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**2025 Edition**

# Probation in Connecticut

A Guide to Resources in the Law Library

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References to online legal research databases refer to in-library use of these databases. Remote access is not available.

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# Introduction

A Guide to Resources in the Law Library

- **Institution:** "It was designed to provide a period of grace in order to aid the rehabilitation of a penitent offender; to take advantage of an opportunity for reformation which actual service of the suspended sentence might make less probable. . . Probation is thus conferred as a privilege, and cannot be demanded as a right. It is a matter of favor, not of contract. There is no requirement that it must be granted on a specified showing. The defendant stands convicted; he faces punishment, and cannot insist on terms or strike a bargain. To accomplish the purpose of the statute, an exceptional degree of flexibility in administration is essential. It is necessary to individualize each case, to give that careful, humane and comprehensive consideration to the particular situation of each offender which would be possible only in the exercise of a broad discretion. The provisions of the act are adapted to this end. It authorizes courts of original jurisdiction, when satisfied 'that the ends of justice and the best interest of the public, as well as the defendant, will be subserved,' to suspend the imposition or execution of sentence and 'to place the defendant upon probation for such period and upon such terms and conditions as they may deem best.'" [Burns v. United States](#), 287 U.S. 216, 220-221, 53 S. Ct. 154, 155-156, 77 L. Ed. 266 (1932).
- **Modification:** "It is well settled that the trial court maintains discretion to supervise and, as appropriate, to enlarge or modify the terms of a probationer's probation. . . ('[w]hen the court imposes probation, a defendant thereby accepts the possibility that the terms of probation may be modified or enlarged in the future pursuant to [General Statutes] § 53a-30'. . . (trial court's approval of additional probation conditions requested by the Office of Adult Probation was not improper). . . General Statutes § 53a-30 (c) ('[a]t any time during the period of probation . . . after hearing and for good cause shown, the court may modify or enlarge the conditions').'" [State v. Obas](#), 147 Conn. App. 465, 482-483, 83 A.3d 674 (2014); affirmed 320 Conn. 426 (2016).
- **Revocation:** "Probation itself is a conditional liberty and a privilege that, once granted, is a constitutionally protected interest.... The revocation proceeding must comport with the basic requirements of due process because termination of that privilege results in a loss of liberty. . . ." [State v. Shuck](#), 112 Conn. App. 407, 409-410, 962 A.2d 900 (2009). (Internal citations omitted.)
- **Juvenile:** "'Probation supervision' means a legal status whereby a juvenile who has been adjudicated delinquent is placed by the court under the supervision of juvenile probation for a specified period of time and upon such terms as the court determines." CT Practice Book § [26-1\(r\)](#) (2025).
- **Federal:** "Sentence of probation (a) In General.-A defendant who has been found guilty of an offense may be sentenced to a term of probation unless- (1) the offense is a Class A or Class B felony and the defendant is an individual; (2) the offense is an offense for which probation has been expressly precluded; or (3) the defendant is sentenced at the same time to a term of imprisonment for the same or a different offense that is not a petty offense." 18 U.S.C. § [3561](#).

# Section 1: Institution of Sentence of Probation

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to the institution and termination of probation in Connecticut.

## **DEFINITIONS:**

- "Probation: When a convicted offender receives a suspended term of incarceration and is then supervised by a probation officer for a period of time set by a judge." [Common Legal Words](#), CT Judicial Branch.
- "The court may sentence a person to a period of probation upon conviction of any crime, other than a class A felony, if it is of the opinion that: (1) Present or extended institutional confinement of the defendant is not necessary for the protection of the public; (2) the defendant is in need of guidance, training or assistance which, in the defendant's case, can be effectively administered through probation supervision; and (3) such disposition is not inconsistent with the ends of justice." Conn. Gen. Stat. § [53a-29](#) (a) (2025).

## **ADDITIONAL INFORMATION:**

- **Fees**  
". . . When a person is sentenced to a period of probation, the court shall impose the period authorized by subsection (d), (e) or (f) of this section and may impose any conditions authorized by section 53a-30. When a person is sentenced to a period of probation, such person shall pay to the court a fee of two hundred dollars and shall be placed under the supervision of the Court Support Services Division, provided, if such person is sentenced to a term of imprisonment the execution of which is not suspended entirely, payment of such fee shall not be required until such person is released from confinement and begins the period of probation supervision." Conn. Gen. Stat. § [53a-29](#)(c) (2025).

## **Length of Probation**

"Except as provided in subsection (f) of this section, the period of probation or conditional discharge, unless terminated sooner as provided in section 53a-32 or 53a-33, shall be as follows: (1) For a class B felony, not more than five years; (2) for a class C, D or E felony or an unclassified felony, not more than three years; (3) for a class A misdemeanor, not more than two years; (4) for a class B, C or D misdemeanor, not more than one year; and (5) for an unclassified misdemeanor, not more than one year if the authorized sentence of imprisonment is six months or less, or not more than two years if the authorized sentence of imprisonment is in excess of six months, or where the defendant is charged with failure to provide subsistence for dependents, a determinate or indeterminate period." Conn. Gen. Stat. § [53a-29](#)(d) (2025).

"Notwithstanding the provisions of subsection (d) of this section, the court may, in its discretion, on a case by case basis, sentence a person to a period of probation which period, unless terminated sooner as provided in section 53a-32 or 53a-33, shall be as follows: (1) For a class C, D or E felony or an unclassified felony, not more than five years; (2) for a class A misdemeanor, not more than three years; and (3) for a class B misdemeanor, not more than two years." Conn. Gen. Stat. § [53a-29](#)(e) (2025).

"The period of probation, unless terminated sooner as provided in section 53a-32, shall be not less than ten years or more than thirty-five years for conviction of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, 53a-90a or subdivision (2), (3) or (4) of subsection (a) of section 53a-189a, or section 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f." Conn. Gen. Stat. § [53a-29](#)(f) (2025).

- **Report**

"Whenever the court sentences a person, on or after October 1, 2008, to a period of probation of more than two years for a class C, D or E felony or an unclassified felony or more than one year for a class A or B misdemeanor, the probation officer supervising such person shall submit a report to the sentencing court, the state's attorney and the attorney of record, if any, for such person, not later than sixty days prior to the date such person completes two years of such person's period of probation for such felony or one year of such person's period of probation for such misdemeanor setting forth such person's progress in addressing such person's assessed needs and complying with the conditions of such person's probation. The probation officer shall recommend, in accordance with guidelines developed by the Judicial Branch, whether such person's sentence of probation should be continued for the duration of the original period of probation or be terminated. If such person is serving a period of probation concurrent with another period of probation, the probation officer shall submit a report only when such person becomes eligible for termination of the period of probation with the latest return date, at which time all of such person's probation cases shall be presented to the court for review. Not later than sixty days after receipt of such report, the sentencing court shall continue the sentence of probation or terminate the sentence of probation. Notwithstanding the provisions of section 53a-32, the parties may agree to waive the requirement of a court hearing." Conn. Gen. Stat. § [53a-29](#)(g) (2025).

- **Victim Notification and Statement**  
“The Court Support Services Division shall establish within its policy and procedures a requirement that any victim be notified whenever a person’s sentence of probation may be terminated pursuant to this subsection. The sentencing court shall permit such victim to appear before the sentencing court for the purpose of making a statement for the record concerning whether such person’s sentence of probation should be terminated. In lieu of such appearance, the victim may submit a written statement to the sentencing court and the sentencing court shall make such statement a part of the record. Prior to ordering that such person’s sentence of probation be continued or terminated, the sentencing court shall consider the statement made or submitted by such victim.” Conn. Gen. Stat. § [53a-29](#)(g) (2025).

- **Conditions of Probation** – for a listing of conditions, see [Table 1](#)

“When a defendant has been sentenced to a period of probation, the Court Support Services Division may require that the defendant comply with any or all conditions which the court could have imposed under subsection (a) of this section which are not inconsistent with any condition actually imposed by the court.” Conn. Gen. Stat. § [53a-30](#)(b) (2025).

“The court shall cause a copy of any such order to be delivered to the defendant and to the probation officer, if any.” Conn. Gen. Stat. § [53a-30](#)(a) (2025).

### **Calculation of Periods of Probation**

- “A period of probation or conditional discharge commences on the day it is imposed, unless the defendant is imprisoned, in which case it commences on the day the defendant is released from such imprisonment. Multiple periods, whether imposed at the same or different times, shall run concurrently.” Conn. Gen. Stat. § [53a-31](#)(a) (2025).
- “The issuance of a warrant or notice to appear, or an arraignment following an arrest without a warrant, for violation pursuant to section 53a-32 shall interrupt the period of the sentence until a final determination as to the violation has been made by the court.” Conn. Gen. Stat. § [53a-31](#)(b) (2025).

### **Stay of Execution and Appeal**

- “Upon motion by the defendant to the trial court, a sentence of probation or conditional discharge may be stayed if an

appeal is filed." Conn. Practice Book § [61-13\(a\)\(2\)](#) (2025).

### **STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2025)
  - Chapter 319j – Addiction Services
    - § [17a-693](#). Order for examination for alcohol or drug dependency.
    - § [17a-699](#). Order of treatment for alcohol or drug dependency of convicted person.
  - Chapter 952 – Penal Code Offenses
    - § [53a-28](#). (d), (e), (f). Authorized sentences.
    - § [53a-29](#). Probation and conditional discharge: Criteria; periods; continuation or termination.
    - § [53a-30](#). Conditions of probation and conditional discharge.
    - § [53a-31](#). Calculation of periods of probation and conditional discharge. Compliance with conditions during interrupted period.
  - Chapter 961 - Trial and Proceedings after Conviction
    - § [54-91a](#). Presentence investigation of defendant.
    - § [54-105](#). Duties of executive director of Court Support Services Division re probation. Intensive probation program. Community service program. Caseload limitation.
    - § [54-108](#). Duties of probation officers.
    - § [54-108d](#). Authority of probation officers to detain certain persons, seize contraband . . .
    - § [54-108g](#). Prohibition against disclosure of personal information of probation officers to certain individuals under the Freedom of Information Act.

### **COURT RULES:**

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2025).
  - [Chapter 7](#). Clerks, Files and Records
    - § 7-13. - Criminal/Motor Vehicle Files and Records.  
"(a) Upon the disposition of any criminal case . . . the file may be stripped of all papers except . . . (9) orders regarding probation."
    - § 7-14. – Reports from Adult Probation and Family Division. "(a) The Office of Adult Probation shall maintain one copy of each presentence investigation report for twenty-five years. Copies of such reports in the custody of the clerk pursuant to Section 43-8 may be destroyed upon the expiration of one year from the date of final disposition of the case."
  - [Chapter 43](#). Sentencing, Judgment and Appeal
    - § 43-10. Sentencing Hearing - Procedures to Be Followed
    - § 43-21. Reduction of Definite Sentence
    - § 43-29A. Notice of Motions to Modify or Enlarge Conditions of Probation or Conditional Discharge

or Terminate Conditions of Probation or  
Conditional Discharge  
§ 43-32. Stay of Probation on Appeal

[Chapter 61](#). Remedy by Appeal  
§ 61-13(a)(2). Stay of Execution in Criminal Cases

**CODE OF  
EVIDENCE:**

- Official 2000 Connecticut Code of Evidence (2023 ed.)  
§ [1-1](#). Short Title. Application.  
(d) The Code inapplicable. "The Code, other than with respect to privileges, does not apply in . . . (4) Proceedings involving probation."

**WEB PAGES:**

- Court Support Services Division  
[Adult Probation Services](#)  
[Adult Probation – Frequently Asked Questions](#)  
[Adult Probation - Directory](#)
- Court Fees  
[Adult probation supervision fee](#)
- [Interstate Commission for Adult Offender Supervision](#)

**PUBLICATIONS:**

- [Probationer Handbook: Key to Your Success](#) – State of Connecticut Judicial Branch – Court Support Services Division, JDP-AP-136 (Rev. 2/25)
- [Crime Victims' Guide to the Adult Criminal Court](#) – State of Connecticut Judicial Branch – Office of Victim Services, JDP-VS-48 (Rev. 2/20).  
Section 11: Supervision of Defendants/Inmates

**LEGISLATIVE:**

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- *OLR Backgrounder: Sex Offenders on Probation and Parole - Treatment and Housing Restrictions*, Michelle Kirby, Senior Legislative Attorney & James Orlando, Chief Attorney, Connecticut General Assembly, Office of Legislative Research Report, [2017-R-0037](#) (January 23, 2017).
- *Probation and Travel Out-of-State*, Christopher Reinhart, Senior Attorney, Connecticut General Assembly, Office of Legislative Research Report, [2009-R-0433](#) (November 19, 2009).
- *Probation – Sex Offenders*, George Coppolo, Chief Attorney, Connecticut General Assembly, Office of Legislative Research Report, [2008-R-0273](#) (April 16, 2008).
- *Electronic Monitoring of Probationers and Parolees*, Sandra Norman-Eady, Chief Attorney, Connecticut General Assembly, Office of Legislative Research Report, [2007-R-0096](#) (January 24, 2007).

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- *Authority to Set Conditions of Release*, Sandra Norman-Eady, Chief Attorney, and George Coppolo, Chief Attorney, Connecticut General Assembly, Office of Legislative Research Report, [2006-R-0108](#) (February 3, 2006).
- *Probation-Drug Abuse*, George Coppolo, Chief Attorney, Connecticut General Assembly, Office of Legislative Research Report, [2005-R-0023](#) (January 14, 2005).
- *Probationer-Therapist Confidentiality*, George Coppolo, Chief Attorney, Connecticut General Assembly, Office of Legislative Research Report, [2005-R-0021](#) (January 10, 2005).
- *Search Waivers for Parolees and Probationers*, Susan Price-Livingston, Associate Attorney, Connecticut General Assembly, Office of Legislative Research Report, [2002-R-0005](#) (January 8, 2002).

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms](#) page for the current forms.

- Probation/Conditional Discharge Motion, [JD-CR-59](#),
- 1 *Connecticut Criminal Legal Forms*, by Richard M. Marano, Atlantic Law Book Co., 1999.
  - E. Disposition Without Trial
  - Motion for Intensive Probation, page 93
- *LexisNexis Practice Guide: Connecticut Criminal Law*, by Stephan E. Seeger, 2024-2025 ed., LexisNexis.
  - Forms Appendix
  - Form CCL 9.01. Defendant's Sentencing Memorandum
- 3 *Complete Manual of Criminal Forms*, by F. Lee Bailey and Hon. Kenneth J. Fishman, Thomson West, 1993, with 2025-2026 supplement (also available on Westlaw).
  - Chapter 96. Sentencing
    - § 96:4. Order of probation - state
    - § 96:5. - - another form
  - Chapter 116. Miscellaneous Motions and Documents
    - § 116:4. Notice of motion for order termination probation - State
    - § 116:5. Attorney's affirmation in support of motion for order terminating probation - State
    - § 116:6. Defendant's affidavit in support of motion for order terminating probation - State
- *Criminal Defense Tools and Techniques*, by Thomas J. Farrell, James Publishing, 2024.
  - Chapter 23. Probation, Parole & Other Post-Release Supervision
  - VI. Forms

**CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [State v. Brandon](#), 345 Conn. 702, 779-780, 287 A.3d 71 (2022). "Probationers are not in custody by virtue of their status; nor are they at liberty to exercise their will like free citizens. Probationers agree to a set of standard conditions of probation and, in some cases, additional conditions imposed by the probation officer or the court. For example, all probationers are instructed to 'refrain from violating any criminal law of the United States, this state or any other state . . . .' General Statutes § 53a-30 (a) (7); see, e.g., *State v. Lopez*, 341 Conn. 793, 795-96, 268 A.3d 67 (2022). At times, the conditions of probation may require the probationer to '[s]ubmit to a search of [his] person, possessions, vehicle or residence when the [p]robation [o]fficer has a reasonable suspicion to do so.' (Internal quotation marks omitted.) *State v. Moore*, 112 Conn. App. 569, 574, 963 A.2d 1019, cert. denied, 291 Conn. 905, 967 A.2d 1221 (2009). Additional conditions may also be imposed. See, e.g., *State v. Imperiale*, 337 Conn. 694, 707, 255 A.3d 825 (2021) ('the Office of Adult Probation properly may impose conditions of probation that place significant restrictions on a probationer's liberty during the term of his or her probation, if such restrictions are reasonably necessary'); *State v. Johnson*, 75 Conn. App. 643, 652, 817 A.2d 708 (2003) ('[p]ostjudgment conditions imposed by adult probation are . . . part of an administrative function that [§ 53a-30] expressly authorizes as long as it is not inconsistent with any previously court-imposed condition'); see also General Statutes § 53a-30 (a) (17) ('the court may . . . order that the defendant . . . satisfy any other conditions reasonably related to the defendant's rehabilitation')."
- [State v. Imperiale](#), 337 Conn. 694, 709, 255 A.3d 825 (2021). "It is axiomatic that '[t]he . . . object of imprisonment is confinement. Many of the liberties and privileges enjoyed by other citizens must be surrendered by the prisoner. An inmate does not retain rights inconsistent with proper incarceration.' *Overton v. Bazzetta*, 539 U.S. 126, 131, 123 S. Ct. 2162, 156 L. Ed. 2d 162 (2003). Probationers, on the other hand, are afforded a conditional liberty that is dependent on their adherence to certain specified limitations on the freedoms they otherwise would enjoy, without restriction, if they were not subject to a criminal sanction. See, e.g., *Griffin v. Wisconsin*, 483 U.S. 868, 873-75, 107 S. Ct. 3164, 97 L. Ed. 2d 709 (1987). Generally speaking, the infringement on liberty caused by an order of probation is considerably less intrusive than the extreme restrictions attendant to incarceration. See,

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e.g., *United States v. Nachtigal*, 507 U.S. 1, 5, 113 S. Ct. 1072, 122 L. Ed. 2d 374 (1993). Nevertheless, as we previously noted, conditions of probation that are reasonably necessary and appropriate for the rehabilitation of the probationer and the safety of the community are lawful and proper, even though they place significant restrictions on the probationer's liberty during the term of his or her probation."

