SPEEDY TRIAL

A Selected Bibliography and Comparative Analysis of State Speedy Trial Provisions

by

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PREFACE

This Selected Bibliography and Comparative Analysis of State Speedy Trial Provisions was prepared by the Midwest Research Institute (MRI) of Kansas City, supported by Contract Number J-LEAA-027-77 awarded by the Law Enforcement Assistance Administration under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Members of the staff of the National Criminal Justice Reference Service (NCJRS) assisted MRI in the preliminary research activities to develop this bibliography and reviewed the citations selected for inclusion. In an effort to make this important contribution to the law enforcement/criminal justice literature available to all who are interested in the issue of speedy trial, NCJRS is publishing this bibliography as part of its Selected Bibliography series. Unlike most of the bibliographies published by NCJRS, State Speedy Trial Provisions is not limited to documents in the NCJRS collection. Information about how to obtain the documents cited appears on page 2.

INTRODUCTION

The time limits established by the Speedy Trial Act of 1974 have generated widespread debate concerning the effects of their restrictions on the operation of the Federal judicial system. Many hail the Act as a necessarily forceful step in the elimination of court delay, congestion, and backlog and applaud the Act's goals of reducing crime and the danger of recidivism. Others argue that the Act will have the effect of compounding court problems unless adequate funding is provided for expanded court services to accomplish the speedy trial goals. The debates over state speedy trial provision are similar. As is often the case, there are no simple answers to complex problems.

Although law enforcement officers, defense attorneys, prosecutors and judges at all levels of the criminal justice system have addressed the issue of speedy trial, no clear majority opinion emerges. The "Bibliography" section of this report prepared by Midwest Research Institute (MRI) attempts to represent a wide range of viewpoints of academicians, administrators, and practitioners toward the issue of speedy trial. The first part of the bibliography consists of literature derived principally from law journals, books, periodicals and government publications. The second part consists of constitutional and statutory provisions, court rules and court decisions concerning speedy trial. Information concerning how to obtain these documents follows.

The current status of speedy trial law is outlined in the "Comparative Analysis" section of this report. Within it lies a comparison of state speedy trial provisions, the Federal Speedy Trial Act, and the American Bar Association's Standards for Speedy Trial (ABA Standards). The first part graphically displays and categorizes constitutional, statutory, and case law and court rule in a convenient six-matrix format. The methodology used and the definitions adopted are presented along with a survey of the findings. Footnotes to the matrices are provided to highlight important or unusual provisions.

Copies of the annotated bibliography and comparative analysis were sent for review to the attorneys general and court administrators of each state, the Federal Judicial Center, the Administrative Office of the United States Courts, the Executive Office for United States Attorneys, the American Bar Association and various other organizations concerned with the courts. Of the 50 states surveyed, 31 replies were received. Corrections or additions made by the state officers and other respondents have been included in this publication.

HOW TO OBTAIN THESE DOCUMENTS

Documents with an identification number preceded by the initials NCJ are included in the collection of the National Criminal Justice Reference Service. The NCJRS Reading Room (Suite 211, 1015 20th Street, N.W., Washington, D.C.) is open to the public from 9 a.m. to 5 p.m.

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Permanent, Personal Copies From Publishers and Other Sources

The publisher or availability source of each document is indicated in the bibliographic citation, and the names and addresses of the sources are listed by entry number in the Appendix; however, NCJRS cannot guarantee that all documents will remain available.

Constitutional, statutory, and court rule provisions may be found in State and Federal statutory compilations. Court decisions can be located in official State court reports or the National Reporter System of the West Publishing Company. These sources are included in the collections of most law school libraries.

BIBLIOGRAPHY

A. BIBLIOGRAPHY OF SPEEDY TRIAL LITERATURE

The literature included in this Annotated Bibliography is a subset of the literature reviewed for the LEAA funded project, "Analysis of State Speedy Trial Provisions."

