

In re Jan Carlos D.

___ Conn.. ___ (2010)

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In *In re Jan Carlos D.*, the Connecticut Supreme Court addressed the issue as to whether General Statutes § 54-1f (a) applies to juveniles who are served with a summons that alleges the commission of criminal offences. General Statutes § 54-1f (a) provides that officers may arrest without a warrant if the individual is apprehended in the act or on the speedy information of others. The court held that § 54-1f (a) does not apply to juveniles who receive a summons.

Jan Carlos (the respondent) received a summons alleging that he had committed an assault in the third degree and disorderly conduct. When he appeared in court, the state filed a delinquency petition alleging he had committed those two crimes. The respondent moved to dismiss due to a delay between receiving the summons and the alleged misconduct, characterizing the summons as an arrest. He claimed that the summons was unlawful because it was not initiated on speedy information. The trial court found for the respondent and dismissed the charges without prejudice.

The trial court articulated their interpretation of § 54-1f (a), relying on statements from *Sims v. Smith*, stating that the point of allowing an arrest without a warrant was the “necessity of preventing the escape of offenders during the period of delay” and if such a necessity did not exist, a warrant must be obtained. The state argued that the respondent had not be subject to a custodial arrest and § 54-1f (a) did not apply.

The Connecticut Supreme Court rejected the trial courts interpretation of § 54-1f (a) and held that because the legislature has provided a specific procedure for commencing delinquency proceedings against juveniles, which includes service of summons and a provision about speedy information, the section does not apply to juveniles. The court noted that the legislature intended for juveniles to be treated differently than adults, and to apply this section of the code to juveniles would undermine the intent of what they termed an “unambiguous statutory framework.”

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