- [State v. Crespo](#), 190 Conn. App. 639, 650, 211 A.3d 1027 (2019). "The core functions of probation officers are 'to guide the [probationer] into constructive development' and to prevent 'behavior that is deemed dangerous to the restoration of the individual into normal society.' [Morrissey v. Brewer](#), 408 U.S. 471, 478, 92 S. Ct. 2593, 33 L. Ed. 2d 484 (1972). Under Connecticut law, probation officers are obligated to 'keep informed of [the probationer's] conduct and condition and use all suitable methods to aid and encourage him and to bring about improvement in his conduct and condition.' General Statutes § 54-108 (a)."
- [State v. Victor O.](#), 320 Conn. 239, 258, 128 A.3d 940 (2016). "Although it may be true that the terms of release for special parolees are more restrictive than they are for probationers in the short term, it is undisputed that probation exposes a defendant to imprisonment for a much longer period of time, arguably making it, depending on one's perspective, a considerably more onerous punishment."
- [State v. Denya](#), 294 Conn. 516, 986 A.2d 260 (2010). "Furthermore, because the sentence in a criminal case generally is imposed orally in open court; see, e.g., [State v. Lindsay](#), 109 Conn. 239, 243, 146 A. 290 (1929); the written order or judgment memorializing that sentence, including any portion pertaining to probation, must conform to the court's oral pronouncement. E.g., [United States v. Kindrick](#), 576 F.2d 675, 676-77 (5th Cir. 1978) ('[t]his [c]ourt has long faithfully adhered to the rule that any variance between oral and written versions of the same sentence will be resolved in favor of the oral sentence'); [Burrell v. State](#), 626 P.2d 1087, 1089 (Alaska App. 1981) ('[w]hen] there is a conflict between the written order of probation and the oral pronouncement of sentence, the latter ordinarily controls'); [S.S.M. v. State](#), 875 So. 2d 763, 763 (Fla. App. 2004) ('a written probation order must conform with the trial court's oral pronouncements at sentencing'); [State v. Hess](#), 533 N.W.2d 525, 528 (Iowa 1995) (it is '[a] rule of nearly universal application' that '[w]hen] there is a discrepancy between the oral pronouncement of sentence and the written judgment and commitment, the oral pronouncement of sentence controls'

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. . . Consequently, as a general matter, any discrepancy between the oral pronouncement of sentence and the written order or judgment will be resolved in favor of the court's oral pronouncement." (pp. 529-531)

"Consequently, although the 2004 written order of probation unambiguously authorizes the office of adult probation to discontinue the electronic monitoring of the defendant if and when that office deems it appropriate to do so, that portion of the 2004 written order is effective only to the extent that it accurately reflects the actual intent of the trial court as expressed in its 2004 oral ruling or, if necessary, in a subsequent clarifying order." (p. 532)

- [State v. Crouch](#), 105 Conn. App. 693, 939 A.2d 632 (2008).  
"Probation is the product of statute. . . . Statutes authorizing probation, while setting parameters for doing so, have been very often construed to give the court broad discretion in imposing conditions.' (Citation omitted.) *State v. Smith*, 207 Conn. 152, 167, 540 A.2d 679 (1988). . . 'On appeal, we review whether the trial court abused its statutory discretion in imposing a condition of probation.' *State v. Graham*, 33 Conn. App. 432, 447, 636 A.2d 852, cert. denied, 229 Conn. 906, 640 A.2d 117 (1994). 'In reviewing the issue of discretion, we do so according to every reasonable presumption in favor of the trial court's ruling. . . . A defendant who seeks to reverse the exercise of judicial discretion assumes a heavy burden.' (Citation omitted.) *State v. Smith*, *supra*, 167." (pp. 696-697)

"If he accepts the offer of probation, [the defendant] must accept all of the conditions. . . . In accepting probation, the defendant accepted at the time of sentencing the possibility that the terms of his probation could be modified or enlarged in the future in accordance with the statutes governing probation.' (Citation omitted.) *State v. Thorp*, 57 Conn. App. 112, 121, 747 A.2d 537, cert. denied, 253 Conn. 913, 754 A.2d 162 (2000). Because the defendant accepted a sentence that included probation, modification of the terms of probation is not a violation of his constitutional rights, as long as the modified conditions reasonably relate to his rehabilitation and the preservation of the safety of the general public. See *State v. Pieger*, 240 Conn. 639, 647-49, 692 A.2d 1273 (1997)." (p. 699)

- [State v. Ortiz](#), 83 Conn. App. 142, 848 A.2d 1246, cert. denied, 270 Conn. 915 (2004). "The comment of the commission to revise criminal statutes, which first proposed adoption by the legislature of our present criminal code over thirty years ago, as to § 53a-30 provides in relevant part: 'This section sets out, as a kind of guideline, the general conditions that the court may impose on the sentence of probation . . . . The list is not intended to be

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exhaustive. . . .’ Commission to Revise the Criminal Statutes, Penal Code comments, Connecticut General Statutes Annotated § 53a-30 (West 2001), commission comment. . . Our view is consistent with our Supreme Court’s statements in *State v. Pieger*, 240 Conn. 639, 647, 692 A.2d 1273 (1997), that probation’s objectives are not just to foster the offender’s reformation, but also ‘to preserve the public’s safety,’ and that ‘a sentencing court must have the discretion to fashion those conditions of probation it deems necessary to ensure that the individual successfully completes the terms of probation.’ (Internal quotation marks omitted.)” (pp. 163-164)

“A prohibition on contact with one’s children affects the defendant’s associational rights. Although we hold that the court was warranted in severely restricting the defendant’s contact with his children in furtherance of the goal of probation to protect them as members of the public, that restriction should not reach further than is reasonably necessary for the preservation of the children’s safety.” (p. 166)

- [State v. Smith](#), 207 Conn. 152, 164, 540 A.2d 679, 686, 87 A.L.R.4th 901 (1988). “Years ago, the United States Supreme Court said that the purpose of probation is ‘to provide a period of grace in order to aid the rehabilitation of a penitent offender; to take advantage of an opportunity for reformation which actual service of the suspended sentence might make less probable.’ *Burns v. United States*, 287 U.S. 216, 220, 53 S. Ct. 154, 77 L. Ed. 266 (1932). Accordingly, it emphasized that in administering the probation statute, the trial judge has ‘an exceptional degree of flexibility’ in determining whether to grant or revoke probation and on what terms. Id. Punishment of an offender may not be the primary purpose of imposition of probation by a judge although it must be recognized that probation conditions may have an incidental punitive effect in that any restriction on liberty is in a sense ‘punishment.’ *Higdon v. United States*, 627 F.2d 893, 898 (9th Cir. 1980).”
- [State v. Harmon](#), 147 Conn. 125, 157 A.2d 594 (1960). “In passing sentence after an accused has been convicted of a crime, the judge is allowed a wide discretion in the sources and types of evidence used to assist him in fixing the penalty within the limits prescribed by law. *Williams v. New York*, 337 U.S. 241, 246, 69 S. Ct. 1079, 93 L. Ed. 1337; *State v. Van Allen*, 140 Conn. 39, 44, 97 A.2d 890; *State v. LaPorta*, 140 Conn. 610, 612, 102 A.2d 885; *State v. Chuchelow*, 128 Conn. 323, 324, 22 A.2d 780. After the conviction, by trial or plea of guilty, the issue is not the guilt of the offender but, within the limits fixed by statute, the appropriate penalty to fit him as well as the crime. *Burns v. United States*, 287 U.S. 216, 220, 53 S. Ct. 154,

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

77 L. Ed. 266; *Pennsylvania ex rel. Sullivan v. Ashe*, 302 U.S. 51, 55, 58 S. Ct. 59, 82 L. Ed. 43; *People v. Johnson*, 252 N.Y. 387, 392, 169 N.E. 619; see *State v. Groos*, 110 Conn. 403, 412, 148 A. 350. The court is not held within the narrow limits of the rules observed in a criminal trial. *Williams v. New York*, *supra*, 247; *State v. Levice*, 59 Ariz. 472, 478, 130 P.2d 53; *Commonwealth ex rel. Hendrickson v. Myers*, 393 Pa. 224, 229, 144 A.2d 367; *State v. Carli*, 2 Wis. 2d 429, 440b, 86 N.W.2d 434, 87 N.W.2d 830; note, 77 A.L.R. 1211. If the court were, most, if not all, of the benefit which can be had from a presentence investigation and report would be lost to the convicted offender and the state, and the legislative purpose of bringing our criminal procedure more completely in harmony with modern concepts of penology would be thwarted." (pp. 128-129)

"Under our practice, a defendant is not deprived of the right of challenging the statements made in the report. His counsel is furnished, as in the instant case, with a copy of the report in order that its contents may be made known to the defendant and an opportunity afforded him to explain or controvert the statements contained in it. See *Driver v. State*, 201 Md. 25, 32, 92 A.2d 570; *State v. Moore*, 49 Del. 29, 36, 108 A.2d 675. The manner and extent to which a defendant can avail himself of the opportunity must, of necessity, rest in the sound discretion of the sentencing judge. In the instant case, counsel admitted that he had not examined the report until the evening before the date set for sentence. He did not offer to call the defendant, or anyone else, to the stand to contradict or explain any statement in the report. He apparently sought to examine the probation officer on statements in the report which the defendant had not challenged. To have allowed counsel to do so would have been tantamount to inviting a lengthy excursion into collateral issues. Under the circumstances of this case, this would have been largely futile. The trial court did not abuse its discretion in refusing the defendant's motion to delete portions of the report or to permit cross-examination of the probation officer." (p. 129)

**WEST KEY NUMBERS:**

- *Sentencing & Punishment* 1800 – 2041  
IX. Probation and Related Dispositions
  - (A) In General
  - (B) Grounds and Considerations in General
  - (C) Factors Related to Offense
  - (D) Factors Related to Offender
  - (E) Proceedings for Imposition
  - (F) Disposition of Offender
  - (G) Conditions of Probation
  - (H) Searches and Seizures

**DIGESTS:**

- *Digest of Decisions Connecticut 2d*, by Emily J. Lebovitz, State of Connecticut, 1990, with 1992 supplement.  
*Criminal Law and Procedure*  
79. Punishment; Sentence  
    85. – Suspension; Probation; Parole; Pardon  
    86. - - In General  
    87. - - Particular Cases
- *ALR Digest: Sentencing and Punishment*  
IX. Probation and Related Dispositions  
A. In General, 1800-1822  
B. Grounds and Considerations in General, 1830-1833  
C. Factors Relation to Offense, 1835-1864  
D. Factors Related to Offender, 1870-1887  
E. Proceedings for Imposition, 1890-1923  
F. Disposition of Offender, 1930-1953  
G. Conditions of Probation, 1960-1988  
H. Searches and Seizures, 1990-1996
- *U.S. Supreme Court Digest: Sentencing and Punishment*  
See entries for ALR Digest above

**ENCYCLOPEDIAS:**

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 21A *Am Jur 2d* Criminal Law, Thomson West, 2016 (Also available on Westlaw).  
E. Suspending Imposition or Execution of Sentence  
2. Probation  
    a. In General  
        § 817. Probation, generally; parole and suspension of sentence distinguished  
        § 818. Authority of courts to grant probation  
    b. Conditions of Probation  
        § 819. Conditions of probation, generally  
        § 820. Restitution as condition of probation  
        § 821. Reimbursement to government for defense costs as condition of probation  
        § 822. Limiting fundamental and constitutional rights as condition of probation
- 24 *CJS* Criminal Procedure and Rights of Accused, Thomson West, 2016 (Also available on Westlaw).  
Part Six. Judgment, Sentence, and Appeal  
I. Probation and Suspension of Sentence  
    1. In General  
        § 2359. Probation and suspension of sentence, generally  
        § 2360. Nature and purpose  
        § 2361. Statutory provisions  
        § 2362. Power of court to grant  
        § 2363. Right to obtain  
        § 2364. Proceedings to obtain  
        § 2365. Time of suspension or granting of probation  
        § 2366. Conditions  
        § 2367. – Restitution; payment of evaded taxes

- § 2369. Duration
- § 2370. Operation and effect of decision
- § 2371. Supervision and discharge
- § 2372. Searches

- 73 A.L.R. 3d 1240, *Ability to Pay as Necessary Consideration in Conditioning Probation or Suspended Sentence Upon Reparation or Restitution*, Thomson West, 1976 (Also available on Westlaw).
- 46 A.L.R. 6<sup>th</sup> 241, *Propriety of Requirement, as Condition of Probation, That Defendant Refrain from Use of Intoxicants*, Thomson West, 2009 (Also available on Westlaw).

## **TEXTS & TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

## **Connecticut Treatises**

- LexisNexis Practice Guide: *Connecticut Criminal Law*, by Stephan E. Seeger, 2024-2025 ed., LexisNexis.
  - Chapter 9. Sentencing
    - Part II. Understanding Sentencing in Connecticut
    - 9.03. Understanding Potential Sentences
      - [1] General Sentencing Options
      - [2] Probation
      - [7] Alternate Incarceration
    - 9.04. Understanding the Pre-Sentence Investigation Report
    - 9.05. Preparing for and Appearing at the Sentencing Hearing
- *Connecticut Criminal Procedure*, by Elizabeth A. Latif, Connecticut Law Tribune, 2025.
  - Chapter 15. Sentencing
    - 15-4. Specific Sentencing Options
      - 15-4:4. Split Sentences: Conditional Discharge and Probation
    - 15-6. Probation
      - 15-6:1. Nature and Use of Probation
      - 15-6:2. Conditions of Probation
      - 15-6:3. Out of State Parolee Supervision
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.
  - Chapter 28. Criminal Law
    - Probation, p. 677-678
- 10 Connecticut Practice Series, *Criminal Law*, 2nd ed., by Hon. David P. Gold, Thomson West, 2007, with 2024-2025 supplement (also available on Westlaw).
  - Authors' Commentary for 53a-28, 53a-29, 53a-30 and 53a-31
- 4 Connecticut Practice Series, *Connecticut Criminal Procedure*, 4<sup>th</sup> ed., by Leonard Orland, et al., Thomson

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

West, 2008, with 2025-2026 supplement (also available on Westlaw).

Authors' Commentary for § 43-10

- *Connecticut Criminal Caselaw Handbook: A Practitioner's Guide*, by Joseph G. Bruckmann, G. Douglas Nash and Joette Katz, Connecticut Law Tribune, 1989, with 1992 supplement.
  - Chapter XXI. Sentencing and Probation
    - D. Probation (see main volume)
      - 1. Probation and Conditional Discharge (in supplement only)
      - 2. Intensive Probation (in supplement only)
  - *Connecticut Criminal Procedure*, by A. Paul Spinella, Atlantic Law Book Co., 1985, with 1996 supplement.
    - Chapter XI. Sentencing, Appeal and Collateral Relief
      - 1. Sentencing
      - E. Probation
        - (a) Nature and Use

## **General Treatises**

- *The Law of Probation and Parole*, 2nd ed., by Neil P. Cohen, Thomson West, 1999, with 2025 supplement (also available on Westlaw).
  - Chapter 1. Introduction to Probation and Parole
  - Chapter 2. Probation Granting: Eligibility, Limits of Discretion, and Factors Used in Probation Decisions
  - Chapter 3. Probation Granting: Due Process and Procedures
  - Chapter 7. Probation and Parole Conditions in General
  - Chapter 8. Specific Conditions of Probation and Parole: Obedience to the Law, Searches, Confinement, and Cooperation with Authorities
  - Chapter 9. -- Limits on Speech and Associational Rights
  - Chapter 10. --Restrictions on Movement and Employment Rights
  - Chapter 11. Payment of Restitution
  - Chapter 12. Specific Conditions of Probation and Parole
    - Payment of Family Support, Fines, and Costs
  - Chapter 13. --Requirements for Education, Treatment, and Counseling, and Restrictions on Drugs and Alcohol
  - Chapter 14. --Miscellaneous and Unusual Conditions
  - Chapter 15. Rescission of Probation and Parole
  - Chapter 17. Supervision of Persons on Probation or Parole
  - Chapter 29. Appeals and Other Remedies
- *1B Criminal Defense Techniques*, Robert M. Cipes, editor, Matthew Bender, 2025 (Also available on Lexis).

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

## Chapter 41. Criteria for the Imposition of a Probationary Sentence

### § 41.01. Introduction

- [1] Criminal Sanctions
- [2] Overview

### § 41.02. Type of Sentences

- [1] Availability of Probation
- [2] Purpose of Probation

### § 41.03. Qualifying for Probation

- [1] Restrictions
- [2] Factors for Consideration
  - [a] Danger to Community
  - [b] Pressure from Victim
  - [c] Plea v. Trial
  - [d] Prior History
  - [e] Restitution

### § 41.04. Defense Techniques at Sentencing

- [1] Duties of Counsel
- [2] Scrutinizing Reports for Accuracy
- [3] Alternative Presentence Reports
- [4] Alternative Punishment

### § 41.05. Post-Conviction Alternatives

### § 41.06. Presentence Reports

### § 41.07. Probation Under the Federal Sentencing Guidelines

- [1] Federal Sentencing Guidelines – Overview
- [2] Sentencing Table
- [3] Federal Sentencing Alternatives
- [4] Substantial Assistance to Authorities
- [5] Summation

### § 41.08. Conclusion

- 2 *Criminal Defense Techniques*, Robert M. Cipes, editor, Matthew Bender, 2025 (Also available on Lexis).

## Chapter 47. Probation, Parole and Other Forms of Conditional Release

### § 47.01. Introduction

### § 47.02. Nature of Conditional Release

### § 47.03. Decision to Grant or Deny Probation

- [1] Nature of Probation
- [2] Mechanics of Imposition of Probation
- [3] Eligibility for Probation
- [4] Decision to Grant Probation
  - [a] Limits on Discretion
    - [i] Presumptive Sentences
    - [ii] Guidelines
    - [iii] Statutory Criteria
  - [b] The Decision Process
    - [i] Presentence Investigation and Report
    - [ii] Discretion Must Be Exercised
    - [iii] Factors That Can Be Considered
    - [iv] Statutory Factors

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References to online databases refer to in-library use of these databases. Remote access is not available.

#### § 47.04. Conditions of Probation

- [1] Introduction
- [2] Challenges to Conditions
- [3] General Limitations on Conditions of Probation
  - [a] Authorized by Statute
  - [b] The Condition Must Be Imposed by the Court
  - [c] Condition Must Be Capable of Performance
  - [d] Must Be Related to Past or Future Criminal Conduct
- [4] Restrictions on Constitutional Rights
  - [a] Restrictions on First Amendment Rights
    - [i] The Freedom to Travel
    - [ii] Freedom of Association
    - [iii] Freedom of Religion
  - [b] Due Process Rights
    - [i] Restriction on Employment
    - [ii] Void for Vagueness
    - [iii] Orders to Pay Money
      - [A] Restitution
      - [B] Orders to Pay Money to Entities Other Than the Victim of the Crime
  - [c] Privacy Rights
  - [d] Fourth Amendment Rights
- [5] Periods of Incarceration as Condition of Probation
- [6] Notice of Conditions
- [7] Amendment of Conditions

- *Criminal Defense Tools and Techniques*, by Thomas J. Farrell, James Publishing, 2024.

Chapter 23. Probation, Parole & Other Post-Release Supervision

##### I. General Points

- A. Probation and Supervised Release
  - § 23:01. The Different Ways to Be Placed on Probation
  - § 23:02. Supervised Release

##### II. Conditions of Probation and Parole

- A. Standard Conditions
  - § 23:20. The Imposition of Conditions
  - § 23:21. Limits on Conditions
  - § 23:22. Restitution as a Condition
  - § 23:23. Searches
  - § 23:24. Drug Testing
  - § 23:25. DNA Samples

##### B. Special Conditions

- § 23:30. Creative Conditions
- § 23:31. Seek Clarification of Unreasonable Conditions
- § 23:32. Propose Alternatives
- § 23:33. Attacking Conditions

##### III. Communications with Parole or Probation Officer

- § 23:40. Requirement to Answer Truthfully

- § 23:41. Representation Before Revocation Proceedings Have Begun
- § 23:42. Representation After Revocation Proceedings Have Begun
- V. Early Termination of Probation
- § 23:60. Motions for Early Termination
- § 23:61. Preparing for the Motion

- *Law of Sentencing*, 3<sup>rd</sup> ed, by Arthur W. Campbell, Thomson West, 2004, with 2025 supplement (also available on Westlaw).
  - Chapter 5. Probation Sentences
    - § 5:1. Generally
    - § 5:2. Grant or denial
    - § 5:3. Conditions, generally
    - § 5:4. – Permissible
    - § 5:5. – Impermissible
    - § 5:6. Length of term

**LAW REVIEWS:**

Public access to law review databases is available on-site at each of our [law libraries](#).

- *A Trial Judge's Freedom and Responsibility in Administering Probation*, 71 *Yale L. J.* 551 (1962).
- Charles W. Webster, [The Evolution of Probation in American Law](#), 1 *Buffalo Law Review* 249, issue 3 (1952)
- Richard A. Chappel, [Courts Interpret the Federal Probation Act](#), 29 *Am. Inst. Crim. L. & Criminology*, 708, issue 5 (1939).