It was decided that this bibliography should be restricted to that literature which specifically deals with speedy trial. In all, MRI reviewed over 350 items including journal articles (legal and nonlegal); books; bibliographies; government reports; handbooks; standards; criminal justice digests; newsletters; editorials; magazines; newspapers; addresses; symposia; memoranda; congressional records; and hearings from which the 165 citations included in this bibliography were taken. The speedy trial literature included in this bibliography covers the following topics:

- Problems in the implementation of speedy trial acts;
- Historical analysis of speedy trial acts;
- Constitutional rights of a speedy trial;
- Remedies for denial of the right to a speedy trial;
- Discussions of conditions under which the speedy trial right is derived;
- The impacts of speedy trial provisions on existing court systems;
- Speedy trial provisions and their effect on the quality of the judicial process;
- Pretrial rights and remedies;
- Reviews of newly enacted state provisions;
- Defendant prioritization and speedy trial;
- Methods by which speedy trial provisions can be accommodated;
- Suggestions for speedy trial case flow;
- Interpretation of speedy trial provisions;
- Dangers inherent in "speedy" justice;
- Funding of speedy trial plans;

- Detainer statutes and the right to a speedy trial;
- Speedy trial and the demand-waiver doctrine;
- Speedy trial and prearrest delay;
- Examinations of the Supreme Court's four-factor balancing method;
  * Length of delay;
  * Reasons for delay;
  * Accused's assertion of his/her rights; and
  * Prejudice.
- Speedy trial and the military court system.

Generally not included in this literature are such topics as court organization and structure, court management, calendar management, case processing methods and flow, information needs and flow, performance measures, court delay, backlog, and congestion, pretrial screening and diversion, all of which are related to speedy trial.

Although this "non-speedy trial" literature is not abstracted in this bibliography, it is abstracted in various other bibliographies (see References 2, 6, 19, 74, 88, 89, 90, 91, 92, 93, 97, 145, 159).*

* These bibliographies also include literature on speedy trial.

1. Accelerated Civil Jury Trial Program in the District Court for the Eastern District of Pennsylvania. Villanova Law Review, v. 13: 137 - 147. 1967.

This report describes the Accelerated Civil Jury Trial Program instituted by the U.S. District Court for the Eastern District of Pennsylvania. This procedure involved assignment of pending cases to either a Ready Pool or a Deferred Pool. As a case from the Ready Pool was settled, a case from the Deferred Pool was moved up. In addition, the first five cases in the Ready Pool were "locked in" requiring the physical presence of the attorneys in the court. No busy slips were accepted nor were any continuances granted. One noted achievement was that more cases were terminated than were commenced and pretrial settlements increased.

2. ALBANY. New York Library. Legislative Reference Library. Court Reform: A Selected Annotated Bibliography. Compiled by G. Panton. Albany, 1973. 55 p.

Books, reports, hearings, legal periodical articles; classified: 1. general; 2. structure: federal, state, and local; 3. administration: court managers, computers, other techniques; 4. bibliographies.

3. AMERICAN BAR ASSOCIATION. Advisory Committee on the Criminal Trial. Standards Relating to Speedy Trial; Recommendations. W. V. Schaefer chairman; W. LaFave, reporter. Tentative draft, May, 1967. New York, Institute of Judicial Administration, 1967. 56 p. (Appeared February, 1968).

(NCJ 2296)

The Committee includes standards with commentary covering the trial calendar, determining what is a speedy trial, special procedures for persons imprisoned, and consequences of denial of speedy trial. Appendix: Uniform Mandatory Disposition of Detainers Act; suggested state legislation on Agreement on Detainers.

4. _____. Section of Criminal Justice. Comparative Analysis of Standards and Goals of the National Advisory Commission on Criminal Justice Standards and Goals with the Standards for Criminal Justice of the American Bar Association. Washington, 1974.

(NCJ 13720)

The 17-volume ABA standards are compared with the 6-volume NAC standards with the following subdivisions: electronic surveillance, the urban police function, free trial and free press, pretrial release, providing defense services, discovery and procedure before trial, pleas of guilty, speedy trial, joinder and severance, trial by jury, the prosecution function, the defense function, the function of the trial judge, sentencing alternatives and procedures, probation, appellate review of sentences, criminal appeals, and postconviction remedies.

5. AMERICAN FRIENDS SERVICE COMMITTEE. Waiting in Jail - A Report Based on Interviews with 144 Men and Women Officially Detained in Washington, D.C. on July 15, 1973. 1974. 62 p.

