

SUPREME COURT OF CONNECTICUT

State of Connecticut v. Frank M. Jenkins, 288 Conn. 610

954 A.2d 806 (2008) · No. No. 18018 · Decided September 2, 2008

SUMMARY

The Supreme Court of Connecticut held that the eighteen-month limitation on competency-restoration placement under General Statutes § 54-56d(i) applies cumulatively to multiple periods of inpatient treatment, rather than separately to each placement. The court concluded that the defendant was entitled to release from treatment or civil commitment proceedings under § 54-56d(m), and it reversed and remanded for determination of the appropriate relief.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Palmer, J.; Rogers, C.J.; Vertefeuille, J.; Zarella, J.; Schaller, J.
JURISDICTION	Connecticut
DECIDED	September 2, 2008
DOCKET	No. 18018
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendant appealed from the trial court's denial of his request for release from treatment or a hearing concerning civil commitment under General Statutes (Rev. to 2005) § 54-56d(m). The appeal was transferred from the Appellate Court to the Supreme Court of Connecticut.
STANDARD OF REVIEW	The appealability issue was reviewed under the second prong of the Curcio final-judgment test. The statutory-interpretation issue was reviewed de novo or plenary.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Frank M. Jenkins v. State of Connecticut

TOPICS

- criminal procedure
- statutory interpretation
- due process
- appellate jurisdiction
- speedy trial

PRACTICE AREAS

criminal procedure

competency to stand trial

statutory interpretation

constitutional due process

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court's denial of release or civil-commitment proceedings under General Statutes § 54-56d(m) was immediately appealable despite being interlocutory.
2. Whether the eighteen-month limitation in General Statutes § 54-56d(i) applies separately to each treatment placement or cumulatively to all placements following the initial determination of incompetency.

HOLDINGS

1. An order denying a defendant's claim that the statutory treatment-placement limit has been exceeded, and thereby denying immediate release or civil-commitment proceedings, is immediately appealable under the second prong of the Curcio test because it implicates a protected liberty and due-process right that could be irretrievably lost through delayed review.
2. Under General Statutes § 54-56d(i), the period of treatment placement following a determination that a defendant is incompetent but restorable to competency is calculated cumulatively; the defendant's placements may not collectively exceed the lesser of the maximum sentence for the charged offenses or eighteen months.

KEY QUOTATIONS

“Thus, the statute most reasonably can be understood as providing that, after a defendant has been found incompetent to stand trial but restorable to competency, the cumulative total of the defendant's placements for treatment cannot exceed the period of the maximum sentence that the defendant could receive or eighteen months, whichever is less.” (at 815)

“In sum, we agree with the defendant that he is entitled either to be released from treatment or civilly committed because he was placed for treatment at a mental health facility under § 54-56d(i) for a total period exceeding eighteen months.” (at 816)

FACTUAL BACKGROUND

Jenkins was arrested in November 2002 and charged with several offenses, including sexual assault, unlawful restraint, and risk of injury to a child. He was found incompetent but restorable to competency on three separate occasions and received inpatient treatment placements lasting eight months, eight months, and five months, for a cumulative total of twenty-one months. Although he was restored to competency between placements, the trial court denied his request for release or civil-commitment proceedings because no single placement exceeded eighteen months.

PROCEDURAL HISTORY

The trial court repeatedly found Jenkins incompetent but restorable to competency and ordered three inpatient treatment placements totaling twenty-one months. The court denied his request for release or a civil-commitment

hearing because no individual placement exceeded eighteen months. The Supreme Court concluded that the interlocutory order was immediately appealable under the second prong of *State v. Curcio*, reversed, and remanded for determination of the appropriate relief.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must determine whether Jenkins should be released from treatment or placed in the custody of the appropriate state commissioner for civil-commitment proceedings.

CASES CITED

- *King v. Sultar*, 253 Conn. 429, 434, 754 A.2d 782 (2000)
- *State v. Garcia*, 233 Conn. 44, 63, 658 A.2d 947 (1995)
- *State v. Jacobs*, 265 Conn. 396, 828 A.2d 587 (2003)
- *State v. Curcio*, 191 Conn. 27, 31, 463 A.2d 566 (1983)
- *Vejseli v. Pasha*, 282 Conn. 561, 568-69, 923 A.2d 688 (2007)
- *United States v. Gold*, 790 F.2d 235, 238-39 (2d Cir. 1986)
- *State v. Garcia*, 233 Conn. 44, 66, 658 A.2d 947 (1995)
- *Windels v. Environmental Protection Commission*, 284 Conn. 268, 294-95, 933 A.2d 256 (2007)
- *Jackson v. Indiana*, 406 U.S. 715, 725, 727-28, 738, 740, 92 S. Ct. 1845, 32 L. Ed. 2d 435 (1972)
- *People v. Miller*, 186 Mich. App. 238, 241-42, 463 N.W.2d 250 (1990), rev'd in part on other grounds, 440 Mich. 631, 489 N.W.2d 60 (1992)
- *Jones v. United States*, 463 U.S. 354, 368-70, 103 S. Ct. 3043, 77 L. Ed. 2d 694 (1983)
- *Clark v. Commissioner of Correction*, 281 Conn. 380, 405, 917 A.2d 1 (2007)