Table 1: Conditions of Probation

Conditions of Probation – CGS <a href="#">53a-30(a)</a>	
When imposing sentence of probation or conditional discharge, the court may, as a condition of the sentence, order that the defendant:	
Subsection (1)	Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip the defendant for suitable employment;
Subsection (2)	undergo medical or psychiatric treatment and remain in a specified institution, when required for that purpose;
Subsection (3)	support the defendant's dependents and meet other family obligations;
Subsection (4)	make restitution of the fruits of the defendant's offense or make restitution, in an amount the defendant can afford to pay or provide in a suitable manner, for the loss or damage caused thereby. The court or the Court Support Services Division, if authorized by the court, may fix the amount thereof and the manner of performance, and the victim shall be advised by the court or the Court Support Services Division that restitution ordered under this section may be enforced pursuant to section 53a-28a;
Subsection (5)	if a minor, (A) reside with the minor's parents or in a suitable foster home, (B) attend school, and (C) contribute to the minor's own support in any home or foster home;
Subsection (6)	post a bond or other security for the performance of any or all conditions imposed;
Subsection (7)	refrain from violating any criminal law of the United States, this state or any other state;
Subsection (8)	if convicted of a misdemeanor or a felony, other than a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57 or 53a-58 or any offense for which there is a mandatory minimum

	sentence which may not be suspended or reduced by the court, and any sentence of imprisonment is suspended, participate in an alternate incarceration program;
Subsection (9)	reside in a residential community center or halfway house approved by the Commissioner of Correction, and contribute to the cost incident to such residence;
Subsection (10)	participate in a program of community service labor in accordance with section 53a-39c;
Subsection (11)	participate in a program of community service in accordance with section 51-181c;
Subsection (12)	if convicted of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b, undergo specialized sexual offender treatment;
Subsection (13)	if convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as defined in section 54-250, or of a felony that the court finds was committed for a sexual purpose, as provided in section 54-254, register such person's identifying factors, as defined in section 54-250, with the Commissioner of Emergency Services and Public Protection when required pursuant to section 54-251, 54-252 or 54-253, as the case may be;
Subsection (14)	be subject to electronic monitoring, which may include the use of a global positioning system;
Subsection (15)	if convicted of a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias or diversity awareness program or participate in a program of community service designed to remedy damage caused by the commission of a bias crime or otherwise related to the defendant's violation;
Subsection (16)	if convicted of a violation of section 53-247, undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the defendant; or

Subsection (17)	satisfy any other conditions reasonably related to the defendant's rehabilitation.
Conn. Gen. Stat. § <a href="#">17a-699</a> (c). Order of treatment for alcohol or drug dependency of convicted person.	The court may, after imposing sentence . . . (2) impose a period of probation as provided in this section and subsections (b) and (c) of section 53a-28, and (3) as a condition of probation, order the Court Support Services Division to place the person in an appropriate treatment program for alcohol or drug dependency. The court may require that a probation officer have at least one contact per week with the treatment program in which the person is participating and at least one contact per week with the person when such person is not participating in an inpatient program. Placement in a treatment program shall be no earlier than the date that space is available in a treatment program as reported by the clinical examiner under section 17a-694.
You can visit your local law library or search the most recent <a href="#">statutes</a> and <a href="#">public acts</a> on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.	

Table 2: Warrantless Searches and Probationers

<p style="margin: 0;"><b>Warrantless Searches and Probationers</b></p> <p style="margin: 0;"><u><a href="#">State v. Romero</a></u>, 199 Conn. App. 39, 53–54, 235 A.3d 644, cert. denied, 335 Conn. 955, 238 A.3d 731 (2020).</p>
<p>“Although the defendant in the present case argues that the search of his hotel room violated his rights under the state constitution, he failed to provide an independent analysis of whether article first, § 7, of the Connecticut constitution provides probationers with greater protection from warrantless searches than provided by the fourth amendment. See <u><a href="#">State v. Geisler</a></u>, <i>supra</i>, 222 Conn. at 684–85, 610 A.2d 1225 (setting forth appropriate factors to address whether ‘the protections afforded to the citizens of this state by our own constitution go beyond those provided by the federal constitution, as that document has been interpreted by the United States Supreme Court’ (internal quotation marks omitted)). As such, the holdings of <u><a href="#">Knights</a></u> and <u><a href="#">Moore</a></u> govern our analysis of whether the warrantless search of the defendant’s hotel room was unreasonable and, thus, in violation of article first, § 7, of the Connecticut constitution.</p> <p>As in <i>Moore</i>, a standard condition of the defendant’s probation was that he ‘[s]ubmit to a search of [his] person, possessions, vehicle or residence when the [p]robation [o]fficer has a reasonable suspicion to do so.’ See <u><a href="#">State v. Moore</a></u>, <i>supra</i>, 112 Conn. App. at 574, 963 A.2d 1019. The defendant signed the conditions of his probation, thereby manifesting an understanding of and assent to those conditions. The defendant’s probation search condition diminished his reasonable expectation of privacy and furthered the state’s dual interests in facilitating the defendant’s rehabilitation and protecting society from any future criminal violations by him. See <u><a href="#">United States v. Knights</a></u>, <i>supra</i>, 534 U.S. at 119–20, 122 S.Ct. 587; <i>State v. Smith</i>, <i>supra</i>, 207 Conn. at 174, 540 A.2d 679. Furthermore, there is no requirement in the defendant’s probation search condition that a warrant be procured before a search is conducted of his ‘person, possessions, vehicle or residence ....’ See also <u><a href="#">United States v. Knights</a></u>, <i>supra</i>, at 121, 122 S.Ct. 587 (dispensing with fourth amendment warrant requirement for searches of probationers who are subject to search condition and when there is reasonable suspicion). Accordingly, the defendant could reasonably be subjected to a search of his residence and possessions when a probation officer had reasonable suspicion that he was violating conditions of his probation. ‘The reasonable suspicion standard requires no more than that the authority acting ... be able to point to specific and articulable facts that, taken together with rational inferences from those facts, reasonably warrant a belief ... that a condition of [probation] has been or is being violated.’ (Internal quotation marks omitted.) <u><a href="#">State v. Moore</a></u>, <i>supra</i>, 112 Conn. App. at 574, 963 A.2d 1019. For the reasons that follow, we conclude that Granatek and Nordstrom possessed sufficient reasonable suspicion to conduct their search of the defendant’s hotel room.”</p>

# Section 2: Modification of Probation

A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to the modification of probation in Connecticut.

## DEFINITIONS:

- “At any time during the period of probation or conditional discharge, after hearing and for good cause shown, **the court may modify or enlarge the conditions**, whether originally imposed by the court under this section or otherwise, and **may extend the period**, provided the original period with any extensions shall not exceed the periods authorized by section 53a-29. The court shall cause a copy of any such order to be delivered to the defendant and to the probation officer, if any.” Conn. Gen. Stat. § [53a-30\(c\)](#) (2025). (Emphasis added.)
- “The meaning of the term ‘modify’ is to make less extreme. Merriam-Webster’s Collegiate Dictionary (11th Ed. 2011). The meaning of the term ‘enlarge’ is to expand or make larger in scope. . . Thus, in context, modify must mean the opposite of enlarge, meaning that the court is empowered to reduce or lessen the conditions or period of probation.” [State v. Obas](#), 147 Conn. App. 465, 482, 83 A. 3d 674 (2014); affirmed 320 Conn. 426 (2016).
- “A sentence to a period of probation or conditional discharge in accordance with sections 53a-29 to 53a-34, inclusive, shall be deemed a revocable disposition, in that such sentence shall be tentative to the extent that **it may be altered or revoked** in accordance with said sections but for all other purposes it shall be deemed to be a final judgment of conviction.” Conn. Gen. Stat. § [53a-28](#)(d) (2025).

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2025)
  - Chapter 319j – Addiction Services
    - § [17a-700](#). Completion of treatment program by convicted person.
    - § [17a-701](#). Modification of sentence or terms of probation prior to completion of treatment program by convicted person.
  - Chapter 952 – Penal Code Offenses
    - § [53a-28](#)(d). Authorized sentences.
    - § [53a-30\(c\)](#). Conditions of probation and conditional discharge.

## **PUBLICATIONS:**

- [Probationer Handbook: Key to Your Success](#) – State of Connecticut Judicial Branch – Court Support Services Division, JDP-AP-136 (Rev 2/25)

## **COURT RULES:**

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2025)  
[Chapter 43](#). Sentencing, Judgment and Appeal  
§ 43-29A. Notice of Motions to Modify or Enlarge Conditions of Probation or Conditional Discharge or Terminate Conditions of Probation or Conditional Discharge

## **CODE OF EVIDENCE:**

- Official 2000 Connecticut Code of Evidence (2023 ed.)  
§ [1-1](#). Short Title. Application.  
(d) The Code inapplicable. "The Code, other than with respect to privileges, does not apply in . . . (4) Proceedings involving probation."

## **FORMS:**

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- Probation/Conditional Discharge Motion, [JD-CR-59](#), rev. 11-14

## **CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [State v. Baldwin](#), 183 Conn. App. 167, 174, 191 A.3d 1096 (2018). "Section 53a-30 (c) authorizes a court to modify the terms of probation for 'good cause.' *State v. Obas*, 147 Conn. App. 465, 482, 83 A.3d 674 (2014), aff'd, 320 Conn. 426, 130 A.3d 252 (2016). 'It is well settled that the denial of a motion to modify probation will be upheld so long as the trial court did not abuse its discretion....'"
- [State v. Denya](#), 294 Conn. 516, 528-29, 986 A.2d 260, 267 (2010). "Indeed, 'courts have continuing jurisdiction to fashion a remedy appropriate to the vindication of a prior . . . judgment . . . pursuant to [their] inherent powers . . . [Thus] [w]hen an ambiguity in the language of a prior judgment has arisen as a result of postjudgment events . . . a trial court may, at any time, exercise its continuing jurisdiction to effectuate its prior [judgment] . . . by interpreting [the] ambiguous judgment and entering orders to effectuate the judgment as interpreted . . . In cases in which execution of the original judgment occurs over a period of years, a motion for clarification is an appropriate procedural vehicle to ensure that the original judgment is properly effectuated. . . . Motions for clarification may not, however, be used to modify or to alter the substantive terms of a prior judgment . . . and we look to the substance of the relief sought by the motion rather than the form to determine whether a motion is properly characterized as one seeking a clarification or a modification.' (Citations

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

omitted; internal quotation marks omitted.) *Mickey v. Mickey*, *supra*, 292 Conn. at 604-605; cf. *Rome v. Album*, 73 Conn. App. 103, 109, 807 A.2d 1017 (2002) ('[when] the movant's request would cause a substantive modification of an existing judgment, a motion to open or set aside the judgment would normally be necessary')."

- *State v. Lawrence*, 281 Conn. 147, 154, 913 A.2d 428 (2007). "It is well established that under the common law a trial court has the discretionary power to modify or vacate a criminal judgment before the sentence has been executed. . . . This is so because the court loses jurisdiction over the case when the defendant is committed to the custody of the commissioner of correction and begins serving the sentence. . . . *Id.*, 431-32. There are a limited number of circumstances in which the legislature has conferred on the trial courts continuing jurisdiction to act on their judgments after the commencement of sentence . . . . See, e.g., General Statutes §§ 53a-29 through 53a-34 (permitting trial court to modify terms of probation after sentence is imposed) . . . . Without a legislative or constitutional grant of continuing jurisdiction, however, the trial court lacks jurisdiction to modify its judgment. *State v. Luzietti*, *supra*, 230 Conn. 431.' (Internal quotation marks omitted.) *State v. Lawrence*, *supra*, 91 Conn. App. 769-71."
- *State v. Armstrong*, 86 Conn. App. 657, 663-64, 862 A.2d 348 (2004). "The defendant argues nevertheless that Chubbuck derived authority from § 53a-30 essentially to vitiate a court-ordered special condition of the defendant's probation. But that argument fails to grasp the distinction between subsections (b) and (c) of § 53a-30. Subsection (c) concerns 'special conditions of probation originally imposed by the court under this section or otherwise .... Under this subsection, any change that would *modify* or *enlarge* the conditions that the court originally imposed as part of its sentence must be done by the court itself after hearing and for good cause shown ....' (Emphasis in original; internal quotation marks omitted.) *State v. Johnson*, 75 Conn. App. 643, 651, 817 A.2d 708 (2003). 'Conditions authorized to be enlarged or modified under § 53a-30(c) are part of a judgment imposed by the sentencing court ....' *Id.*, at 651-52. Because the sentencing court in this case ordered as a special condition of the defendant's probation that a positive drug test would result in a probation violation, the court alone was authorized to 'modify or enlarge' that condition.

As for § 53a-30(b), it 'permits the office of adult probation, once a defendant has been sentenced, to require that the defendant comply with any or all conditions which the court *could have* imposed under § 53a-30(a) that are not inconsistent with any condition

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imposed by the court.' (Emphasis in original; internal quotation marks omitted.) *State v. Johnson*, supra, 75 Conn. App. 651. Under that section, Chubbuck could have required the defendant to comply with any of the sixteen conditions listed in subsection (a), including those not expressly ordered by the court at the defendant's sentencing hearing. See, e.g., *State v. Thorp*, 57 Conn. App. 112, 117-18, 747 A.2d 537 (determining that § 53a-30(b) authorized office of adult probation to require probationer convicted of sexual assault to receive sex offender treatment, even though sentencing judge had not imposed such condition), cert. denied, 253 Conn. 913, 754 A.2d 162 (2000). But Chubbuck could not enter into an agreement with the defendant such that the positive drug test in Massachusetts could not be used to revoke probation, as such an agreement would have been in direct contradiction to the condition imposed by the sentencing court that a positive drug test would result in a probation violation. See General Statutes § 53a-30(b)."

**WEST KEY NUMBERS:**

- *Sentencing & Punishment 1800 – 2041*  
IX. Probation and Related Dispositions  
(F) Disposition of Offender  
1949. Modification of term  
1950. – In general  
1951. – Grounds  
1952. – Extent of modification  
(G) Conditions of Probation  
1984. Modification of terms and conditions  
1985. – In general  
1986. – Grounds and considerations  
1987. – Particular cases

**DIGESTS:**

- *Digest of Decisions Connecticut 2d*, by Emily J. Lebovitz, State of Connecticut, 1990, with 1992 supplement.  
*Criminal Law and Procedure*  
79. Punishment; Sentence  
85. – Suspension; Probation; Parole; Pardon  
86. - - In General  
87. - - Particular Cases
- *ALR Digest: Sentencing and Punishment*  
IX. Probation and Related Dispositions  
G. Conditions of Probation  
1984. Modification of terms and conditions  
1986. – Grounds and considerations

**ENCYCLOPEDIAS:**

- 21A *Am Jur 2d Criminal Law*, Thomson West, 2016 (Also available on Westlaw).  
F. Vacation, Amendment, Modification, and Resentence  
1. In General  
    § 831. Generally  
    § 832. Increase

- § 833. Reduction
- § 834. Where original sentence was illegal
- § 835. Correction of formal or clerical errors

- 24 CJS Criminal Procedure and Rights of Accused, Thomson West, 2016 (Also available on Westlaw).
  - I. Probation and Suspension of Sentence
    - 1. In General
    - § 2368. - Modification

## **TEXTS & TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

## **Connecticut Treatises**

- *Connecticut Criminal Caselaw Handbook: A Practitioner's Guide*, by Joseph G. Bruckmann, G. Douglas Nash and Joette Katz, Connecticut Law Tribune, 1989, with 1992 supplement.
  - Chapter XXI. Sentencing and Probation
  - D. Probation (see main volume)
    - 1. Probation and Conditional Discharge (in supplement only)
    - 2. Intensive Probation (in supplement only)
- 10 Connecticut Practice Series, *Criminal Law*, 2nd ed., by Hon. David P. Gold, Thomson West, 2007, with 2024-2025 supplement (also available on Westlaw).
  - Authors' Commentary for 53a-28 and 53a-30

## **General Treatises**

- 2 *Criminal Defense Techniques*, Robert M. Cipes, editor, Matthew Bender, 2025.
  - Chapter 47. Probation, Parole and Other Forms of Conditional Release
    - § 47.04. Conditions of Probation
    - [7] Amendment of Conditions
- *The Law of Probation and Parole*, 2nd ed., by Neil P. Cohen, Thomson West, 1999, with 2025 supplement (also available on Westlaw).
  - Chapter 16. Modification of Probation or Parole

# Section 3: Violation/Revocation of Probation

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to the violation and revocation of probation in Connecticut.

**DEFINITIONS:**

- "Violation of Probation: Action or inaction that disobeys a condition of probation." [Common Legal Words](#), CT Judicial Branch.
- "The purpose of probation revocation proceedings is to determine whether a probationer is complying with the conditions of his probation." [Payne v. Robinson](#), 207 Conn. 565, 571, 541 A.2d 504 (1988), cert. denied, 488 U.S. 898, 109 S.Ct. 242, 102 L.Ed.2d 230 (1988).
- "'Probation itself is a conditional liberty and a privilege that, once granted, is a constitutionally protected interest.... The revocation proceeding must comport with the basic requirements of due process because termination of that privilege results in a loss of liberty.... [T]he minimum due process requirements for revocation of [probation] include written notice of the claimed [probation] violation, disclosure to the [probationer] of the evidence against him, the opportunity to be heard in person and to present witnesses and documentary evidence, the right to confront and cross-examine adverse witnesses in most instances, a neutral hearing body, and a written statement as to the evidence for and reasons for [probation] violation.' ...[State v. Shuck](#), 112 Conn. App. 407, 409, 962 A.2d 900 (2009). 'Despite that panoply of requirements, a probation revocation hearing does not require all of the procedural components associated with an adversarial criminal proceeding.' ...[State v. Barnes](#), supra, 116 Conn. App. 79." [State v. Altajir](#), 123 Conn. App. 674, 682, 2 A.3d 1024 (2010), aff'd, 303 Conn. 304, 33 A.3d 193 (2012).
- "A sentence to a period of probation or conditional discharge in accordance with sections 53a-29 to 53a-34, inclusive, shall be deemed a revocable disposition, in that such sentence shall be tentative to the extent that it may be altered or revoked in accordance with said sections but for all other purposes it shall be deemed to be a final judgment of conviction." Conn. Gen. Stat. § [53a-28\(d\)](#) (2025)

**ADDITIONAL INFORMATION:**

- **Warrant/Notice**  
"At any time during the period of probation or conditional discharge, the court or any judge thereof may issue a warrant for the arrest of a defendant for violation of any of the conditions of probation or conditional discharge, or may issue a notice to appear to answer to a charge of such

violation, which notice shall be personally served upon the defendant. Whenever a probation officer has probable cause to believe that a person on probation who is a serious firearm offender has violated a condition of probation, or knows that a person on probation for a felony conviction has been arrested for the commission of a serious firearm offense, such probation officer shall apply to the court or any judge thereof for a warrant for the arrest of such person for violation of a condition or conditions of probation or conditional discharge. Any such warrant shall authorize all officers named therein to return the defendant to the custody of the court or to any suitable detention facility designated by the court. Whenever a probation officer has probable cause to believe that a person has violated a condition of such person's probation, such probation officer (1) may notify any police officer that such person has, in such officer's judgment, violated the conditions of such person's probation, and (2) shall notify such police officer if such person is a serious firearm offender or is on probation for a felony conviction and has been arrested for the commission of a serious firearm offense. Such notice shall be sufficient warrant for the police officer to arrest such person and return such person to the custody of the court or to any suitable detention facility designated by the court." Conn. Gen. Stat. § [53a-32\(a\)](#) (2025).

- **Victim Notification**

"Whenever a probation officer so notifies a police officer, the probation officer shall notify the victim of the offense for which such person is on probation, and any victim advocate assigned to assist the victim, provided the probation officer has been provided with the name and contact information for such victim or victim advocate." Conn. Gen. Stat. § [53a-32\(a\)](#) (2025).

- **Statement as Warrant**

"Any probation officer may arrest any defendant on probation without a warrant or may deputize any other officer with power to arrest to do so by giving such other officer a written statement setting forth that the defendant has, in the judgment of the probation officer, violated the conditions of the defendant's probation. Such written statement, delivered with the defendant by the arresting officer to the official in charge of any correctional center or other place of detention, shall be sufficient warrant for the detention of the defendant. After making such an arrest, such probation officer shall present to the detaining authorities a similar statement of the circumstances of violation. Except as provided in subsection (e) of this section, provisions regarding release on bail of persons charged with a crime shall be applicable to any defendant arrested under the provisions of this section. Upon such

arrest and detention, the probation officer shall immediately so notify the court or any judge thereof." Conn. Gen. Stat. § [53a-32\(a\)](#) (2025).

- **Arraignment**

"When the defendant is presented for arraignment on the charge of violation of any of the conditions of probation or conditional discharge, the court shall review any conditions previously imposed on the defendant and may order, as a condition of the pretrial release of the defendant, that the defendant comply with any or all of such conditions in addition to any conditions imposed pursuant to section 54-64a. Unless the court, pursuant to subsection (c) of section 54-64a, orders that the defendant remain under the supervision of a probation officer or other designated person or organization, the defendant shall be supervised by the Court Support Services Division of the Judicial Branch in accordance with subsection (a) of section 54-63b." Conn. Gen. Stat. § [53a-32\(b\)](#) (2025).