(NCJ 17494)

This report concerns the responses of incarcerated defendants interviewed at the District of Columbia jail and the women's detention center. The purpose of the interviews was to gain the inmates' perspective of their access to bail, to speedy trial, and to effective legal and medical assistance while waiting in jail for adjudication of their cases.

6. AMERICAN JUDICATURE SOCIETY. Selected Chronology and Bibliography of Court Organization Reform. Chicago, 1970. 37 p.
Report 12

(NCJ 15874)

This is a state-by-state report with bibliographical notes throughout.

7. AMSTERDAM, A. G. Speedy Criminal Trial: Rights and Remedies. Stanford Law Review, v. 27: 525 - 543. February, 1975.

In this article Amsterdam describes and critiques the development of sixth amendment doctrines and procedures. His main contention is that development of better pretrial remedies against denial of speedy trial is preferred to the unsatisfactory posttrial sanction of dismissal. He criticizes the Supreme Court for decisions in the cases of Strunk v. United States and Barker v. Wingo, stating they tend to promote

dismissal rather than more satisfactory pretrial remedies. Amsterdam sees the case of Braden v. 30th Judicial Circuit Court as the beginning of better pretrial procedures by allowing a state defendant to resort to federal habeas corpus following exhaustion of state remedies.

8. Bail, Preventive Detention and Speedy Trials; A Panel. Columbia Journal of Law and Social Problems, v. 8: 1 - 32. 1971.

Participants: Moderator: J. D. Hopkins; Speaker: H. R. Uviller; Panel: P. D. Andreoli, I. Lang, and H. J. Rothwax. Discussed are: (1) pretrial interval, (2) bail or detention, (3) plea bargaining. The comments give many enlightening specifics on the criminal justice system in New York and generally.

9. BERG, T. J. Arizona's New Rules of Criminal Procedure - A Proving Ground for the Speedy Administration of Justice. Arizona Law Review, v. 16, no. 1: 167 - 207. 1974.

(NCJ 15098)

The author reviews the provisions of the 1973 Arizona rules, including: pretrial release, discovery, plea bargaining, and procedures for probation revocation.

10. BERLMAN, H. Legal Issues in Addict Diversion. Washington, D.C., American Bar Association, 1976. 134 p.

(NCJ 5690)

Technical analysis of some major legal problems raised by questions of possible infringement of individual rights (including speedy trial and counsel rights) in administering drug addict diversion programs citing analogous case law.

11. BOTEIN, B. The Case Against Instant Justice. American Bar Association Journal, v. 52: 713 - 716. 1966.

Justice Botein states that too many of the current techniques of judicial administration are designed to speed up the disposition of litigation and unclog court calendars rather than to raise the quality of the judicial process. He believes that deeper study must be given to all techniques that give promise of improving standards of judicial performance. (Author Abstract)

12. _____. A Twenty-Four Hour Arraignment Court. Legal Aid Brief Case, v. 25: 127 - 130. 1967.

This is a report of an experiment in the processing of criminal cases in their preliminary stages. A former presiding judge explains how an unnecessary time lapse between arrest at night and arraignment has been eliminated to a large extent.

13. BURGER, W. E. The Image of Justice. Judicature, v. 55: 200 - 202. 1971.

This address on criminal delay, delivered at the 1971 Judicial Conference of Second Circuit, recommends speedy trial priority for: (a) those denied bail, (b) those accused of serious violent crime, (c) those out on bail with records of violent crime.

14. BURGER, WARREN. The State of the Judiciary: 1975. American Bar Association Journal, v. 61: 439 - 443. April, 1975.

Burger briefly discusses several problems facing the ABA. These are, on-the-job training for new lawyers which creates problems for the courts, lack of ethics training, and the need for salary adjustments for Federal judges. The main emphasis of Burger's article, however, is to urge the ABA to support congressional action to provide additional judgeships and funds so the Federal judiciary can meet the requirements of the new Speedy Trial Act.

15. CALIFORNIA. Superior Court, Los Angeles County. Special Committee on Judicial Reforms. Report and Recommendations. Los Angeles, 1971. 40 p.

