

Summary of Opinion
State of Connecticut v. Lishan Wang
SC 19178

Judicial District of New Haven

In this case, the defendant, Lishan Wang, is charged with murder and other offenses stemming from an incident that allegedly occurred in April 2010. Mr. Wang, who is indigent, waived the right to have an attorney appointed to represent him and instead exercised his right to represent himself in the criminal case. He is awaiting trial in the New Haven Judicial District.

While preparing for trial, Mr. Wang asked the trial court for public funding for an expert and investigator to assist in preparing his defense. At the joint request of the state and Mr. Wang, the trial court filed a "reservation" with the Connecticut Supreme Court, which is a request for advice in answering certain questions of law. Specifically, the trial court asked for the advice of the Supreme Court relating to the right of an indigent self-represented defendant to obtain public funding for an expert or investigator to assist in preparing a criminal defense. The Supreme Court heard oral argument on October 31, 2013.

In an opinion authored by Chief Justice Chase T. Rogers, released on Monday, June 9, 2014, the Supreme Court ruled unanimously that an indigent self-represented defendant has a constitutional right to public funding for an expert or investigator, provided that such assistance is reasonably necessary in order to have a fair opportunity to present a criminal defense.

The court also concluded that the Public Defender Services Commission, which was established by the legislature to administer the public defender system, and

accordingly, has been appropriated funding for the criminal defense of indigent litigants, must provide funding for reasonably necessary expert or investigator fees for indigent self-represented defendants. The court determined that the statutes providing for public defender services authorize the commission to fund reasonably necessary defense costs on behalf of indigent self-represented defendants for whom standby counsel* has been appointed.

Finally, the court ruled that an indigent self-represented defendant, with the assistance of standby counsel, must demonstrate to the commission that the requested expert or investigator is reasonably necessary to his criminal defense. In order to facilitate access to funding for defense costs, the trial court shall appoint standby counsel, who, at the request of the indigent self-represented defendant, may seek funding from the commission using its existing administrative mechanisms for the prior approval of defense costs. Because the trial court has already appointed standby counsel to assist Mr. Wang, the court concluded that Mr. Wang may seek funding from the commission through his standby counsel, pursuant to the commission's current administrative procedures.

The Supreme Court remanded the case to the trial court for the prosecution to resume accordingly.

* Standby counsel is appointed for limited advisory purposes to assist a self-represented defendant.