- **Hearing**

"Upon notification by the probation officer of the arrest of the defendant or upon an arrest by warrant as herein provided, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charges. At such hearing the defendant shall be informed of the manner in which such defendant is alleged to have violated the conditions of such defendant's probation or conditional discharge, shall be advised by the court that such defendant has the right to retain counsel and, if indigent, shall be entitled to the services of the public defender, and shall have the right to cross-examine witnesses and to present evidence in such defendant's own behalf. Unless good cause is shown, a charge of violation of any of the conditions of probation or conditional discharge shall be disposed of or scheduled for a hearing not later than one hundred twenty days after the defendant is arraigned on such charge, except, if the defendant is a serious firearm offender, or is on probation for a felony conviction and has been arrested for the commission of a serious firearm offense, such charge shall be disposed of or scheduled for a hearing not later than sixty days after the defendant is arraigned on such charge." Conn. Gen. Stat. § [53a-32\(c\)](#) (2025).

- **Conditions set by the Court**

"If such violation is established and the violation consisted of the commission of a serious firearm offense or the defendant is a serious firearm offender, the court shall revoke the sentence of probation or conditional discharge, otherwise, the court may: (1) Continue the sentence of probation or conditional discharge; (2) modify or enlarge the conditions of probation or conditional discharge; (3) extend the period

of probation or conditional discharge, provided the original period with any extensions shall not exceed the periods authorized by section 53a-29; or (4) revoke the sentence of probation or conditional discharge. If such sentence is revoked, the court shall require the defendant to serve the sentence imposed or impose any lesser sentence. Any such lesser sentence may include a term of imprisonment, all or a portion of which may be suspended entirely or after a period set by the court, followed by a period of probation with such conditions as the court may establish." Conn. Gen. Stat. § [53a-32\(d\)](#) (2025).

- **Evidence**

"No such revocation shall be ordered, except upon consideration of the whole record and unless such violation is established by the introduction of reliable and probative evidence and by a preponderance of the evidence." Conn. Gen. Stat. § [53a-32\(d\)](#) (2025).

- **Interruption of Sentence**

"The issuance of a warrant or notice to appear, or an arraignment following an arrest without a warrant, for violation pursuant to section 53a-32 shall interrupt the period of the sentence until a final determination as to the violation has been made by the court." Conn. Gen. Stat. § [53a-31\(b\)](#) (2025).

- Conn. Gen. Stat. (2025)

**STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

[Chapter 319j](#). Addiction Services

§ [17a-699](#). Order of treatment for alcohol or drug dependency of convicted person. "(f) Any violation of conditions set under this section shall be a violation of probation under section 53a-32."

[Chapter 952](#). Penal Code: Offenses

§ [53a-28](#) (d), (e), (f). Authorized sentences.

§ [53a-32](#). Violation of probation or conditional discharge. Notice to victim or victim advocate. Arrest. Pretrial release conditions and supervision. Hearing. Disposition.

§ [53a-32a](#). Violation of probation by certain sexual offenders.

§ [53a-33](#). Termination of probation or conditional discharge.

§ [53a-172](#) (a)(2). Failure to appear in the first degree: Class D felony.

§ [53a-173](#) (a)(2). Failure to appear in the second degree: Class A misdemeanor.

[Chapter 961](#). Trial and Proceedings After Conviction

§ [54-108c](#). Availability of information on outstanding arrest warrants for probation violations.

**PUBLICATIONS:**

- [Probationer Handbook: Key to Your Success](#) – State of Connecticut Judicial Branch – Court Support Services Division, JDP-AP-136 (Rev 2/25)

**LEGISLATIVE:**

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- *Violation of Probation*, Benjamin H. Hardy, Research Analyst, Connecticut General Assembly, Office of Legislative Research Report, [1999-R-0571](#) (April 30, 1999).

**COURT RULES:**

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2025)  
[Chapter 43](#). Sentencing, Judgment and Appeal
  - § 43-10. Sentencing Hearing; Procedures to Be Followed
  - § 43-29. Revocation of Probation
  - § 43-29A. Notice of Motions to Modify or Enlarge Conditions of Probation or Conditional Discharge or Terminate Conditions of Probation or Conditional Discharge

[Chapter 44](#). General Provisions

§ 44-1. Right to Counsel; Appointment in Specific Instances

**CODE OF EVIDENCE:**

- Official 2000 Connecticut Code of Evidence (2023 ed.)  
§ [1-1](#). Short Title. Application.  
(d) The Code inapplicable. "The Code, other than with respect to privileges, does not apply in . . . (4) Proceedings involving probation."

[§ 1-1 Commentary](#)

"(d) The Code inapplicable. Subsection (d) specifically states the proceedings to which the Code, other than with respect to evidentiary privileges, is inapplicable. . . The removal of these matters from the purview of the Code generally is supported by case law, the General Statutes or the Practice Book. They include: . . (4) hearings involving the violation of probation conducted pursuant to General Statutes § 53a-32 (a); *State v. White*, 169 Conn. 223, 239-40, 363 A.2d 143, cert. denied, 423 U.S. 1025, 96 S. Ct. 469, 46 L. Ed. 2d 399 (1975); *In re Marius M.*, 34 Conn. App. 535, 536, 642 A.2d 733 (1994)."

## **FORMS:**

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- Probation/Conditional Discharge Motion, [JD-CR-59](#).
- 1 *Connecticut Criminal Legal Forms*, by Richard M. Marano, Atlantic Law Book Co., 1999.  
Memorandum of Law in Opposition to Revocation of the Defendant's Probation, p. 397.
- 3 *Complete Manual of Criminal Forms*, by F. Lee Bailey and Hon. Kenneth J. Fishman, Thomson West, 1993, with 2024 supplement (also available on Westlaw).  
Chapter 97. Pleadings and Orders Relating to the Sentence  
§ 97:11. Petition for revocation of probation – Federal  
§ 97:11.10. Memorandum of law in support of motion to dismiss probation violations – Destruction of evidence – Lack of evidence – State – Massachusetts

## **CASES:**

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- See [Table 3: Adjudicatory Phase – Revocation of Probation](#)
- See [Table 4: Dispositional Phase – Revocation of Probation](#)

### **Connecticut Supreme Court:**

- [State v. Dudley](#), 332 Conn. 639, 212 A3d 1268 (2019). "In April, 2016, the defendant filed another petition, this time seeking erasure of the 2012 finding that he had violated his probation. The defendant argued that, because his 2012 marijuana conviction had been erased from his record, no conviction any longer supported the violation of probation finding. The trial court denied the defendant's motion, reasoning that 'you don't need any conviction to violate your probation.... [It] is a standard condition of probation that you not violate any laws of the United States or any other state, so the conviction, whether there is in fact a conviction or not, isn't necessary.'" (p. 644)

"The defendant first argues that the finding that he violated his probation is a 'record' that qualifies for erasure under § 54-142d because his conviction of possession of less than one-half of an ounce of marijuana, on which the violation was premised, has since been decriminalized. Because his decriminalized conduct is now classified as a minor civil violation, and not as a misdemeanor, the defendant argues that it also can no longer serve as the basis for the violation of probation finding. Thus, according to the defendant, the violation of probation finding 'pertains to' his conviction of possession of marijuana, and, therefore, the court must order erasure.

The state responds that the erasure statute applies only to records pertaining to the criminal case in which the defendant was convicted of an offense later decriminalized.

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The state contends that the violation of probation proceeding did not 'pertain to' that criminal case but was, in fact, a separate civil proceeding. We agree with the state." (pp. 646-647)

" . . . it is well established that a probation revocation proceeding is not a criminal proceeding but is instead more 'akin to a civil proceeding.' *State v. Davis*, 229 Conn. 285, 295, 641 A.2d 370 (1994)." (p. 648)

- *State v. Kelley*, 326 Conn. 731, 167 A3d 961 (2017). "The statutes governing probation establish that the timely issuance of an arrest warrant for a probation violation interrupts the running of the sentence, and the sentence remains interrupted until the court resolves the violation charge. Specifically, under § 53a-31 (a), when a defendant's sentence of probation follows a period of incarceration, probation commences on the day of the inmate's release from incarceration and generally continues until its scheduled expiration under the terms of the original sentence imposed by the trial court. The running of the probation sentence may be 'interrupt[ed],' however, under certain circumstances. General Statutes § 53a-31 (b). One such circumstance is when a probationer violates one of the conditions of his probation and an arrest warrant is issued for that violation under General Statutes § 53a-32. In that circumstance, § 53a-32 (a) allows the probation officer to obtain an arrest warrant, which must be obtained during the period of the defendant's probation sentence. Under § 53a-31 (b), the issuance of such a warrant automatically triggers an 'interrupt[ion]' of the probation sentence, essentially tolling the sentence until the violation charge is adjudicated." (pp. 736-737)

"During the interruption, the defendant must comply with the conditions of probation imposed by his original sentence, even though he is not serving his probation sentence while the violation charge is pending. General Statutes § 53a-31 (c). At the violation hearing, if a violation of probation is established, the trial court has the option of simply continuing the term of probation, which would resume the running of the probation sentence, or imposing other penalties, including a revocation of the defendant's probation. General Statutes § 53a-32 (d)." (p. 737)

"Given the valid interruption of the sentence from December, 2009, until the trial court's resolution of the violation charge in May, 2014, the defendant's probation did not expire in September, 2013, as originally scheduled. In fact, more than three years still remained on his probation sentence as of the resolution of the violation charge in May, 2014. Because his probation had not yet expired, the trial court did not lose subject matter

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jurisdiction to conduct the probation violation hearing and revoke the defendant's probation in May, 2014.

Accordingly, the trial court's revocation of probation and institution of the defendant's original suspended sentence was proper, and we reject the defendant's argument that the trial court lacked subject matter jurisdiction over his probation violation proceeding." (p. 738)

"The legislative history surrounding P.A. 08-102, § 7, unequivocally demonstrates that the legislature did not intend for a failure to comply with the 120 day limit to carry any consequences affecting the defendant's probation sentence. During the floor debate in the House of Representatives, Representative Michael P. Lawlor explained the extent to which noncompliance with the 120 day provision was intended to have consequences. He stated, 'this is basically a *guideline, goal*,' and, consequently, 'there may be circumstances . . . [that] require an extension of time . . . .' (Emphasis added.) 51 H.R. Proc., Pt. 13, 2008 Sess., p. 4225. 'There would be *no right of the defendant to have a hearing in [120] days under this . . .*' (Emphasis added.) Id. He reiterated that '[t]here may be circumstances [that] the court can deal with on a case-by-case basis . . . [that require] an extension of that period of time . . . .' Id., p. 4226." (p. 740)

"The legislative history is thus devoid of any indication that the legislature intended the 120 day limit to have any consequences affecting the length of a defendant's probation. Trial judges should, of course, diligently seek to comply with the time limitation or find on the record good cause for delaying resolution of a violation charge. We conclude, however, that exceeding the 120 day limit, even without a finding of good cause, does not impact the interruption of a probation sentence under § 53a-31 (b). We therefore reject the defendant's argument that a trial court's failure to comply with this time limit impacts the running of his probation sentence." (p. 741)

- [State v. Victor O.](#), 320 Conn. 239, 258 n.21, 128 A.3d 940 (2016). "Thus, for a violation that occurs on the final day of the defendant's special parole term, the defendant would be exposed to one day of incarceration. Special parole, therefore, exposes a defendant to a decreasing period of incarceration as the term of special parole is served. On the other hand, when a defendant violates his probation, the court may revoke his probation, and, if revoked, 'the court shall require the defendant to serve the sentence imposed or impose any lesser sentence.'... Accordingly, if [a] defendant ... violate[s] his probation on the final day of [the probationary] term, he would be exposed to the full suspended sentence of ... incarceration [whatever that sentence may be]. Thus, in contrast to a term of special

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parole, the defendant is exposed to incarceration for the full length of the suspended sentence, with no decrease in exposure as the probationary period is served, for the entirety of the probationary period.” (Citation omitted; footnote omitted.) *State v. Tabone*, supra, 292 Conn. 429.”

- [State v. Altajir](#), 303 Conn. 304, 315, 33 A3d 193 (2012). “In this exercise of broad discretion, however, the trial court must continue to comport with the requirements of due process. The United States Supreme Court has recognized that ‘[b]oth the probationer . . . and the [s]tate have interests in the accurate finding of fact and the informed use of discretion – the probationer . . . to insure that his liberty is not unjustifiably taken away and the [s]tate to make certain that it is neither unnecessarily interrupting a successful effort at rehabilitation nor imprudently prejudicing the safety of the community.’ *Gagnon v. Scarpelli*, 411 U.S. 778, 785, 93 S. Ct. 1756, 36 L. Ed. 2d 656 (1973) . . .”
- [Payne v. Robinson](#), 207 Conn. 565, 541 A.2d 504 (1988), cert. denied, 488 U.S. 898, 109 S. Ct. 242, 102 L.Ed.2d 230 (1988). “We granted certification of the petitioner’s appeal from the Appellate Court to consider the following issue: Under what circumstances, if any, does the exclusionary rule of the fourth amendment apply to probation revocation hearings?” (pp. 566-567)

“Illegally obtained evidence is inadmissible in a criminal trial. . . Where, as here, there is no evidence that the police officer was aware that the suspect is on probation, further exclusion of such evidence in a probation revocation hearing would not appreciably enhance the deterrent effect already created by the inadmissibility of the evidence at trial. Since the use of evidence in a probation revocation hearing ‘falls outside the offending officer’s zone of primary interest’; *United States v. Janis*, supra, 458; exclusion of such evidence will not significantly affect a police officer’s motivation in conducting a search. Accordingly, we agree with the Appellate Court’s view that the balance of interests does not favor the application of the exclusionary rule to a probation hearing in these circumstances.” (p. 571)

“. . . the state has a legitimate interest in accurate factfinding in probation revocation proceedings. This interest is clearly furthered by the admission of all reliable evidence, even that which is arguably obtained in violation of the fourth amendment. In addition, the state has an interest in deterring illegal searches and seizures. This interest, however, is not served by the exclusion of illegally seized evidence in probation revocation proceedings when the offending officer was unaware of the suspect’s probationary status. We conclude that failure to apply the

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exclusionary rule in such circumstances is rationally related to legitimate state interests." (pp. 574-575)

- [Liistro v. Robinson](#), 170 Conn. 116, 365 A.2d 109 (1976). "As we have noted, a probationer is expressly granted the right to bail; General Statutes s 53a-32;" (p. 128)

"Substantial differences in status between probationers and parolees do exist. A probationer is subject to judicial control and 'the court may modify or enlarge' the conditions of probation. General Statutes ss 53a-29 to 53a-34. On the other hand, a parolee is subject not to judicial control but to the administrative control of the parole board. General Statutes ss 54-124a to 54-131. Probation is granted because the sentencing court is of the opinion that confinement is not necessary for the protection of the public and probation provides a better chance of rehabilitation, whereas parole is technically a custody status. s 53a-29. These differences which bear a reasonable and just relation to parole and probation status provide a rational basis for distinguishing between probation violators and parole violators insofar as the availability of bail is concerned." (p. 128-129)

### **Connecticut Appellate Court:**

- [State v. Wade](#), 351 Conn. 745, 333 A.3d 90 (2025). "Our review of the record leads us to conclude that the Appellate Court incorrectly determined that the defendant effectively had abandoned his claim that the trial court should engage in a due process balancing pursuant to *Crespo* to vindicate his right to confront Rainey. In contrast to the state's argument, the record plainly establishes that the defendant did not 'expressly' or 'explicitly' abandon his *Crespo* balancing claim because he never indicated that the court no longer needed to balance the interests to determine whether to admit Rainey's identification and related testimony. Nor, as we will explain, did defense counsel impliedly relinquish his argument that the trial court should engage in the *Crespo* balancing inquiry when he stated that there had been a 'change in circumstance' and that 'the whole issue ... is reliability.' Likewise, defense counsel's statement that 'the whole issue ... is reliability' did not constitute an intentional abandonment of his *Crespo* claim. Initially, defense counsel qualified his statement by saying, '[f]irst and foremost, *with regard to the motion to suppress*, the whole issue there is reliability.' (Emphasis added.) On its face, it is not clear whether this statement was in reference to the defendant's separate motion to suppress Rainey's identification as unreliable based on the Stratford police identification procedures, as opposed to his *Crespo* motion to secure his right to confrontation. But, regardless, defense counsel's statement

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emphasizing 'reliability' demonstrated his reliance on the second prong of *Crespo*, which mandates that the court balance 'the government's reasons for not producing the witness *and the reliability of the proffered hearsay.*' (Emphasis added; internal quotation marks omitted.) *State v. Crespo*, supra, 190 Conn. App. at 647, 211 A.3d 1027. Reliability is a fundamental part of the *Crespo* balancing test, particularly when the state has good reason not to produce a witness, such as the witness' invocation of his right against self-incrimination. Thus, defense counsel's argument that the court must consider reliability *supported* his *Crespo* claim. It did not abandon that claim" (pp. 761-762).

...

"The judgment of the Appellate Court is reversed in part and the case is remanded to that court with direction to reverse the trial court's judgment except with respect to the trial court's determinations that the defendant had violated the conditions of his probation requiring him to submit to substance abuse evaluations and counseling and not to leave the state of Connecticut without permission, and with direction to remand the case for a new probation revocation hearing" (p. 765).

- [State v. Sykes](#), 232 Conn. App. 753, 774-777, 337 A.3d 1174 (2025). "Finally, the defendant claims that the evidence was insufficient to support the court's conclusion that he violated the condition of his probation requiring him to take polygraph examinations. We agree. In concluding that the defendant had violated this condition, the court stated that the defendant had 'failed to participate in the Office of Adult Probation order of polygraph and its equivalent, EyeDetect.' As the defendant correctly points out—and as Betancourt acknowledged in his testimony—the condition of probation requiring the defendant to take polygraph examinations did not require him to take a polygraph examination '[or] its equivalent, EyeDetect.' It simply required him to take polygraph examinations. In finding that the defendant's refusal to take an EyeDetect examination violated this condition, the court therefore was required to conclude that an EyeDetect examination amounted to a type of polygraph examination and/or was sufficiently similar to a polygraph such that the condition requiring the defendant to take polygraph examinations afforded him fair notice that refusal to take an EyeDetect examination would violate that condition. See, e.g., *State v. Boseman*, 87 Conn. App. 9, 22-23, 863 A.2d 704 (2004) (assessing whether, in absence of modification of condition or new condition imposed by probation officer, probation condition imposed by court could reasonably be interpreted to prohibit defendant's behavior, in light of due process requirement of fair notice),

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cert. denied, 272 Conn. 923, 867 A.2d 838 (2005). Indeed, the court's description of EyeDetect as the 'equivalent' of a polygraph examination indicates that it did make such a finding. The record, however, is devoid of evidence that would support such a conclusion. It is not at all clear from the record what an EyeDetect examination is, how it functions, or the extent to which it is similar to a, and/ or can be classified as a type of, polygraph examination. Betancourt testified that The Connection was using EyeDetect examinations in place of polygraph examinations in light of the COVID-19 pandemic but characterized an EyeDetect examination and a polygraph examination as 'two different things.' Neither Betancourt's nor DiPietro's testimony elaborated any further on the nature of an EyeDetect examination. Nor does the state, in its brief, direct our attention to anything else in the record that would shed light on this critical factual question. Of course, because this court is not a fact-finding tribunal, in conducting our sufficiency analysis we may not draw our own conclusions, on the basis of extra record evidence, about the similarities and/or differences between an EyeDetect examination and a polygraph examination. See, e.g., *Williams v. Commissioner of Correction*, 177 Conn. App. 321, 331–32, 175 A.3d 565 ('[I]t is not the function of this court ... to make factual findings .... Conclusions of fact may be drawn on appeal only where the subordinate facts found [by the trial court] make such a conclusion inevitable as a matter of law ... or where the undisputed facts or uncontested evidence and testimony in the record make the factual conclusion so obvious as to be inherent in the trial court's decision.' (Emphasis omitted; internal quotation marks omitted.), cert. denied, 327 Conn. 990, 175 A.3d 563 (2017). We therefore conclude that the court's factual finding that an EyeDetect examination was the 'equivalent' of a polygraph examination—a finding necessary to its determination that the defendant violated the condition of his probation requiring him to take polygraph examinations— was clearly erroneous because there was no evidence in the record to support it.

The state attempts to circumvent this evidentiary deficiency by arguing that the defendant's conditions of probation also required him to submit to any and all conditions of his sex offender treatment, as well as to medical and/or psychological examinations and/or counseling sessions, and that compliance with these conditions required submitting to the EyeDetect examination—which was administered by the defendant's sex offender treatment provider.