This report covers speedy trial concepts. Appendix 1: Timetable for felony cases.

16. CALIFORNIA SUPERIOR COURT. San Francisco Master Calendar System for Criminal Cases. California Superior Court, n.d. 12 p.
NCJRS Microfiche (NCJ 25251)

This is an outline of policies and practices utilized by the San Francisco Superior Court to eliminate its pending case backlog and to ensure that all cases are brought to court within 60 days of filing.

17. CAMPBELL, W. J. Delays in Criminal Cases; Before Conference of Metropolitan Chief District Judges of the Federal Judicial Center. Federal Rules of Decision, v. 55: 229 - 256. 1973.
(NCJ 17161)

A Federal district judge asserts that the reason for the increase in the Federal criminal case burden is the decisions of the Supreme Court requiring multiple proceedings, when only few cases would really require them. He provides suggestions to speed cases, including specialized Federal criminal bar, extended use of computers, elimination of indictments of more than five counts, cutting pretrial detention, strict time limits for trial and appeal, expanded criminal discovery, upgraded plea bargaining, and repeal of the conspiracy statute.

18. CAPLIS, KEVIN J. The Speedy Trial Guarantee: Criteria and Confusion in Interpreting Its Violation. De Paul Law Review, v. 22: 839 - 869. Summer, 1973.

Caplis briefly outlines the historical basis for the right to a speedy trial before proceeding to more current interpretations of the right. The right, although fundamental, is still given little stature by itself in the Federal courts. Interpretations of the speedy trial right, both before and after the Supreme Court's decision in Barker v. Wingo, have been conflicting and inconsistent. The author believes this right must be accorded its due status not only for the protection of the individual but also for the protection of society's interest in speedy justice.

19. CHARTRAND, R. L. Improving Judicial Administration; the Role of Systems Technology. October 5, 1972. Washington, Congressional Research Service, Library of Congress, 1972. 9 p.

This is a bibliography of books and articles on court administration and the use of computers.

20. CHEPIGA, STEPHEN F. Speedy Trials: Recent Developments Concerning a Vital Right. Fordham Urban Law Journal, v. 4: 351 - 367. Winter, 1976.

This article is a comparison of the plan by the Judicial Council for the Second Circuit of the United States Court of Appeals (effective in 1971) and the Speedy Trial Act of 1974. In the second circuit plan, rules 4, 5 and 6 are of interest, particularly rule 4. Rule 4 is the "ready rule" which requires the prosecution to be ready to proceed after 180 days. The differences in the two plans are in the manner of requiring preparedness. Unlike rule 4, the Speedy Trial Act of 1974 distinguishes three stages (indictment, arraignment, and trial) and sets time limits on each stage (30 days, 10 days, and 60 days, respectively).

21. CHURCH, T. Plea-Bargaining, Concessions and the Courts: Analysis of a Quasi-Experiment. Law and Society Review, v. 10: 377 - 400. 1976.

(NCJ 45425)

The article is a study that assesses the impact of a selective elimination of one form of plea-bargaining on the court system of a large suburban county in the Midwest. The consequences of the elimination of plea-bargaining in drug-related cases include: (1) a shift from bargaining with the prosecutor for a reduced charge to bargaining with the judge for direct sentencing assurances; (2) an increase in the percent of cases dismissed or nolle prossed; (3) a decrease in the percent of guilty pleas; and (4) an increase in the number of cases that went to trial. Plea-bargaining is difficult to eliminate, and attempts to do so will be circumvented by the ability of judges, defense attorneys, and prosecuting attorneys to obtain the results desired from plea-bargaining by using other methods. When this is impossible, the trial dockets will be needlessly increased.

22. CLARK, S. H. Factors Related to the Crime Prevention Function of the Criminal Courts in Charlotte - Dispositions, Delays, and an Analysis of the Felony Preliminary Hearing Court. National Institute of Law Enforcement and Criminal Justice, 1973. 27 p.
(NCJ 9928)

The report compares 1972 caseflow data with earlier (1970) baseline data and assesses the readiness of the criminal courts in Charlotte for speedy trial laws of the type currently being considered by the North Carolina General Assembly.

