and is current as of July 2024. States regularly change how they handle criminal proceedings and victims' rights during those proceedings. Confirm with the state agencies provided in this resource for more up-to-date information. Different stages and victims' rights may apply to certain types of cases and certain types of victims, such as cases involving accused individuals who are minors and cases involving sexual offenses, domestic violence, and child victims.