Betancourt's application for an arrest warrant, however, did not allege a violation of probation based on the defendant's failure to comply with the conditions of his probation requiring sex offender treatment, counseling, and/or medical or psychological examinations. Due process

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requires that the defendant have notice of the conditions of probation that he is alleged to have violated. See, e.g., *State v. Orr*, 199 Conn. App. 427, 450–51, 237 A.3d 15 (2020) (disregarding court's findings, in revocation of probation case, that defendant had violated criminal statutes that were not enumerated in arrest warrant application); *State v. Carey*, 30 Conn. App. 346, 349, 620 A.2d 201 (1993) ('a defendant cannot be found in violation of probation on grounds other than those with which he is charged'), rev'd on other grounds, 228 Conn. 487, 636 A.2d 840 (1994). We therefore reject the state's argument. In sum, because a key factual finding underpinning the court's determination that the defendant violated the condition of his probation requiring him to take polygraph examinations—namely, that an EyeDetect examination is the 'equivalent' of a polygraph examination—is not supported by the record, there was insufficient evidence that the defendant violated this condition of his probation."

- [State v. Taveras](#), 219 Conn. App. 252, 270, 295 A.3d 421 (2023), cert. denied, 348 Conn. 903, 301 A.3d 527 (2023). "[T]he rules of evidence do not apply to probation revocation hearings and, thus, relevant hearsay evidence is admissible at the discretion of the trial court." *State v. Maietta*, 320 Conn. 678, 691, 134 A.3d 572 (2016); see Conn. Code Evid. § 1-1 (d) (4). 'At the same time, [t]he process ... is not so flexible as to be completely unrestrained; there must be some indication that the information presented to the court is responsible and has *some minimal indicia of reliability*.' (Emphasis added; internal quotation marks omitted.) *State v. Jackson*, *supra*, 198 Conn. App. at 508, 233 A.3d 1154. Thus, '[h]earsay evidence may be admitted in a probation revocation hearing if it is relevant, reliable and probative.'"
- [State v. Eric L.](#), 218 Conn. App. 302, 291 A.3d 621 (2023). "[T]o support a finding of probation violation, the evidence must induce a reasonable belief that it is more probable than not that the defendant has violated a condition of his or her probation.... Our law does not require the state to prove that all conditions alleged were violated; it is sufficient to prove that one was violated." (pp. 316-317)

"The defendant claims that the court abused its discretion when it refused to award him presentence confinement credit, most notably for the period between May 6 and October 22, 2020. Specifically, the defendant claims that the COVID-19 pandemic prevented timely service of the violation of probation warrant, and, therefore, the court abused its discretion in deferring to the commissioner and not awarding the defendant jail credit for that period pursuant to General Statutes § 18-98d. The state argues that it is the commissioner, and not the trial court, that has

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the statutory authority to award the defendant presentence confinement credit. In light of this court's recent decision in *State v. Hurdle*, 217 Conn. App. 453, 288 A.3d 675 (2023), the defendant's claim must fail. In *Hurdle*, this court concluded that, pursuant to the express language of § 18-98d (c), the commissioner has the sole statutory authority to determine a defendant's eligibility for presentence confinement credit and to apply such credit against a defendant's sentence." (pp. 322-324)

- [State v. Gamer, Jr.](#), 215 Conn. App. 234, 236-237, 283 A.3d 16 (2022). "The defendant, Charles Gamer, Jr., appeals from the judgment of the trial court revoking his probation pursuant to General Statutes § 53a-32 and sentencing him to three years of incarceration. On appeal, the defendant principally claims that (1) there was insufficient evidence to support the court's finding that he wilfully failed to pay restitution and (2) the court abused its discretion by imposing a term of imprisonment in light of his purported inability to pay restitution. We conclude that the court neither erred in finding that the defendant wilfully failed to pay restitution nor abused its discretion in revoking the defendant's probation and sentencing him to a term of imprisonment. Accordingly, we affirm the judgment of the trial court."
- [State v. Glen S.](#), 207 Conn. App. 56, 71 (2021), cert. denied, 340 Conn. 909, 264 A.3d 577 (2021). "The defendant, in essence, claims that the court did not inquire sufficiently into whether he indeed was competent to knowingly and voluntarily waive his right to counsel. In response, the state argues that the court fully complied with Practice Book § 44-3, even though it was not required to do so, as strict adherence to § 44-3 is not necessary to establish that a court's canvass is constitutionally sufficient."
- [State v. Parker](#), 201 Conn. App. 435, 452-53, 242 A.3d 132 (2020). "Because we conclude that the trial court's judgment should be set aside for failure to make a finding of wilfulness, it is not necessary to reach the defendant's second claim that the state introduced insufficient evidence to prove that the defendant wilfully refused to pay restitution."

## II

Even if we were to conclude that the court made an implicit finding that the defendant's failure to pay restitution was wilful, we next consider whether a trial court in Connecticut is required to make an *explicit* finding on the record that a defendant's failure to pay restitution is wilful, before revoking probation. Neither the United States Supreme Court nor our Supreme Court explicitly has addressed this issue. The principles articulated in these cases, however,

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lead us to the conclusion that an explicit finding is required to satisfy the defendant's fourteenth amendment rights."

- [State v. Jackson](#), 198 Conn. App. 489, 233 A.3d 1154, 511, cert. denied, 335 Conn. 957, 239 A.3d 318 (2020). "To the extent that the defendant claims, however, that the sentence imposed by the trial court was excessive, this claim is not reviewable on appeal and should be made through the sentence review process pursuant to General Statutes § 51-195. See *State v. Wells*, 112 Conn. App. 147, 160 n.3, 962 A.2d 810 (2009) ('To the extent that the defendant also claims that the five year sentence imposed by the court was excessive, we deem such argument to be misplaced. An appeal following a revocation proceeding is not the proper forum in which to challenge the length of such sentence.'), citing *State v. Fagan*, 280 Conn. 69, 107 n.24, 905 A.2d 1101 (2006), cert. denied, 549 U.S. 1269, 127 S. Ct. 1491, 167 L. Ed. 2d 236 (2007); see also *State v. Ricketts*, 140 Conn. App. 257, 264 n.5, 57 A.2d 893 ('to the extent that the defendant challenges the length of the sentence, we cannot review such claims because those claims should be made through the sentence review process under ... § 51-595'), cert. denied, 308 Conn. 909, 61 A.3d 531 (2013)."
- [State v. Randy G.](#), 195 Conn. App. 467, 474-75, 225 A.3d 702, cert. denied, 335 Conn. 911, 229 A.3d 472 (2020). "We disagree with the defendant's characterization of the court's ruling. We construe the court's ruling to indicate that the police report was ultimately admitted as reliable hearsay. We consider the trial court's admission of the police report as reliable hearsay particularly mindful of the following principles. 'The evidentiary standard for probation violation proceedings is broad.... [T]he court may ... consider the types of information properly considered at an original sentencing hearing because a revocation hearing is merely a reconvention of the original sentencing hearing.... The court may, therefore, consider hearsay information, evidence of crimes for which the defendant was indicted but neither tried nor convicted, evidence of crimes for which the defendant was acquitted, and evidence of indictments or informations that were dismissed.' (Internal quotation marks omitted.) *State v. Megos*, supra, 176 Conn. App. at 147, 170 A.3d 120."
- [State v. Battle](#), 192 Conn. App. 128, 130, 217 A.3d 637 (2019), affirmed [338 Conn. 523](#) (April 1, 2021). "The defendant . . . appeals from the judgment of the trial court dismissing his motion to correct an illegal sentence. On appeal, the defendant claims that (1) the court improperly concluded that it lacked jurisdiction to consider his motion to correct an illegal sentence, (2) the court improperly concluded that the use of special parole following the

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finding of a probation violation did not constitute an illegal sentence and (3) he was denied due process of law when his motion to correct an illegal sentence was not acted upon by the judge who had sentenced him. We conclude that the trial court had jurisdiction to consider the defendant's motion to correct an illegal sentence but are not persuaded by his second and third claims. Accordingly, the form of the judgment is improper, and we reverse the judgment dismissing the defendant's motion to correct an illegal sentence and remand the case with direction to render judgment denying the defendant's motion."

- [State v. Crespo](#), 190 Conn. App. 639, 211 A.3d 1027 (2019). "As a preliminary matter, we note that the defendant has provided this court with no authority indicating that the right to confrontation contained in the sixth amendment to the United States constitution applies to probation revocation proceedings. See, e.g., [State v. Esquillin](#), 179 Conn. App. 461, 472 n.10, 179 A.3d 238 (2018), and cases cited therein (noting that 'an overwhelming majority of federal circuit and state appellate courts that have addressed this issue have concluded that [the confrontation standard articulated in [Crawford v. Washington](#), 541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004)] does not apply to a revocation of probation hearing'). Although defense counsel referenced the 'confrontation clause' in his objection before the trial court, his claim on appeal is predicated on the due process rights contained in the fourteenth amendment to the United States constitution, which mandate 'certain minimum procedural safeguards before that conditional liberty interest [of probation] may be revoked'; [State v. Polanco](#), 165 Conn. App. 563, 570, 140 A.3d 230, cert. denied, 322 Conn. 906, 139 A.3d 708 (2016); including the right to question adverse witnesses. Id., 571.

The exercise of the right to confront adverse witnesses in a probation revocation proceeding is not absolute, but rather entails a balancing inquiry conducted by the court, in which the court 'must balance the defendant's interest in cross-examination against the state's good cause for denying the right to cross-examine....In considering whether the court had good cause for not allowing confrontation or that the interest of justice [did] not require the witness to appear . . . the court should balance, on the one hand, the defendant's interest in confronting the declarant, against, on the other hand, the government's reasons for not producing the witness and the reliability of the proffered hearsay.' (Citation omitted; internal quotation marks omitted.) Id. To properly preserve for appellate review a confrontation claim in this context, our precedent instructs that a defendant must distinctly raise the balancing issue with the court at the probation revocation

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proceeding. If the defendant fails to do so, the claim is deemed unpreserved. See [State v. Tucker](#), 179 Conn. App. 270, 278-79 n.4, 178 A.3d 1103 ('a defendant's due process claim is unpreserved where the defendant never argued to the trial court that it was required to balance his interest in cross-examining the victim against the state's good cause for not calling the victim as a witness'), cert. denied, 328 Conn. 917, 180 A.3d 963 (2018); [State v. Esquelin](#), *supra*, 179 Conn. App. 474 (same); [State v. Polanco](#), *supra*, 165 Conn. App. 571 (same)." (pp. 646-647)

"The proper interpretation of conditions of probation presents a question of law. [State v. Faraday](#), 268 Conn. 174, 191, 842 A.2d 567 (2004). Our review, therefore, is plenary.

Our analysis begins with General Statutes § 53a-30 (b), which 'expressly allows the office of adult probation to impose reasonable conditions on probation.' [State v. Thorp](#), 57 Conn. App. 112, 116, 747 A.2d 537, cert. denied, 253 Conn. 913, 754 A.2d 162 (2000). Such '[p]ostjudgment conditions imposed by adult probation are not a modification or enlargement of some condition already imposed by the court, but are part of an administrative function that [§ 53a-30 (b)] expressly authorizes as long as it is not inconsistent with any previously court-imposed condition.' [State v. Johnson](#), 75 Conn. App. 643, 652, 817 A.2d 708 (2003).

More specifically, § 53a-30 (b) provides: 'When a defendant has been sentenced to a period of probation, the Court Support Services Division may require that the defendant comply with any or all conditions which the court could have imposed under subsection (a) of this section which are not inconsistent with any condition actually imposed by the court.'" (pp. 648-649)

"The United States Supreme Court subsequently held that the due process requirements recognized in [Morrissey](#) extend to probation revocation proceedings. [Gagnon v. Scarpelli](#), 411 U.S. 778, 782, 93 S. Ct. 1756, 36 L. Ed. 2d 656 (1973)." (p. 647, footnote 5)

- [State v. Tyson](#), 187 Conn. App. 879, 881-882, 203 A.3d 1289 (2019). "With respect to his claim that the court improperly admitted evidence regarding the details of prior crimes he had committed, the defendant recognizes that 'the Connecticut Code of Evidence does not apply to proceedings involving probation. Section 1-1 (d) (4) of the Connecticut Code of Evidence specifically provides: The Code, other than with respect to privileges, does not apply in proceedings such as, but not limited to the following . . . .

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[p]roceedings involving probation. . . . Furthermore, [i]t is well settled that probation proceedings are informal and that strict rules of evidence do not apply to them.' (Citation omitted; internal quotation marks omitted.) *State v. Tucker*, 179 Conn. App. 270, 276-77, 178 A.3d 1103, cert. denied, 328 Conn. 917, 180 A.3d 963 (2018). 'The evidentiary standard for probation violation proceedings is broad. . . . [T]he court may . . . consider the types of information properly considered at an original sentencing hearing because a revocation hearing is merely a reconvention of the original sentencing hearing.' (Internal quotation marks omitted.) *State v. Megos*, 176 Conn. App. 133, 147, 170 A.3d 120 (2017). All that is necessary is that the information presented to the court is relevant and 'has some minimal indicia of reliability.' (Internal quotation marks omitted.) *State v. Shakir*, 130 Conn. App. 458, 464, 22 A.3d 1285, cert. denied, 302 Conn. 931, 28 A.3d 345 (2011). We review a trial court's rulings regarding the admissibility of evidence at a violation of probation hearing for an abuse of discretion. *Id.*"

- *State v. Davis*, 186 Conn. App. 385, 393-395, 199 A. 3d 1149 (2018), cert. den. 330 Conn. 965, 199 A. 3d 1061 (2019). "The defendant also claims that the court violated his constitutional right to be present at a critical stage of the probation revocation proceeding. Because he did not preserve that claim at trial, the defendant must resort to the familiar rubric of *Golding* review . . . .  
'[A] criminal defendant has a constitutional right to be present at all critical stages of his or her prosecution. . . . Although the constitutional right to be present is rooted to a large extent in the confrontation clause of the sixth amendment, courts have recognized that this right is protected by the due process clause in situations when the defendant is not actually confronting witnesses or evidence against him.' (Internal quotation marks omitted.) *State v. Campbell*, 328 Conn. 444, 467, 180 A.3d 882 (2018). Under established law, a critical stage is 'a step of a criminal proceeding . . . that [holds] significant consequences for the accused.' *Bell v. Cone*, 535 U.S. 685, 695-96, 122 S. Ct. 1843, 152 L. Ed. 2d 914 (2002).

On appeal, the state submits that the January 17, 2017 hearing on the change of venue was not a critical stage of the defendant's probation revocation proceeding. We need not resolve that question of constitutional dimension because we conclude that the state has demonstrated the harmlessness of any constitutional violation beyond a reasonable doubt.

'[A]n otherwise valid conviction should not be set aside if the reviewing court may confidently say, on the whole record, that the constitutional error was harmless beyond a reasonable doubt. . . . In evaluating whether a denial of presence [from a critical stage of the proceedings] is

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harmless, [w]e first determine whether the defendant's presence . . . would have contributed to his ability to defend against the charges. . . . We then consider the evidence presented at trial.' (Citations omitted; internal quotation marks omitted.) *State v. Ralph B.*, 162 Conn. App. 583, 604, 131 A.3d 1253 (2016).

On the undisputed facts of this case, we fail to perceive how the defendant's ability to defend against the violation of probation charge was adversely affected by his absence from the January 17, 2017 hearing on the change of venue. In his appellate brief, the defendant maintains that he 'could have made a meaningful contribution to the proceedings by stating his objection . . . as to whether or not to transfer' the matter to the Bridgeport Superior Court. Yet the defendant in his appellate brief has not identified any objection that he would have raised to the transfer proposed on the record by his own legal counsel. Furthermore, no such objection is articulated in either the pleadings or the transcripts before us. We thus are left to speculation and conjecture as to the possible basis of the defendant's purported objection, which 'have no place in appellate review.' (Internal quotation marks omitted.) *State v. Joseph*, 174 Conn. App. 260, 274, 165 A.3d 241, cert. denied, 327 Conn. 912, 170 A.3d 680 (2017)."

- *State v. Tucker*, 179 Conn. App. 270, 280, 178 A. 3d 1103 (2018). "This court established in *State v. Shakir*, supra, 130 Conn. App. 458, that where hearsay evidence is offered in a probation revocation proceeding, due process safeguards require that the court must balance the defendant's interest in cross-examination against the state's good cause for denying the right to cross-examine. Id., 467. 'In considering whether the court had good cause for not allowing confrontation or that the interest of justice [did] not require the witness to [appear] . . . the court should balance, on the one hand, the defendant's interest in confronting the declarant, against, on the other hand, the government's reasons for not producing the witness and the reliability of the proffered hearsay.' (Internal quotation marks omitted.) *State v. Polanco*, supra, 165 Conn. App. 571, citing *State v. Shakir*, supra, 468."
- *State v. Megos*, 176 Conn. App. 133, 144, 170 A3d 120 (2017). "Our Supreme Court has stated unequivocally that 'the language of [§ 53a-32] demonstrates that the legislature did not intend to make willfulness an element of a probation violation.' *State v. Hill*, 256 Conn. 412, 420, 773 A.2d 931 (2001). '[T]o establish a violation, the state needs only to establish that the probationer knew of the condition and engaged in conduct that violated the condition.'"

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- [State v. Polanco](#), 165 Conn. App. 563, 140 A.3d 230, 235-36 (2016), cert. denied 322 Conn. 906 (2016). "The defendant . . . appeals from the judgment of the trial court revoking his probation and imposing a thirty month prison sentence. On appeal, the defendant claims that he was denied his right to due process under the fourteenth amendment to the United States constitution by the court's admission into evidence of a laboratory report when the author of that report was not present and available for cross-examination." (pp. 564-565)

"In [State v. Shakir](#), 130 Conn. App. 458, 467, 22 A.3d 1285, cert. denied, 302 Conn. 931, 28 A.3d 345 (2011), we noted that the due process safeguards are codified in Federal Rule of Criminal Procedure 32.1 and include 'an opportunity to ... question any adverse witness unless the court determines that the interest of justice does not require the witness to appear....' We further explained that the court must balance the defendant's interest in cross-examination against the state's good cause for denying the right to cross-examine. Id. Specifically, we cited to case law from the United States Court of Appeals for the Second Circuit and stated: 'In considering whether the court had good cause for not allowing confrontation or that the interest of justice [did] not require the witness to appear ... the court should balance, on the one hand, the defendant's interest in confronting the declarant, against, on the other hand, the government's reasons for not producing the witness and the reliability of the proffered hearsay.' (Citation omitted; internal quotation marks omitted.) Id., 468, 22 A.3d 1285, citing [United States v. Williams](#), 443 F.3d 35, 45 (2d Cir.2006); see also [State v. Giovanni P.](#), 155 Conn. App. 322, 335, 110 A.3d 442, cert. denied, 316 Conn. 909, 111 A.3d 883 (2015)." (pp. 570-571)
- [State v. Ricketts](#), 140 Conn. App. 257, 263, 57 A.3d 893, (2013), cert. denied, 308 Conn. 909, 61 A.3d 531 (2013). "Revocation is a continuing consequence of the original conviction from which probation was granted." (Internal quotation marks omitted.)
- [State v. Feraint](#), 91 Conn. App. 650, 881 A.2d 539 (2005), cert. denied 276 Conn 922 (2005). "The defendant claims that the court's finding of a violation of probation was not sufficiently supported by a fair preponderance of the evidence. . . The defendant argues that there was insufficient evidence to find that he possessed the seized contraband. We agree." (pp. 653-654)

"Here, the narcotics were not on the defendant's person, they were not found in a place under his exclusive or shared control, the police did not observe or videotape him engaging in any transaction, there were no controlled

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purchases from him, the police did not observe him pass anything to the other occupants in the car, he did not flee, he did not attempt to conceal the crumbs of crack cocaine and he did not make any incriminating statements. The only evidence offered to prove that the defendant was in possession of the crumbs of crack cocaine was his proximity to the crumbs and that he engaged in 'furtive' movements. Under the preponderance of the evidence standard, that evidence is insufficient to prove possession of narcotics." (pp. 662-663)

- *State v. Lewis*, 58 Conn. App. 153, 158, 752 A.2d 1144, (2000), cert. denied, 254 Conn. 917, 759 A.2d 508 (2000). "In *State v. White*, 169 Conn. 223, 237, 363 A.2d 143, cert. denied, 423 U.S. 1025, 96 S. Ct. 469, 46 L. Ed. 2d 399 (1975), the defendant argued that the trial court's failure to deliver a written copy of the conditions of probation to him, pursuant to . . . § 53a-30 (a), invalidated the revocation of his probation. Our Supreme Court concluded that the claim was without merit because the statute does not provide a penalty for the failure of the court to deliver to the defendant a copy of the probation conditions and because the defendant did not claim that he was unaware that if he violated the relevant condition, his probation would be subject to revocation, *Id.*, 238. The *White* court concluded that the statute was directory and that "it would make a mockery of the statute to say failure to deliver standard conditions of probation renders probation invalid under the facts of this case." *Id.*

Section 54-108 provides in relevant part that probation officers "shall furnish to each person released under their supervision a written statement of the conditions of probation and shall instruct him regarding the same. . . ." Section 54-108 does not provide a remedy for the failure of the probation officer to comply with the statute.' *State v. Martinez*, 55 Conn. App. 622, 626-27, 739 A.2d 721 (1999). '[W]e conclude that §54-108 is directory and not mandatory, and that violation of the statute by the probation officer does not excuse the defendant from the requirement that he not violate a condition of probation.' *Id.*"

- *State v. Durant*, 94 Conn. App. 219, 892 A2d 302 (2006), affirmed 281 Conn 548 (2007). "The parties had agreed previously that the court could consider evidence submitted during the course of the trial in its hearing on the violation of probation charge; therefore, the evidence presented during the trial was admitted into evidence in the probation revocation proceedings." (p. 222)

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"The specific condition the defendant was found to have violated prohibited him from violating any criminal law, but it did not require that he be convicted.