23. CLARK, T. C. The Omnibus Hearing in State and Federal Courts. Cornell Law Review, v. 59: 761 - 771. 1974.
(NCJ 14528)

The omnibus hearing, part of the proposed ABA Standards for Criminal Justice, is a new procedure whereby the court, prosecution, and defense counsel can meet before trial and entertain any pretrial motions and other requests to be considered by the court. The court is given an opportunity to correct any problems which may have arisen at the exploratory (discovery) stage. At the omnibus hearing prosecution and defense are encouraged to provide the defendant with information so that he can make an informed decision as to his plea. The innovative procedure has been shown to reduce the time required for a case to reach trial and also to reduce the number of cases appealed.

24. CLARK, TOM C. Criminal Justice in the Courts Today. Criminal Justice Review, v. 1, no. 1: 55 - 61. Spring, 1976.

The article discusses the implementation of the American Bar Association's Standards for Criminal Justice and the climate which led to their formulation. It also discusses the Speedy Trial Act of 1974 and the impact which it will have on our criminal courts and society in the next few years. Finally, Justice Clark offers his ideas on improving advocacy in the criminal courts by better training of law students. (Author Abstract - Modified)

25. CLARKE, D. S. AND J. H. MERRYMAN. Measuring the Duration of Judicial and Administrative Proceedings. Michigan Law Review, v. 75: 88 - 89. 1976.

The article proposes a statistical method for estimating the probable duration of litigation. By forecasting the probable duration of litigation, the efficiency of the judicial system may be improved. An estimate of the duration of a case may determine strategy such as, a criminal case where the expected duration may influence the respective postures of a defendant and a prosecutor in plea-bargaining. Finally, the estimate may be useful in the study of law and social change.

26. COHEN, M. Speedy Trial for Convicts: A Re-examination of the Demand Rule. Valparaiso University Law Review, v. 3: 197 - 205. 1969.

This article examines a historical retrospect of speedy trial and what constitutes waiver. It also describes pertinent cases defining speedy trial.

27. COLE, DIANE P. Legislation. Federal Probation, v. 39, no. 1: 53. March 1, 1975.

Title II of the Speedy Trial Act 1974 is explained as requiring the establishment of Pretrial Services Agencies to provide the judicial

officer with the information necessary to decide release conditions and to supervise and assist those persons released to the judicial officer's custody. This should be implemented as soon as funds have been appropriated by Congress.

28. COMER, PATRICIA E. Speedy Trial: Competency Exam as Waiver. University of Florida Law Review, v. 27: 567 - 573. Winter, 1975.

This is a case comment dealing with the classification of competency examinations as a waiver for speedy trial. Although the right to a competency exam is not guaranteed by law, conviction of a person incompetent to stand trial violates due process. The concern is the loss of one of the rights (competency hearings or speedy trial) at the expense of the other.

29. COMISKY, M. Slow Justice is Preferable to Speedy Injustice. Pennsylvania Bar Association Quarterly, v. 40: 23 - 28. 1972.

The author enumerates dangers inherent in "speedy" justice, and discusses recent U.S. Supreme Court decisions abridging rights--a "return to yesterday." He suggests alternatives other than to attack those seeking to protect certain rights.

30. Confidentiality of Pretrial Services Information Under the Speedy Trial Act. Yale Law Journal, v. 86: 513 - 537. January, 1977.
(NCJ 41236)

This Note argues that current confidentiality restrictions conflict with the stated objectives of Title II. The Note examines the reasons for confidentiality in light of the structure and purposes of the Title II program and offers a framework for striking a balance between confidentiality and disclosure that is consistent with the role of the pretrial services agencies (PSA) in the pretrial release process. A screening procedure for the disclosure of PSA information that would help maintain this balance is proposed. Finally, the Note evaluates specific instances in which current restrictions imposed by the statute and regulations conflict with the goals of Title II and, thus, jeopardize the effective administration of the pretrial release process and the success of the PSA program.

31. Constitutional Law - Right to a Speedy Trial - Post-Indictment Delay. New York Law Forum, v. 18: 997 - 1006. Spring, 1973.