It is well settled that even when the defendant is acquitted of the underlying crime leading to the probation revocation proceeding, probation may still be revoked." (pp. 224-225)

- [State v. Villano](#), 35 Conn. App. 520, 527, 646 A.2d 915 (1994). "Here, although the court stated that it had 'plenty of facts' from which it could determine that the defendant had violated his probation, we remain uncertain as to the actual standard of proof applied by the trial court in making its determination. In accord with our Supreme Court in *Davis*, we must remand this case to the trial court 'for a determination of whether the state can prove by a fair preponderance of the evidence that the defendant violated a condition of his probation.'"
- [State v. Gauthier](#), 73 Conn. App. 781, 794, 809 A.2d 1132 (2002), cert. denied 262 Conn 937 (2003). "In a criminal trial, the state must prove its case beyond a reasonable doubt. In a probation revocation hearing, by contrast, a violation of probation need only be shown by a preponderance of the evidence. The differing standards of proof relevant to those proceedings militate against application of collateral estoppel. In this case, the most that can be said regarding the jury verdict is that the jury found that the alleged criminal conduct had not been proven beyond a reasonable doubt. The jury had no occasion to consider whether the charged conduct had been proven by a preponderance of the evidence, the standard of proof applicable to a probation revocation hearing. Thus, contrary to the defendant's argument, the factual issues had not been conclusively determined in a prior judicial proceeding for the purposes of the probation hearing."

#### **Connecticut Trial Court:**

- [State v. Rodriguez](#), Superior Court, Judicial District of Windham at Danielson, WWM-CR01-0112799-T (Nov. 15, 2017) (65 Conn. L. Rptr. 499) (2017 WL 6327765). "The question presented here appears to be an issue of first impression: Does the court have jurisdiction to entertain a defendant's motion to dismiss a violation of probation warrant before that warrant has been served? . . .

The information, as discussed above, is part of the commencement of the formal prosecution, which does not occur until a defendant has been formally presented in court on charges. [State v. Daly](#), *supra*, 111 Conn. App. 401-02. As the defendant in the present case has yet to be

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

served and presented on the violation of probation warrant, the court lacks jurisdiction to entertain his claims. *Id.*

The defendant has also asserted a claim that the state has violated the 5-year statute of limitations set forth in General Statutes §54-193(b) as a basis for asking the court to vacate the unserved warrant. The state must commence prosecution within the applicable statute of limitations.

*State v. Crawford*, 202 Conn. 443, 448, 521 A.2d 1034 (1987). The issuance of an arrest warrant will toll the running of the statute of limitation, so long as it is 'executed without unreasonable delay . . . A reasonable period of time is a question of fact that will depend on the circumstances of each case.' *Id.*, 451. The ultimate issue, however, is the same as above, which is that this court has no jurisdiction to entertain the defendant's claim until he has actually been served, presented, and formally charged on the outstanding warrant. *State v. Daly*, *supra*, 111 Conn. App. 401-02."

- *State v. Chace*, Superior Court, Judicial District of Hartford at Hartford, HHD-CV14-5038257-S (June 6, 2017) (64 Conn. L. Rptr. 567) (2017 WL 2837524). "A person charged with a probation violation may be admitted to bail; General Statutes § 53a- 32; whereas an alleged parole violator is not. General Statutes § 54-127. While a person remains at large on probation, the suspended portion of the sentence remains in full. Each day that a parolee spends on parole, however, is a day less of the sentence that must be fulfilled. The probationer is faced with an inchoate, i.e., tentative, sentence that could spring into being upon a hearing before the court at which a violation of probation is proven. The parolee, on the other hand, faces a definite sentence that diminishes on a daily basis to which he could be returned without judicial intervention."
- *State v. Mulville*, Superior Court, Judicial District of Litchfield, No. LLI-CR13-143597-S (April 4, 2017) (64 Conn. L. Rptr. 231) (2017 WL 1484068) . "A related question is whether the defendant may seek dismissal of a charge of violation of probation by attacking the underlying conviction, whether by writ of error coram nobis or by any other means. The federal equivalent of probation is supervised release, and it is clear that a defendant facing revocation of supervised release may not avoid revocation by collateral attack on the underlying conviction or sentence; the underlying conviction may only be attacked on direct appeal or through a habeas corpus proceeding. *United States v. Warren*, 335 F.3d 76, 78-79 (2d Cir. 2003).

The rationale for precluding an attack on the underlying conviction in the context of a violation of supervised release

proceeding, as expressed in *Warren* is that such an approach 'furthers the important interest of promoting the finality of judgments.' *United States v. Warren*, *supra*, 335 F.3d 78. Further, the Warren court held that the 'orderly administration of justice also calls for limiting revocation proceedings to the issue at hand – the fact or non-fact . . . of a violation of supervised relief . . . Allowing claims of . . . error to be raised in proceedings designed to adjudicate a violation of supervised release would lead to endless confusion over the nature of the claims that could be made and in what circumstances such claims could be brought . . . This confusion would . . . sacrifice the orderly and efficient administration of justice for no particular gain in fairness.'

*Id.*, 79.

The position taken in *Warren* mirrors the approach in numerous other United States Circuit Courts of Appeal. *Id.*, 78. This court concludes that the rationale identified in *Warren* that precludes an attack on an underlying conviction in the context of a revocation of supervised release proceeding is logical, reasonable, and should be applied to such an attack in the context of a violation of probation proceeding." (p. 233)

**WEST KEY  
NUMBERS:**

- *Sentencing & Punishment* 1800 – 2041
  - IX. Probation and Related Dispositions
    - (I) Revocation
      - 1. In General
        - 2001. Discretion of court
        - 2. Factors Affecting Revocation
          - 2003. Violation of probation condition
          - 2004. New offense
          - 2005. Other particular factors
          - 2006. Defenses and objections
        - 3. Proceedings
          - 2010. Time for proceedings
          - 2011. Complaint or petition
          - 2012. Arrest or apprehension of probationer
          - 2013. Notice and disclosure
          - 2014. Assistance of counsel
          - 2015. Evidence (incl. presumptions, burden of proof, admissibility, degree and sufficiency)
          - 2022. Questions of law or fact
          - 2023. Hearing (incl. time and conduct)
          - 2027. Findings of fact and conclusions of law
          - 2013. Reconsideration or rehearing
        - 4. Disposition of Offender
          - 2034. Enforcement of previously imposed sentence
          - 2035. Imposition of new sentence
          - 2036. Imposition of increased sentence
          - 2037. Sentence that could originally have been imposed

- 2038. Sentence within statutory or other limitation for offense of conviction
- 2039. Reimposition or reinstatement of probation
- 2040. Conditions imposed
- 2041. Credits and computation thereof

**DIGESTS:**

- *Digest of Decisions Connecticut 2d*, by Emily J. Lebovitz, State of Connecticut, 1990, with 1992 supplement.  
*Criminal Law and Procedure*
  - 79. Punishment; Sentence
  - 85. – Suspension; Probation; Parole; Pardon
  - 86. - - In General
  - 87. - - Particular Cases
- *ALR Digest: Sentencing and Punishment*
  - I. Probation and Related Dispositions - Revocation
    - 1. In General
      - 2001. Discretion of court
    - 2. Factors Affecting Revocation
      - 2003. Violation of probation condition
      - 2004. New offense
      - 2006. Defenses and objections
    - 3. Proceedings
      - 2010. Time for proceedings
      - 2011. Complaint or petition
      - 2012. Arrest or apprehension of probationer
      - 2013. Notice and disclosure
      - 2015. Evidence
      - 2023. Hearing
    - 4. Disposition of Offender
      - 2033. Matters considered
      - 2036. Imposition of increased sentence
      - 2041. Credits and computation thereof

**ENCYCLOPEDIAS:**

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use.  
 Remote access is not available.

- 21A *Am Jur 2d Criminal Law*, Thomson West, 2016 (Also available on Westlaw).
  - E. Suspending Imposition or Execution of Sentence
  - 2. Probation
    - c. Revocation of Probation
      - (1) In General
        - § 823. Revocation of probation, generally
        - § 824. Revocation of probation after expiration of probation term
      - (2) Probation Revocation Hearing; Rights of Defendant
        - § 825. Probation revocation hearing; rights of defendant, generally
        - § 826. Right to counsel in probation revocation proceedings
        - § 827. – Waiver
        - § 828. Evidence in probation revocation hearings

§ 829. Burden and standard of proof in probation revocation hearings  
§ 830. Probation revocation hearing under federal law

- 24 *CJS Criminal Procedure and Rights of Accused*, Thomson West, 2016 (Also available on Westlaw).
  - I. Probation and Suspension of Sentence
  - 2. Revocation of Probation
    - § 2373. Revocation of probation, generally
    - § 2374. Grounds for grant or denial
    - § 2375. Invalidity of order of suspension or probation
    - § 2376. Time of revocation and enforcement
    - § 2377. Sentencing and punishment following probation violation or revocation
    - § 2378. Probation revocation proceedings, generally
    - § 2379. Notice and hearing
    - § 2380. – Assistance of counsel
    - § 2381. Evidence in probation revocation proceedings, generally
    - § 2382. Hearsay
- 36 *A.L.R. 4th 1182, Revocation of Probation Based on Defendant's Misrepresentation or Concealment of Information from Trial Court*, by Martin J. McMahon, J.D., Thomson West, 1985 (Also available on Westlaw).

## **TEXTS & TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

## **Connecticut Treatises**

- *Connecticut Criminal Procedure*, by Elizabeth A. Latif, Connecticut Law Tribune, 2025.
  - Chapter 4. Grand Jury, Arraignment, Transfers from Juvenile Court, Bail and Probable Cause Hearings
    - 4-3. Arraignment
    - 4-3:8. Arraignment on a Charge of Violation of Probation or Conditional Discharge
  - Chapter 15. Sentencing
    - 15-6. Probation
    - 15-6:4. Revocation of Probation
      - 15-6:4.1. Due Process and Constitutional Background
      - 15-6:4.2. Initiation of the Charges
      - 15-6:4.3. Timing of the Hearing
      - 15-6:4.4. Nature of and Evidentiary Rules at the Adjudicatory Stage
      - 15-6:4.5. Nature of the Dispositional Stage
      - 15-6:4.6. Right of Allocution
      - 15-6:4.7. Court's Decisional Options

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 10 Connecticut Practice Series, *Criminal Law*, 2nd ed., by Hon. David P. Gold, Thomson West, 2007, with 2024-2025 supplement (also available on Westlaw).  
Authors' Commentary for 53a-32 and 53a-32a
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
Chapter 28. Criminal Law  
Probation, pp. 677-678
- *Connecticut Criminal Procedure*, by A. Paul Spinella, Atlantic Law Book Co., 1985, with 1996 supplement.  
Chapter XI. Sentencing, Appeal and Collateral Relief  
1. Sentencing  
E. Probation  
(b) Revocation
- *Connecticut Criminal Caselaw Handbook: A Practitioner's Guide*, by Joseph G. Bruckmann, G. Douglas Nash and Joette Katz, Connecticut Law Tribune, 1989, with 1992 supplement.  
Chapter XXI. Sentencing and Probation  
D. Probation (see main volume)  
1. Probation and Conditional Discharge (in supplement only)  
2. Intensive Probation (in supplement only)
- 4 Connecticut Practice Series, *Connecticut Criminal Procedure*, 4<sup>th</sup> ed., by Leonard Orland, et al., Thomson West, 2008, with 2024-2025 supplement (also available on Westlaw).  
Authors' Commentary for 43-10 and 43-29

### **General Treatises**

- *The Law of Probation and Parole*, 2nd ed., by Neil P. Cohen, Thomson West, 1999, with 2025 supplement (also available on Westlaw).  
Chapter 18. Revocation of Probation or Parole: General Principles  
Chapter 19. -General Bases for Revocation  
Chapter 20. -Evidentiary Matters  
Chapter 21. -Constitutional Rights and Guarantees  
Chapter 22. -Defenses to Revocation  
Chapter 23. Initiation of Proceedings: Arrest and Notice  
Chapter 24. -Detainers  
Chapter 25. Proceedings: The Preliminary Hearing  
Chapter 26. -The Final Hearing  
Chapter 27. -Sanctions for Revocation  
Chapter 28. -Computing Credits for Time Served  
Chapter 29. Appeals and Other Remedies

- 2 *Criminal Defense Techniques*, Robert M. Cipes, editor, Matthew Bender, 2025.
  - Chapter 47. Probation, Parole and Other Forms of Conditional Release
  - § 47.05. Revocation of Probation
    - [1] Decision to Commence Revocation Proceedings
    - [2] Revocation Proceedings
      - [a] Constitutional Requirements
      - [b] Timing of the Hearings
      - [c] Conduct of Hearing
      - [d] Use of Hearsay
      - [e] Evidentiary Burden at Revocation Hearings
      - [f] Revocation for Failure to Pay Restitution
      - [g] Willfulness of Violation
      - [h] Disposition on Finding of Violation
- *Criminal Defense Tools and Techniques*, by Thomas J. Farrell, James Publishing, 2024.
  - Chapter 23. Probation, Parole & Other Post-Release Supervision
    - III. Communications with Parole or Probation Officer
      - § 23:41. Representation Before Revocation Proceedings Have Begun
      - § 23:42. Representation After Revocation Proceedings Have Begun
    - IV. Revocation of Probation or Parole
      - § 23:50. Revocation Requires Two Hearings
      - § 23:51. Evidence, Discovery & Burden of Proof
      - § 23:52. Timing for Hearing
      - § 23:53. Strategy at Hearing
      - § 23:54. Re-Sentencing for Probation Violations
      - § 23:56. Violation Sentences and Sentences for Underlying Convictions

**LAW REVIEWS:**

Public access to law review databases is available on-site at each of our [law libraries](#).

- *The Right to a Hearing Before Revocation of Probation*, 59 Yale L. J. 1521 (December 1950).

Table 3: Adjudicatory Phase – Revocation of Probation

<p><a href="#"><u>State v. Sherrod</u></a>, 157 Conn. App. 376, 381-82, 115 A.3d 1167 (2015), cert. denied 318 Conn. 904 (2015).</p> <p><i>Two components: Adjudicatory Phase and Dispositional Phase</i></p>	<p>Under § 53a-32, a probation revocation hearing has two distinct components.... The trial court must first conduct an adversarial evidentiary hearing to determine whether the defendant has in fact violated a condition of probation.... If the trial court determines that the evidence has established a violation of a condition of probation, then it proceeds to the second component of probation revocation, the determination of whether the defendant's probationary status should be revoked.</p>
<p>Conn. Practice Book § <a href="#"><u>43-29</u></a> (2025).</p> <p><i>Court rule</i></p>	<p>...At the revocation hearing, the prosecuting authority and the defendant may offer evidence and cross-examine witnesses. If the defendant admits the violation or the judicial authority finds from the evidence that the defendant committed the violation, the judicial authority may make any disposition authorized by law.</p>
<p>Conn. Gen. Stat. § <a href="#"><u>53a-32</u></a> (2025).</p> <p><i>Statute</i></p>	<p>(c) Upon notification by the probation officer of the arrest of the defendant or upon an arrest by warrant as herein provided, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charges. At such hearing the defendant shall be informed of the manner in which such defendant is alleged to have violated the conditions of such defendant's probation or conditional discharge, shall be advised by the court that such defendant has the right to retain counsel and, if indigent, shall be entitled to the services of the public defender, and shall have the right to cross-examine witnesses and to present evidence in such defendant's own behalf. Unless good cause is shown, a charge of violation of any of the conditions of probation or conditional discharge shall be disposed of or scheduled for a hearing not later than one hundred twenty days after the defendant is arraigned on such charge, except, if the defendant is a serious firearm offender, or is on probation for a felony conviction and has been arrested for the commission of a serious firearm offense, such charge shall be disposed of or scheduled for a hearing not later than sixty days after the defendant is arraigned on such charge.</p>
<p><a href="#"><u>State v. Lanagan</u></a>, 119 Conn. App. 53, 62, 986 A.2d 1113, (2010).</p>	<p>We acknowledge that a violation of any one condition of probation would suffice to serve as a basis for revoking the defendant's probation. "Our law does not require the state to prove that all conditions alleged</p>

<p><i>It is sufficient to prove that one condition was violated.</i></p>	<p>were violated; it is sufficient to prove that one was violated."</p>
<p><a href="#"><u>State v. Giovanni P.</u></a>, 155 Conn. App. 322, 338, 110 A.3d 442 (2015), cert. denied 316 Conn. 909 (2015).</p> <p><i>Strict rules of evidence do not apply</i></p>	<p>We are mindful that "[i]t is well settled that the strict rules of evidence do not apply to probation proceedings.... It is just as well settled that hearsay evidence is admissible in a probation revocation hearing when the evidence is relevant, reliable and probative."</p>
<p><a href="#"><u>State v. Tucker</u></a>, 179 Conn. App. 270, 276, 178 A. 3d 1103 (2018), cert. denied 328 Conn 917 (2018).</p> <p><i>Connecticut Code of Evidence does not apply</i></p>	<p>At the outset, we emphasize that the Connecticut Code of Evidence does not apply to proceedings involving probation. Section 1-1 (d) (4) of the Connecticut Code of Evidence....</p>
<p><a href="#"><u>State v. Benjamin</u></a>, 299 Conn. 223, 235, 9 A.3d 338 (2010).</p> <p><i>Standard of proof: preponderance of the evidence</i></p>	<p>The law governing the standard of proof for a violation of probation is well settled. Even when a defendant is acquitted of the underlying crime leading to the probation revocation proceeding, probation still may be revoked because all that is required in a probation violation proceeding is enough to satisfy the court within its sound judicial discretion that the probationer has not met the terms of his probation. Although the revocation may be based upon criminal conduct, "the constitution does not require that proof of such conduct be sufficient to sustain a criminal conviction." (Internal quotation marks omitted.)</p> <p><a href="#"><u>Payne v. Robinson</u></a>, 10 Conn. App. 395, 402, 523 A.2d 917 (1987), aff'd, 207 Conn. 565, 541 A.2d 504, cert. denied, 488 U.S. 898, 109 S. Ct. 242, 102 L.Ed.2d 230 (1988).</p>
<p><a href="#"><u>State v. Davis</u></a>, 229 Conn. 285, 302, 641 A.2d 370 (1994).</p> <p><i>Standard of proof: preponderance of the evidence</i></p>	<p>We hold that a trial court may not find a violation of probation unless it finds that the predicate facts underlying the violation have been established by a preponderance of the evidence at the hearing--that is, the evidence must induce a reasonable belief that it is more probable than not that the defendant has violated a condition of his or her probation.</p>
<p><a href="#"><u>State v. Rollins</u></a>, 51 Conn. App. 478, 482, 723 A.2d 817 (1999).</p> <p><i>Drawing reasonable and logical inferences from the evidence</i></p>	<p>To support a finding of probation violation, the evidence must induce a reasonable belief that it is more probable than not that the defendant has violated a condition of his or her probation. <a href="#"><u>State v. Davis</u></a>, [229 Conn. 285, 302, 641 A.2d 370 (1994)]. In making its factual determination, the trial court is entitled to draw reasonable and logical inferences</p>

	from the evidence.... (Internal quotation marks omitted.)
<a href="#"><u>State v. Lanagan</u></a> , 119 Conn. App. 53, 61, 986 A.2d 1113 (2010). <i>Credibility of witnesses</i>	Although the defendant couches her argument in terms of insufficiency of the evidence, she confuses the issues of sufficiency and credibility. "As the sole finder of fact in the probation revocation proceeding ... the court was entitled to arrive at its own conclusion regarding the witnesses' credibility and what weight to afford their testimony." <a href="#"><u>State v. Gauthier</u></a> , 73 Conn. App. 781, 787, 809 A.2d 1132 (2002), cert. denied, 262 Conn. 937, 815 A.2d 137 (2003).
<a href="#"><u>State v. Preston</u></a> , 286 Conn. 367, 376-77, 944 A.2d 276 (2008). <i>Standard of appellate review</i>	Moreover, we previously have recognized that the evidentiary and dispositional phases are governed by two different standards of review. <a href="#"><u>State v. Faraday</u></a> , <i>supra</i> , 268 Conn. at 185-86, 842 A.2d 567; <a href="#"><u>State v. Hill</u></a> , <i>supra</i> , 256 Conn. at 425-26 .... "Our review is limited to <b>whether such a finding was clearly erroneous</b> .... A finding of fact is clearly erroneous when there is no evidence in the record to support it ... or when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.... In making this determination, every reasonable presumption must be given in favor of the trial court's ruling." (Internal quotation marks omitted.) <i>State v. Faraday</i> , <i>supra</i> , at 185, quoting <i>State v. Hill</i> , <i>supra</i> , at 425-26. (Emphasis added.)
<p>Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can <a href="#"><u>contact your local law librarian</u></a> to learn about the tools available to you to update cases.</p>	

Table 4: Dispositional Phase – Revocation of Probation

<p><a href="#"><u>State v. Sherrod</u></a>, 157 Conn. App. 376, 381-82, 115 A.3d 1167 (2015), cert. denied 318 Conn. 904 (2015).</p> <p><i>Two components: Adjudicatory Phase and Dispositional Phase</i></p>	<p>Under § 53a-32, a probation revocation hearing has two distinct components....The trial court must first conduct an adversarial evidentiary hearing to determine whether the defendant has in fact violated a condition of probation.... If the trial court determines that the evidence has established a violation of a condition of probation, then it proceeds to the second component of probation revocation, the determination of whether the defendant's probationary status should be revoked.</p>
<p>Conn. Practice Book § <a href="#"><u>43-29</u></a> (2025).</p> <p><i>Court rule</i></p>	<p>...At the revocation hearing, the prosecuting authority and the defendant may offer evidence and cross-examine witnesses. If the defendant admits the violation or the judicial authority finds from the evidence that the defendant committed the violation, the judicial authority may make any disposition authorized by law.</p>
<p>Conn. Gen. Stat. § <a href="#"><u>53a-32</u></a> (2025).</p> <p><i>Statute</i></p>	<p>(d) If such violation is established and the violation consisted of the commission of a serious firearm offense or the defendant is a serious firearm offender, the court shall revoke the sentence of probation or conditional discharge, otherwise, the court may: (1) Continue the sentence of probation or conditional discharge; (2) modify or enlarge the conditions of probation or conditional discharge; (3) extend the period of probation or conditional discharge, provided the original period with any extensions shall not exceed the periods authorized by section 53a-29; or (4) revoke the sentence of probation or conditional discharge. If such sentence is revoked, the court shall require the defendant to serve the sentence imposed or impose any lesser sentence. Any such lesser sentence may include a term of imprisonment, all or a portion of which may be suspended entirely or after a period set by the court, followed by a period of probation with such conditions as the court may establish. No such revocation shall be ordered, except upon consideration of the whole record and unless such violation is established by the introduction of reliable and probative evidence and by a preponderance of the evidence.</p>
<p><a href="#"><u>State v. Altajir</u></a>, 123 Conn. App. 674, 686, 2 A.3d 1024, (2010), <u>aff'd</u>, 303 Conn. 304, 33 A.3d 193 (2012).</p>	<p>Our Supreme Court has held that "[i]t is a fundamental sentencing principle that a sentencing judge may appropriately conduct an inquiry broad in scope, and largely unlimited either as to the kind of information he may consider or the source from which it may come.... The trial court's discretion,</p>

<p><i>Information considered at sentencing</i></p>	<p>however, is not completely unfettered. As a matter of due process, information may be considered as a basis for a sentence only if it has some minimal indicium of reliability." (Citation omitted; internal quotation marks omitted.) <i>State v. Huey</i>, 199 Conn. 121, 127, 505 A.2d 1242 (1986). The court properly applied this standard, stating that "I think the court can consider any evidence in a sentencing hearing as long as I find it to be reliable."</p>
<p><a href="#"><u>State v. Santos T.</u></a>, 146 Conn. App. 532, 536-37, 77 A.3d 931 (2013), cert. denied 310 Conn. 965 (2013).</p> <p><i>Sentence attributable to original conviction</i></p>	<p>The defendant also appears to argue that the sentence imposed by the court was excessive for what he described as a "technical violation" of his probation. We disagree, and, as we have noted, the court's sentence was based on a consideration of all of the facts relating to the defendant and his violation of probation. We are mindful that "[t]he element of punishment in probation revocation of [the] defendant is attributable to the crime for which he [or she] was originally convicted and sentenced. Thus, any sentence [the] defendant had to serve as the result of the [probation] violation ... was punishment for the crime of which he [or she] had originally been convicted. Revocation is a continuing consequence of the original conviction from which probation was granted." (Internal quotation marks omitted.) <i>State v. Ricketts</i>, 140 Conn. App. 257, 263, 57 A.3d 893, cert. denied, 308 Conn. 909, 61 A.3d 531 (2013); see also <i>State v. Smith</i>, 207 Conn. 152, 178, 540 A.2d 679 (1988). We therefore reject the defendant's argument that the court's sentence was excessive. See <i>State v. Fagan</i>, <i>supra</i>, 280 Conn. at 107 n. 24; <i>State v. Fisher</i>, 121 Conn. App. 335, 354, 995 A.2d 105 (2010).</p>
<p><a href="#"><u>State v. Valedon</u></a>, 261 Conn. 381, 390, 802 A.2d 836 (2002).</p> <p><i>Procedural right to address the court personally at the time of sentencing (right of allocution)</i></p>	<p>Although it is the better practice for the trial court to inquire of each defendant whether he or she wishes to make a personal statement before being sentenced for violation of probation, and we encourage the trial court to make such an inquiry, we conclude that the plain language of § 43-10(3) does not require that such an inquiry be made and that this is not a case calling for the exercise of our supervisory authority over the administration of justice to so order. Accordingly, we further conclude that the trial court, in passing sentence without addressing the defendant personally, did not deny the defendant his right of allocution at his probation revocation hearing.</p>

<p><a href="#"><u>State v. Faraday</u></a>, 268 Conn. 174, 207, 842 A.2d 567 (2004).</p> <p><i>Balancing rehabilitation with public safety</i></p>	<p>Finally, the court noted that it compared the defendant's liberty interest with the need to protect the public. On the basis of the foregoing, and in light of the fact that probation attempts to balance a defendant's rehabilitation with the public's safety, we cannot say that the trial court abused its discretion when it revoked the defendant's probation and ordered him to serve the twelve years imprisonment sentence originally imposed.</p>
<p><a href="#"><u>State v. Ricketts</u></a>, 140 Conn. App. 257, 260, 57 A.3d 893 (2013), cert. denied, 308 Conn. 909, 61 A.3d 531 (2013).</p> <p><i>Standard of appellate review</i></p>	<p>"The standard of review of the trial court's decision at the [dispositional] phase of the revocation of probation hearing is whether the trial court <b>exercised its discretion properly</b> by reinstating the original sentence and ordering incarceration." (Internal quotation marks omitted.) <i>State v. Preston</i>, 286 Conn. 367, 377, 944 A.2d 276 (2008). (Emphasis added.)</p>
<p>Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can <a href="#"><u>contact your local law librarian</u></a> to learn about the tools available to you to update cases.</p>	

# Section 4: Juvenile Probation

A Guide to Resources in the Law Library

## **SCOPE:**

Bibliographic resources relating to juvenile probation in Connecticut.

## **DEFINITIONS:**

- “‘Probation supervision’ means a legal status whereby a juvenile who has been adjudicated delinquent is placed by the court under the supervision of juvenile probation for a specified period of time and upon such terms as the court determines.” Conn. Practice Book § [26-1\(r\)](#) (2025).
- “Juvenile matters in the criminal session include all proceedings concerning delinquent children within this state and persons eighteen years of age and older who are under the supervision of a juvenile probation officer while on probation supervision or probation supervision with residential placement, for purposes of enforcing any court orders entered as part of such probation.” Conn. Gen. Stat. § [46b-121](#)(a)(2)(A) (2025).

### **Authority to impose:**

“Upon adjudication of a child as delinquent, the court may (1) discharge the child from the court's jurisdiction with or without a warning, (2) place the child on probation supervision for a period not to exceed eighteen months, which may be extended in accordance with section 46b-140a by not more than twelve months, for a total supervision period not to exceed thirty months, or (3) place the child on probation supervision with residential placement, for a period not to exceed eighteen months, which may be extended in accordance with section 46b-140a by not more than twelve months, for a total supervision period not to exceed thirty months.” Conn. Gen. Stat. § [46b-140](#)(b) (2025).

### **Conditions:**

“A juvenile who has been placed on probation supervision is subject to the continuing jurisdiction of the court and may be subject to other reasonable court-ordered restrictions or conditions and required to participate in a variety of appropriate programmatic services.” Conn. Gen. Stat. § [46b-121](#)(a)(2)(B) (2025).

“A juvenile who has been placed on probation supervision with residential placement is subject to the continuing jurisdiction of the court and may be subject to other reasonable court-ordered restrictions or conditions and required to participate in a variety of appropriate programmatic services.” Conn. Gen. Stat. § [46b-121](#)(a)(2)(C) (2025).

"As a condition of probation supervision or probation supervision with residential placement, the court may order that the child: (1) Participate in a youth service bureau program; (2) reside with a parent, relative or guardian or in a suitable residence approved by the court; (3) attend school and class on a regular basis and comply with school policies on student conduct and discipline; (4) refrain from violating any federal or state law or municipal or local ordinance; (5) undergo any medical or psychiatric evaluation or treatment deemed necessary by the court; (6) submit to random drug or alcohol testing, or both; (7) participate in a program of alcohol or drug treatment, or both; (8) participate in a program of community service; (9) obtain technical or vocational training, or both; (10) make a good faith effort to obtain and maintain employment; (11) be placed in an appropriate residential facility in accordance with subsection (g) of this section and remain in such facility until discharged; (12) not leave the state without notification of and permission from his or her probation officer; (13) notify his or her probation officer of any change of address or phone number within forty-eight hours of such change; (14) make all reasonable efforts to keep all appointments scheduled by the probation officer, evaluators and therapists, and notify his or her probation officer if he or she is unable to keep any such appointment; (15) obey any graduated responses ordered by his or her probation officer; (16) initiate no contact with any victim of the offense; and (17) satisfy any other conditions deemed appropriate by the court. The court may also order as a condition of probation supervision or probation supervision with residential placement that the child or the parents or guardian of the child, or both, make restitution to the victim of the offense in accordance with subsection (d) of this section. The court shall cause a copy of any such order to be delivered to the child, the child's parents or guardian and the child's probation officer. If the child is adjudicated as delinquent for a violation of section 53-247, the court may order, as a condition of probation supervision or probation supervision with residential placement, that the child undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the child." Conn. Gen. Stat. § [46b-140\(c\)](#) (2025).

"If the child has engaged in conduct which results in property damage or personal injury, the court may order the child or the parent or parents or guardian of the child, if such parent or parents or guardian had knowledge of and condoned the conduct of the child, or both the child and the parent or parents or guardian, to make restitution to the victim of such offense, provided the liability of such parent or parents or guardian shall be limited to an amount not exceeding the amount such parent or parents or guardian would be liable

for in an action under section 52-572. Restitution may consist of monetary reimbursement for the damage or injury, based on the child's or the parent's, parents' or guardian's ability to pay, as the case may be, in the form of a lump sum or installment payments, paid to the court clerk or such other official designated by the court for distribution to the victim." Conn. Gen. Stat. § [46b-140](#)(d) (2025).

"The court may order the child to participate in a program of community service under the supervision of the court or any organization designated by the court. Such child shall not be deemed to be an employee and the services of such child shall not be deemed employment." Conn. Gen. Stat. § [46b-140](#)(e) (2025).

- **Duties and authority of juvenile probation officers:**

"Juvenile probation officers shall investigate and submit reports and recommendations to the court, including predispositional studies in accordance with section 46b-134. Juvenile probation officers shall provide supervision and make referrals to preadjudication and postadjudication services based on the juvenile's risks and needs, as determined by the risk and needs assessment. Juvenile probation officers shall work collaboratively with treatment providers to ensure programs and services are adequately addressing the needs of juveniles under supervision. They shall execute the orders of the court; and, for that purpose, such probation officers, and any other employees specifically designated by the court to assist the probation officers in the enforcement of such orders, shall have the authority of a state marshal. They shall keep records of all cases investigated or coming under their care, and shall keep informed concerning the conduct and condition of each juvenile placed under supervision and report thereon to the court as the court may direct." Conn. Gen. Stat. § [46b-125](#) (2025).

- **Right to arrest for violation of probation:**

"Any juvenile probation officer authorized by the Office of the Chief Court Administrator may arrest any juvenile on probation without a warrant or may deputize any other officer with power to arrest to do so by giving such officer a written statement setting forth that the juvenile has, in the judgment of the juvenile probation officer, violated the conditions of the juvenile's probation. When executing such orders of the court, except when using deadly physical force, juvenile probation officers and juvenile matters investigators shall be deemed to be acting in the capacity of a peace officer, as defined in subdivision (9) of section 53a-3." Conn. Gen. Stat. § [46b-125](#) (2025).

- **Special juvenile probation:**

"For the purposes of this section, 'special juvenile probation' means a period of probation imposed by the superior court for juvenile matters upon a child in a proceeding designated as a serious homicide, firearm or sexual offender prosecution during which the child is supervised by a juvenile probation officer prior to such child attaining eighteen years of age and by an adult probation officer after such child attains eighteen years of age." Conn. Gen. Stat. § [46b-133d](#)(a) (2025).

- **Modification:**

"At any time during the period of probation supervision or probation supervision with residential placement, after hearing and for good cause shown, the court may modify or enlarge the conditions, whether originally imposed by the court under this section or otherwise, and may extend the period of probation supervision or probation supervision with residential placement by not more than twelve months, for a total maximum supervision period not to exceed thirty months, as deemed appropriate by the court. The court shall cause a copy of any such order to be delivered to the child and to such child's parent or guardian and probation officer." Conn. Gen. Stat. § [46b-140a](#)(a) (2025).

- **Notification:**

"The court shall cause a copy of any such order to be delivered to the child and to such child's parent or guardian and probation officer." Conn. Gen. Stat. § [46b-140a](#)(a) (2025).

- **Violation/Revocation:**

"At any time during the period of probation supervision or probation supervision with residential placement, the court may issue an order to take into custody or a warrant for the arrest of a child for violation of any of the conditions of probation supervision or probation supervision with residential placement, or may issue a notice to appear to answer to a charge of such violation, which notice shall be personally served upon the child. Any such order or warrant shall authorize all officers named therein to return the child to the custody of the court or to any suitable juvenile residential center designated by the court in accordance with subsection (e) of section 46b-133." Conn. Gen. Stat. § [46b-140a](#)(c) (2025).

"If a violation of probation supervision or probation supervision with residential placement is established, the court may continue or revoke the order of probation

supervision or probation supervision with residential placement or modify or enlarge the conditions of probation supervision or probation supervision with residential placement in accordance with section 46b-140." Conn. Gen. Stat. § [46b-140a\(e\)](#) (2025).

**STATUTES:**

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2025)

[Chapter 170](#). Boards of Education

§ [10-233i](#). Students placed on probation by a court.

[Chapter 323](#). York Correctional Institution

§ [18-65a](#). Confinement of young and teenage women.

[Chapter 324](#). John R. Manson Youth Institution, Cheshire

§ [18-73](#). Confinement of male children and youths.

[Chapter 815t](#). Juvenile Matters

§ [46b-120](#). Definitions.

§ [46b-121](#). "Juvenile Matters" defined. Authority of court.

§ [46b-121q](#). Commitment of juvenile offenders. Sentence of probation.

§ [46b-121r](#). Comprehensive system of graduated responses provided for juvenile offenders.

§ [46b-124](#). Confidentiality of records of juvenile matters. Exceptions.

§ [46b-125](#). Juvenile probation officers and juvenile matters investigators. Rights in retirement system. Duties and authority.

§ [46b-133d](#). Serious homicide, firearm or sexual offender prosecution. Sentencing.

§ [46b-134](#). Investigation by probation officer prior to disposition of delinquency case. Physical, mental and diagnostic examination.

§ [46b-140](#). Disposition upon adjudication of child as delinquent.

§ [46b-140a](#). Modification of conditions of probation supervision or probation supervision with residential placement. Violation of conditions.

§ [46b-141c](#). Reimbursement of costs of probation supervision.

§ [46b-141d](#). Credit for presentence detention.

[Chapter 952](#). Penal Code: Offenses

§ [53a-30\(a\)\(5\)](#). Conditions of probation and conditional discharge.

**WEB PAGES:**

- [Juvenile Probation](#) – Connecticut Judicial Branch - Court Support Services Division

**ONLINE FAQs:**

- Division of Public Defender Services. Juvenile Court in Connecticut Frequently Asked Questions: A Guide for Children and Families in the Juvenile Justice System  
<https://portal.ct.gov/OCPD/Juvenile/Juvenile/Juvenile-Frequently-Asked-Questions>
- Connecticut Judicial Branch Court Support Services Division, Juvenile Probation Frequently Asked Questions  
[https://www.jud.ct.gov/CSSD/juvprob\\_faq.htm](https://www.jud.ct.gov/CSSD/juvprob_faq.htm)

**PUBLICATIONS:**

- [Probationer Handbook: Key to Your Success](#) – State of Connecticut Judicial Branch – Court Support Services Division, JDP-AP-136 (Rev 2/25).
- [My Kid is on Probation, What Can I Do?](#) – Connecticut Judicial Branch – video on YouTube (Published on December 11, 2015).
- [Mi Hijo Está Bajo Regimen Probatorio, Qué Puedo Hacer?](#) – Connecticut Judicial Branch – video on YouTube (Published on December 11, 2015).

**LEGISLATIVE:**

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- *Auto-Theft Diversionary Program and Recidivism*, Michelle Kirby, Connecticut General Assembly, Office of Legislative Research Report, [2024-R-0137](#) (August 14, 2024).
- *Issue Brief: Connecticut's Juvenile Delinquency Process*, Michelle Kirby, Connecticut General Assembly, Office of Legislative Research Report, [2024-R-0202](#) (December 10, 2024).
- *Juvenile Diversionary Programs and Court Services*, Alison Walker, Connecticut General Assembly, Office of Legislative Research Report, [2022-R-0038](#) (March 9, 2022).
- *Juvenile Delinquency Procedure*, Jessica Callahan, Connecticut General Assembly, Office of Legislative Research Report, [2021-R-0182](#) (November 1, 2021).
- *Office of Legislative Research Public Act Summary*, Connecticut General Assembly, Office of Legislative Research, [Summary for Public Act No. 21-104, An Act Concerning Court Operations](#) (2021).

**COURT RULES:**

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2025)  
Superior Court – Procedure in Juvenile Matters  
[Chapter 26](#). General Provisions  
§ 26-1. Definitions Applicable to Proceedings on Juvenile Matters.  
  