The author presents a commentary on postindictment delay as a component of a right to a speedy trial. It is pointed out that Barker v. Wingo caused the courts to make its first attempt to set forth the criteria to determine whether or not that right had been denied.

32. Convict's Right to a Speedy Trial. Journal of Criminal Law, Criminology and Police Science, v. 61: 352 - 366. 1970.

(NCJ 5355)

Students consider the decision of Smith v. Hooey, 393 US 374 (1969), in which convicts were assured their right to a speedy trial. They also examine the convict's right to a speedy trial before Hooey and explore the ramifications of Hooey on penal administration, the law concerning speedy trial, and relevant procedural mechanics.

33. Convicts - The Right to Speedy Trial and the New Detainer Statutes. Rutgers Law Review, v. 18: 828 - 874. 1964.

This article is a review and analysis of cases dealing with right; impact of detainer statutes; applicability of constitutional right to convicts; waiver and exceptions; imprisonment in another jurisdiction; and remedies. Appendix: Constitutional and statutory compilation of right to speedy trial in all of the states.

34. COOK, J. G. Constitutional Rights of the Accused - Pretrial Rights (With 1974 supplement). Rochester, New York, Lawyers Cooperative Publishing Company, 1972. 572 p.

(NCJ 8615)

This book gives a survey of the development of Federal constitutional protections for persons accused of crimes and of the current dimensions of these protections. Areas discussed are arrest, search and seizure, bail, the nature and cause of the accusation, the grand jury indictment, the right to a speedy trial, and guilty pleas.

35. Criminal Law - Federal System Adopts Specific Parameters for the Constitutional Right to a Speedy Trial - Speedy Trial Act of 1974. University of Richmond Law Review, v. 10: 449 - 457. Winter, 1976.

This article briefly presents the substance of the Speedy Trial Act of 1974 and some of its predicted effects, both positive and negative. The author states that regardless of the success of the legislation, Congress should be commended for taking firm action in an area that has been in need of some form of legislation.

36. CURTISS, W. D. Achieving Prompt Criminal Trials in New York. New York State Bar Journal, v. 44: 517 - 523. 1972.

(NCJ 7897)

A law professor examines judicial decisions, administrative rules, and legislative enactments which pertain to the necessity for and the achievement of prompt criminal trials. He also discusses problems of funding prompt trial plans.

37. DEL LUCA, L. F. Comparative Analysis of ABA Standards for Criminal Justice with Pennsylvania Law, Rules and Legal Practice. Pennsylvania Bar Association, 1974. 400 p.

(NCJ 17200)

This book presents a tabulated review of American Bar Association standards with Pennsylvania standards, categorized under the following general topics: pretrial release, providing defense services, guilty pleas, joinder and severance, speedy trial, trial by jury, sentencing alternatives and procedures, appellate review of sentences, postconviction remedies, discovery and procedure before trial, the prosecution and defense function, probation, criminal appeals, and electronic surveillance.

38. The Detainer System and the Right to a Speedy Trial. University of Chicago Law Review, v. 31: 535, 537 - 538. 1964.

The author briefly reviews the status of the speedy trial right as applied to prisoners with outstanding charges against them. It is concluded that enactment of the Agreement on Detainers would help to remove some of the technical barriers to speedy trial for prisoners against whom detainers have been lodged; however, there are some problems with it. The agreement does not require the prosecutor to file a detainer once charges have been brought in another jurisdiction, nor does it require the prosecutor to demand custody once a detainer has been filed. The author recommends a requirement for dismissal of charges when custody of the charged prisoner for trial is not demanded.

39. Dismissal of the Indictment as a Remedy for Denial of the Right to a Speedy Trial. Yale Law Journal, v. 64: 1208. 1955.

The usual procedure for enforcement of speedy trial is a motion by the accused for an early trial, made in the court where the prosecution is pending, followed by a petition to the appellate court for a writ of mandamus if the motion is denied. When mandamus has been ineffective, dismissal of the indictment may be an appropriate remedy. However, the author states that prejudice which materially affects the ability of the accused to defend himself is the sole compelling reason for dismissal, denying the validity of factors such as preconviction detriments in the nature of penal sanctions and delays inherent in the judicial system. It is concluded that the evidence must be examined regarding prejudice for each case, and it may even be desirable to postpone a determination until the conclusion of trial.