[Chapter 27](#). Reception and Processing of Delinquency and Family with Service Needs Complaints or Petitions

§ 27-1A. Referrals for Nonjudicial Handling of Delinquency Complaints  
§ 27-5. Initial Interview for Delinquency Nonjudicial Handling Eligibility  
§ 27-8A. Nonjudicial Supervision—Delinquency

[Chapter 30a](#). Delinquency and Family with Service Needs Hearings  
§ 30a-5. Dispositional Hearing.

[Chapter 31a](#). Delinquency and Family with Service Needs Motions and Applications  
§ 31a-18. Modification of Probation and Supervision

### **CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Jahiem P.](#), Superior Court, Judicial District of Hartford, No. H12JV210670007A (May 13, 2021) (2021 WL 2459808). "Even after he turns eighteen, any offense that Jahiem might commit during such a juvenile probation would be both a delinquent act subjecting him to the continued jurisdiction of the juvenile court, including the possibility of detention ordered by the juvenile court should he then pose a risk to public safety, and a criminal offense with the prospect of prosecution, pretrial incarceration, and punishment in adult court." (Footnotes omitted.)
- [In re Jeffrey M.](#), Superior Court, Judicial District of Hartford, No. DO00002587803 (April 18, 2012) (2012 WL 3205850). "The standard in the juvenile modification of probation statute, § 46b-140a(a), 'after hearing and for good cause shown,' is identical to the one set forth for criminal modification of probation in General Statutes § 53a-30(c). This standard has been interpreted as affording the court 'broad discretion,' if, at the time of the hearing, the probationer has engaged in wrongdoing or a change in circumstances is shown such that the prior order of probation was no longer serving its intended purpose. *State v. Denya*, 107 Conn. App. 800, 812, 946 A.2d 931 (2008), rev'd on other grounds, 294 Conn., 516, 986 A.2d 200 (2010). A modification should 'reasonably relate to [the probationer's] rehabilitation and the preservation of the safety of the general public.' *State v. Crouch*, 105 Conn. App. 693, 699, 929 A.2d 632 (2008). A violation of probation need not be shown for a court to modify conditions. *State v. Smith*, 255 Conn. 830, 840, 769 A.2d 698 (2001). The appropriate standard of review of a trial court's actions in modifying probation is whether the trial court abused its discretion."
- [In re Jeffrey M.](#), Superior Court, Judicial District of Hartford, No. DO00002587803 (April 18, 2012) (2012 WL 3205850). "Like a criminal sentencing court, the jurisdiction of the juvenile court terminates once a defendant's probation has

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

begun and 'a court may not take further action affecting the [disposition] unless it expressly has been authorized to act.'"

- [In re Kelly F.](#), Superior Court (Feb. 28, 2000) (2000 WL 278658) (26 Conn. L. Rptr. 280) (2000 WL 278658). "The burden of proof required to prove an adult violation of probation and that of proving a violation of court orders in the juvenile system are substantially different. When the state elects to proceed with a new petition charging a violation of juvenile court orders, it is incumbent upon them to establish such violation beyond a reasonable doubt. There is a lesser standard of proof required of an alleged violation of adult probation, i.e. by the introduction of reliable and probative evidence and by a preponderance of the evidence."
- [In re Christopher V.](#), 207 Conn. 270, 274, 540 A2d 700 (1988). "The objective of juvenile court proceedings is to 'determin[e] the needs of the child and of society rather than adjudicate[e] criminal conduct. The objectives are to provide measures of guidance and rehabilitation . . . not to fix criminal responsibility, guilt and punishment.' *Kent v. United States*, 383 U.S. 541, 554, 86 S. Ct. 1045, 16 L. Ed. 2d 84 (1966); but see *In re Luis R.*, 204 Conn. 630, 634-35, 528 A.2d 1146 (1987). Thus the child found delinquent is not perceived as a criminal guilty of one or more offenses, but rather as a child in need of guidance and rehabilitative services."
- [In re Rafael A.](#), 15 Conn. App. 641, 647-648, 545 A.2d 1162 (1988). "In adjudicating the respondent delinquent for violating his probation by engaging in unlawful activities, the trial court took judicial notice of this standard probation condition, as well as the entire juvenile file relating to the respondent, including the probation contract which the court had personally signed in October, 1986. The respondent asserts that because the court took judicial notice of these facts, rather than requiring evidence from the state, the state failed to satisfy its burden of proof on this issue. We disagree.

The parole officer testified, without objection, that the respondent was placed on probation by the same trial court on October 31, 1986, to last until April 30, 1987. He further testified that a copy of the conditions of probation was furnished to the respondent at that time. Moreover, the trial court was entitled to take judicial notice of the files in juvenile proceedings. 'The true concept of what is judicially known is that it is something which is already in the court's possession or, at any rate, is so accessible that it is unnecessary and therefore time wasting to require evidence of it. *State v. Main*, 69 Conn. 123, 136, 37 A. 80 [1897]. Judicial notice, therefore, in its appropriate field, meets the

objective of establishing facts to which the offer of evidence would normally be directed."

**WEST KEY  
NUMBERS:**

- *Infants* – XV. Juvenile Justice  
    G. Disposition
  - 2688. Probation or suspension of sentence
  - 2689. – In general
  - 2690. – Grounds, factors, and considerations
  - 2691. – Duration or term
  - 2692. – Conditions
  - 2693. – Incarceration and probation
  - 2694. – Supervision and searches
  - 2723. Amendment, modification, or extension of punitive disposition or probation in general
  - 2728. – Probation, community control, or parole
  - 2729. Violations and defenses thereto
  - 2731. – Probation
  - 2733. Proceedings
  - 2742. Judgment or disposition on violation or revocation
  - 2744. – Reimposition or continuation of probation
  - 2745. – Modification or extension of probation

**DIGESTS:**

- *Digest of Decisions Connecticut 2d*, by Emily J. Lebovitz, State of Connecticut, 1990, with 1992 supplement.  
    *Juveniles*  
        § 3. Proceedings; Abandonment; Neglect; Delinquency

**ENCYCLOPEDIAS:**

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use.  
Remote access is not available.

- 13 A.L.R. 4<sup>th</sup> 1240, *Power of court, after expiration of probation term, to revoke or modify probation for violations committed during the probation term*, by Lee R. Russ, J.D., Thomson West, 1982.
- 47 Am Jur 2d Juvenile Courts and Delinquent and Dependent Children, Thomson West, 2017 (Also available on Westlaw).  
    V. Delinquent Children
  - B. Disposition of Child
    - § 57. Probation of Juvenile Delinquent
    - § 58. – Conditions of probation
    - § 59. – Revocation of probation
- 43 CJS Infants, Thomson West, 2014 (Also available on Westlaw).  
    II. Protection and Control
  - B. Commitment, Placement, and Control of Delinquent, Dependent, or Neglected Children
    - 3. Judgment and Disposition of Child; Review
    - d. Disposition of Delinquent Minors
      - (2) Probation
        - § 161. Placing delinquent minor on probation, generally

- § 162. Conditions of probation; restitution or fine
- § 163. Revocation of delinquent minor's probation
- § 164. – Notice and hearing

## **TEXTS & TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

### **Connecticut Treatises:**

- 1A Connecticut Practice Series, *Juvenile Law*, by Brendon P. Levesque and Michael S. Taylor, 2024-2025 ed., Thomson West (also available on Westlaw).  
Authors' Comments for §§ 26-1, 27-5, 27-8A and 30a-5

### **General Treatises:**

- 3 *Criminal Defense Techniques*, Robert M. Cipes, editor, Matthew Bender, 2025.  
Chapter 60. Defense of a Juvenile Accused of a Crime  
§ 60.14. Dispositional Hearing  
[3] Probation
- 1B *Criminal Defense Techniques*, Robert M. Cipes, editor, Matthew Bender, 2025.  
Chapter 42A. Litigating on Behalf of Children in Institutions  
§ 42A.03. Strategic Considerations Prior to Litigating  
[8] Planning the Relief: Alternatives to Institutions  
[a] – Nonresidential Programs
- 1 *Representing the Child Client*, by Michael J. Dale, Matthew Bender, 2024 (also available on Lexis).  
Chapter 5. Representing Children in Juvenile Justice Proceedings  
§ 5.03. Delinquent Offenders  
[13] Dispositions  
[d] Withholding Adjudication, Probation, Restitution, Community Service, and Fines  
§ 5.08. Probation and Parole Revocation Proceedings  
[1] Introduction  
[2] Arrest, Detention, and Probable Cause Determination  
[3] Revocation Hearing  
[a] Standard of Proof  
[b] Right to Counsel  
[c] Self-Incrimination  
[d] Evidentiary Issues
- 2 *Children and the Law: Rights and Obligations*, by Thomas A. Jacobs and Natalie C. Jacobs, 2024 ed., Thomson West (also available on Westlaw).  
Chapter 8. Delinquency  
VI. Probation Revocation  
§ 8:44. Revocation of probation

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- § 8:45. --Historical analysis  
§ 8:46. --Standard of proof  
§ 8:47. --Related revocation issues
- *Trial Manual for Defense Attorneys in Juvenile Delinquency Cases*, by Randy Hertz, Martin Guggenheim and Anthony G. Amsterdam, American Bar Association, 2013.
  - Chapter 3. Representing Clients Before Initial Hearing; Steps To Take If A Client Is At The Police Station Or Is "Wanted" By The Police
    - Part B. Overview Of The Initial Stages Of The Juvenile Justice Process
      - § 3.12. The Probation Intake Process
      - Part D. Entering The Case At The Probation Intake Stage: Representing Children Who Were Released After Arrest And Have Not Yet Gone Through Probation Intake
        - § 3.26. Overview of the Role that the Attorney Potentially Can Play in the Probation Intake Process
        - § 3.27. Counseling the Child and Parent/Guardian to Prepare Them for the Probation Intake Interviews
        - § 3.28. The Attorney's Opportunities for Direct Involvement in the Probation Intake Process
    - Chapter 4. The Initial Hearing: Prehearing Interview; Arraignment; Pretrial Detention Arguments; Probable-Cause Hearing
      - Part C. Pre-Hearing Interview Of The Client And Parent, And Other Necessary Preparation For The Initial Hearing
        - § 4.11. Ascertaining the Positions of the Probation Officer and Prosecutor, and Lobbying to Change Unfavorable Positions
      - Part E. Pretrial Detention And Bail
        - § 4.19. The Detention Hearing: Procedure (role of probation officer at)
        - § 4.20. Preventing or Objecting to Any Mention of Prior Charges that Have Been Nolled, Dismissed, or Sealed (role of probation officer at)
        - § 4.26(a)(3). Additional Detention Issues Arising from Other Charges or Other Legal Problems Within the Jurisdiction, in Other Parts of the State, or in Other States (effects of respondent's probation or parole status on determination)
    - Chapter 38. Dispositions
      - Part A. Overview Of The Dispositional Stage And Dispositional Options
        - § 38.03. The Dispositional Options Available in Juvenile Court
        - § 38.04. Procedures Prior to and at Disposition (role of probation officer)
      - Part B. Preparing For Disposition

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

§ 38.05. Counseling the Respondent and His or Her Parent and Advising Them How to Behave During the Dispositional Phase

§ 38.06. Meeting with Probation Officers and Other Court Personnel before They Prepare Dispositional Reports

§ 38.08. Obtaining a Copy of the Pre-Sentence Report and Other Reports and Records for Use at Disposition

§ 38.12. Meeting with Probation Officers and Other Court Personnel after Their Dispositional Reports Are Written

§ 38.13. Negotiating with the Prosecutor or Probation Officer

#### Part C. Conducting An Evidentiary Hearing

§ 38.19. Techniques for Conducting an Evidentiary Dispositional Hearing (role of probation officer)

§ 38.21. Cross-Examining the Probation Officer or Mental Health Expert Presented by the Prosecution

#### Part D. Conducting a Non-Evidentiary Hearing

§ 38.25. Techniques for Conducting a Non-Evidentiary Hearing (role of probation officer)

### Chapter 39. Appeal and Post-Disposition Proceedings

§ 39.04. Revocation of Probation

- *Rights of Juveniles 2d: The Juvenile Justice System*, by Samuel M. Davis, 2025 ed., Thomson West.
  - Chapter 7. The Dispositional Process
    - § 7:1 The disposition hearing
    - § 7:2 Procedures in the disposition hearing
    - § 7:3 Available dispositions: Delinquent children
    - § 7:4 Available dispositions: Children in need of supervision
    - § 7:5 Available dispositions: Abandoned and neglected children
    - § 7:6 Duration of commitment
    - § 7:7 Post-disposition: Right to treatment
    - § 7:8 Post-disposition: Transfer to penal institution
    - § 7:9 Post-disposition: Probation and parole Revocation
- Elizabeth D. Hrywniak, *Education and Juvenile Sentencing: Recognizing the Effects of the School-to-Prison Pipeline as Mitigation Factors in Connecticut Juvenile Sentencing Decisions*, 40 Quinnipiac Law Review 709 (2022).
- Henry S. Cohn and Gordon S. Bates, *Founding the Connecticut Delinquency Court, 1903-1941*, 85 Connecticut Bar Journal 301 (December 2011).

### **LAW REVIEWS:**

# Section 5: Federal Probation

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to probation in federal courts in Connecticut.

**DEFINITIONS:**

- "Sentence of probation (a) In General. -A defendant who has been found guilty of an offense may be sentenced to a term of probation unless-  
(1) the offense is a Class A or Class B felony and the defendant is an individual;  
(2) the offense is an offense for which probation has been expressly precluded; or (3) the defendant is sentenced at the same time to a term of imprisonment for the same or a different offense that is not a petty offense." 18 U.S.C § [3561](#).

**STATUTES:**

- 18 U.S.C. 3601 *et seq.*  
Part II. Criminal Procedure  
Chapter 227. Sentences  
Subchapter A. General Provisions  
    § [3553](#). Imposition of a Sentence  
Subchapter B. Probation  
    § [3561](#). Sentence of probation  
    § [3562](#). Imposition of a sentence of probation  
    § [3563](#). Conditions of probation  
    § [3564](#). Running of a term of probation  
    § [3565](#). Revocation of probation  
    § [3566](#). Implementation of a sentence of probation

Chapter 229. Postsentence Administration  
Subchapter A. Probation  
    § [3601](#). Supervision of probation  
    § [3602](#). Appointment of probation officers  
    § [3603](#). Duties of probation officers  
    § [3604](#). Transportation of a probationer  
    § [3605](#). Transfer of jurisdiction over a probationer  
    § [3606](#). Arrest and return of a probationer  
    § [3607](#). Special probation and expungement procedures for drug possessors  
    § [3608](#). Drug testing of Federal offenders on post-conviction release

**COURT RULES:**

- United States District Court, District of Connecticut, Local Rules of Criminal Procedure (2025)  
    Rule 32.  
    [Disclosure of Presentence Reports](#)  
        (a) Initial Disclosure of Presentence Reports  
        (b) Revisions to Report

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- (c) Submission of Revised Presentence Report
- (d) Objections to Revised Presentence Report
- (e) Scheduling Order
- (f) Modification of Time Limits
- (g) Non-disclosable Information
- (h) Date of Disclosure
- (i) Limitations on Disclosure by the Government and the Defense
- (j) Appeals
- (k) Disclosure to Other Agencies

#### Sentencing Procedures

- (l) The Role of Defense Counsel
- (m) The Role of the United States Attorney
- (n) The Role of the Probation Officer
- (o) Sentencing Memoranda
- (p) Presentence Conference
- (q) Confidentiality of Communications to Sentencing Judge
- (r) Binding Plea Agreements

- Federal Rules of Criminal Procedure. [Rule 32.1](#)  
Revoking or Modifying Probation or Supervised Release

#### **FORMS:**

- *3 Complete Manual of Criminal Forms*, by F. Lee Bailey and Hon. Kenneth J. Fishman, Thomson West, 1993, with 2024 supplement (also available on Westlaw).
  - Chapter 96. Sentencing
    - § 96:3. Order suspending sentence and placing defendant on probation - federal
  - Chapter 97. Pleadings and Orders Relating to the Sentence
    - § 97.10. Order for discharge of probationer – consent of United States Attorney – report of probation officer – federal
    - § 97:11. Petition for revocation of probation – Federal

#### **CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [United States v. Warren](#), 335 F.3d 76, 77 (2d Cir. 2003). "Stephen Thomas Warren appeals from the sentence of three years imprisonment imposed by Judge Mishler following Warren's pleas of guilty to violation of the terms of his supervised release. Warren seeks a sentence reduction based on claimed constitutional deficiencies in the underlying sentence that imposed the term of supervised release. We affirm, holding that a supervised release revocation proceeding is not the proper forum for a collateral attack on the conviction or sentence that resulted in the term of supervised release."
- [State v. Mulville](#), Superior Court, Judicial District of Litchfield, No. LLI CR 13 143597-S (April 4, 2017) (64 Conn. L. Rptr. 231) (2017 WL 1484068). "A related question is whether the defendant may seek dismissal of a

charge of violation of probation by attacking the underlying conviction, whether by writ of error coram nobis or by any other means. The federal equivalent of probation is supervised release, and it is clear that a defendant facing revocation of supervised release may not avoid revocation by collateral attack on the underlying conviction or sentence; the underlying conviction may only be attacked on direct appeal or through a habeas corpus proceeding. *United States v. Warren*, 335 F.3d 76, 78-79 (2d Cir. 2003).

The rationale for precluding an attack on the underlying conviction in the context of a violation of supervised release proceeding, as expressed in *Warren* is that such an approach 'furthers the important interest of promoting the finality of judgments.' *United States v. Warren*, *supra*, 335 F.3d 78. Further, the Warren court held that the 'orderly administration of justice also calls for limiting revocation proceedings to the issue at hand – the fact or non-fact . . . of a violation of supervised relief . . . Allowing claims of . . . error to be raised in proceedings designed to adjudicate a violation of supervised release would lead to endless confusion over the nature of the claims that could be made and in what circumstances such claims could be brought . . . This confusion would . . . sacrifice the orderly and efficient administration of justice for no particular gain in fairness.' *Id.*, 79.

The position taken in *Warren* mirrors the approach in numerous other United States Circuit Courts of Appeal. *Id.*, 78. This court concludes that the rationale identified in *Warren* that precludes an attack on an underlying conviction in the context of a revocation of supervised release proceeding is logical, reasonable, and should be applied to such an attack in the context of a violation of probation proceeding." (p. 233)

**ENCYCLOPEDIAS:** • 21A *Am Jur 2d Criminal Law*, Thomson West, 2016 (Also available on Westlaw).  
    E. Suspending Imposition or Execution of Sentence  
        2. Probation  
            c. Revocation of Probation  
                § 830. Probation revocation hearing under federal law

**TEXTS & TREATISES:** • 3 *Federal Practice and Procedure*, by Charles Wright et al., Thomson West, 2025 (also available on Westlaw).  
    Federal Rules of Criminal Procedure  
        Chapter 8. Judgment  
            E. Components of Sentence  
                § 547. Probation  
            Rule 32.1. Revoking or Modifying Probation or Supervised Release

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

§ 561. History of Rule  
§ 562. Revoking Probation or Supervised Release—The Process of Revocation  
§ 563. --Defining the Post-Revocation Sentence  
§ 564. Modifying Probation or Supervised Release

- *Federal Sentencing Law & Practice*, by Thomas W. Hutchison et al., Thomson West, 2025 (also available on Westlaw).
  - Chapter Five. Determining the Sentence
    - Part B. Probation
    - Part D. Supervised Release
  - Chapter Seven. Violations of Probation and Supervised Release
- *The Law of Probation and Parole*, 2d, by Neil P. Cohen, Thomson West, 1999, with 2025 supplement (also available on Westlaw).
  - Chapter 1. Introduction to Probation and Parole
    - § 1:4. --Federal adoption of probation
  - Chapter 5. Parole Granting: Federal Parole Law and Supervised Release
    - § 5:10. Federal supervised release law
    - § 5:12. --Imposing supervised release on federal defendants
  - Chapter 16. Modification of Probation or Parole
    - § 16:9. --Federal probation, supervised release, and parole; Federal courts
  - Chapter 27. Revocation Proceedings: Sanctions for Revocation
    - § 27:1. Introduction and overview of sanctions
    - § 27:2. --Federal approach
    - § 27:3. --Options
    - § 27:4. --Criteria