40. DON VITO, P. A. An Experiment on the Use of Court Statistics. Judicature, v. 56, no. 2: 56 - 66. 1972.

(NCJ 7562)

This article presents a set of indicators to measure and compare the dimensions of the problems involved in the administration of justice in different cities. Seven indicators were chosen: (1) the amount of time taken to dispose of criminal cases; (2) the extent to which those convicted had entered pleas of guilty; (3) the percentage of jail prisoners awaiting trial; (4) the amount of time prisoners spend awaiting trial; (5) the backlog of criminal cases relative to the court's caseload; (6) the average number of cases disposed of per judge; and (7) the extent to which probation

is used as an alternative to imprisonment. These indicators show lengthy delays in bringing an accused to trial, congestion and backlog in the courts, and a large percentage of guilty pleas by defendants on lesser charges or for lighter sentences.

41. DOYLE, JOHN F. Speedy Trial Legislation: The Happy Delusion. Judges' Journal, v. 17: 38 - 43. Winter, 1978

This paper suggests that the problem of speedy trial is not amenable to legislative fiat or other simple solutions. Rather, what is called for is the establishment of a system for trying felonies which will be efficient enough and large enough to process the bulk of indictments returned within a 6-month period.

42. DUBLIKAR, RALPH F. Right to a Speedy Trial: Ohio Follows the Trend. University of Cincinnati Law Review, v. 43: 610 - 634. 1974.
(NCJ 38711)

The author presents a brief overview of the origin of the guarantee to a speedy trial before reviewing the recently enacted Ohio statutes. In his review, he evaluates the effectiveness of the statutes in dealing with the traditional problems, computation of time, role of the courts, and court congestion. He also analyzes several provisions unique to the Ohio legislation.

43. DUNAHOO, KERMIT L. AND RAYMOND W. SULLINS. Speedy Justice. Drake Law Review, v. 22: 266, 276 - 278. 1973.

The invalidation of the demand waiver doctrine--on Iowa procedure--was analyzed. The conclusion that the first and best speedy trial protection to be afforded a defendant is according to a fixed-time dismissal statute. The criteria of dismissal are demand, lapse of the fixed-time, motion to dismiss, and no showing of good cause for delay by the State.

44. EARL, WILLIAM L. Criminal Law: Crowded Dockets No Longer Justify Denial of Speedy Trial. University of Florida Law Review, v. 23: 603. 1971.

Earl praises the Supreme Court of Florida for their decision in the case of State ex rel. Leon v. Baker which stated that crowded court dockets do not toll the speedy trial statute, but he criticizes the court for not dealing with the doctrines of acquiescence and waiver which he considers suspect. The major impact of the decision, in the author's opinion, is its potential to create political pressures for judicial reform.

45. Effective Guaranty of a Speedy Trial for Convicts in Other Jurisdictions. Yale Law Journal, v. 77: 767. 1968.

This article discusses the right of an imprisoned convict in one jurisdiction to a speedy trial in another jurisdiction. The Agreement on Detainers is said to fall short because 30 states and the Federal Government have not enacted it, and it applies only after a detainer has been filed. The author provides remedies for this situation which would force the prosecution to bring the convict to trial quickly or dismiss charges. He suggests enforcing the time limit which the sixth amendment would normally allow between charge and trial and not accepting refusal of the incarcerating jurisdiction to grant custody as grounds for the accusing jurisdiction to try the convict after the sentence has run, if the delay would otherwise be unconstitutional. For cases involving precharge delay, a balancing test is proposed, weighing the legitimate interest of the law enforcement agencies and the government against the right of the convict to a speedy trial.

46. EICHNER, J. B. How to Implement Criminal Justice Standards for Speedy Trial. Washington, D.C., American Bar Association, Section of Criminal Justice, n.d.

(NCJ 35647)

One of a series of eight booklets on the implementation of criminal justice standards, this brochure describes briefly the planning process necessary for successful implementation of a speedy trial program.

47. ERICKSON, W. H. The Right to a Speedy Trial: Standards for Its Implementation. Houston Law Review, v. 10: 237 - 250. 1973. (NCJ 14934)

A Colorado Supreme Court justice discusses the limits of the U.S. Supreme Court's ad hoc balancing test for speedy trials and urges judicial or statutory adoption of the ABA standards which he describes. The author presents a proposal for statutory reform and cites sources of right to speedy trial in state constitutions, statutes and court rules.

48. ERVIN, S. J. Speedy Trial: By Legislation or Court Rule. Judges' Journal, v. 13: 16 - 18. 1974.

After discussing Federal Judicial Center studies on delay in federal cases, the Senator comments on Federal Rules of Criminal Procedure 50(b) and U.S. Second Circuit speedy trial rule. He stresses the shortcomings and deficiencies and claims that courts are usurping legislative power and rules are proving ineffective. Only Congress can break the logjam in courts by ordering courts, prosecutors, and defense lawyers to seek speedy trial and by providing the wherewithal to accomplish this. Ervin describes his legislative proposal, S.754.

49. FEULNER, GEORGE G., Jr. Pre-Arrest Delays and the Right to a Speedy Arrest: Apologia Pro Vita Ross. Arizona Law Review, v. 11: 770 - 791. 1969.

In the case of Ross v. United States, the Circuit Court of Appeals for the District of Columbia dismissed an indictment due to prearrest delay held to violate the due process rights of the defendant. The author claims judicial reluctance to accept Ross is due to sensitivity surrounding the area of narcotics (which was the charge against Ross) and the overall ambiguity of the Ross opinion. Feulner believes it represents a sound doctrine, requiring three separate factors for a dismissal: (1) delay must have been unreasonable (i.e., unnecessary) for effective law enforcement; (2) defense must be impaired by an event which would not have existed but for the delay; and (3) there must be some probability that defense has been so impaired as to deny the defendant fair deliberation of guilt or innocence. The author also deals briefly with the effect of this opinion on police investigations.

50. FLEMING, M. The Law's Delay: The Dragon Slain Friday Breathes Fire Again on Monday. Public Interest, v. 32: 13 - 33. 1973.

After analyzing why the litigant, the advocate, and the judge may seek delay and so contribute to long periods of waiting before the criminal trial, the author gives specific examples of untoward delay, including appellate court. He then examines procedures initiated to expedite criminal cases, with illustrative examples. He discusses effective calendar control by the court advocating control by the judge over routine criminal cases. Author compares cases: Lord Haw-Haw (English) with Tokyo Rose (American), where defenses were similar but chronologies differed widely. He discusses special problems of the extraordinary criminal case and speaks to the art of the trial judge in controlling such proceedings and the difficulties involved.

51. FRANCE, J. G. Judicial Reorganization - A Solution to Congestion? Dickinson Law Review, v. 68, no. 1: 143 - 156. 1964.

The article suggests various solutions to the delay in the courts including the elimination of courts doing duplicate work, transferring idle rural judges to the more populous areas of the jurisdiction on a temporary (2 or 3 week maximum) basis, increasing both the quality and quantity of judges, and reforming procedures with particular regard to shortening time allowances during the pleading stages. Most important to an immediate solution are increasing both the number of judges and the individual productivity of each judge, and finally, instituting more effective scheduling of cases for trial.

52. FRASE, R. S. The Speedy Trial Act of 1974. University of Chicago Law Review, v. 43, no. 4: 667 - 723. Summer, 1976.

(NCJ 38083)

The interests protected by the Sixth Amendment right to a speedy trial are discussed, with a look at the limitations of constitutional protection. The attempt to strengthen this right through passage of the Speedy Trial Act is documented by an examination of the legislative history of the Act. A general summary discusses major issues and problems in the Act and makes recommendations for improving the law, including the elimination of potential loopholes, lengthening the time limits and decreasing the use of excludable time, and resolving ambiguities and drafting problems.

53. FROSSARD, M. J. Detainer Process - The Hidden Due Process Violation in Parole Revocation. Chicago-Kent Law Review, v. 52, no. 3: 716 - 740. 1976.

(NCJ 36172)

This article considers the constitutionality of delay of the parole revocation hearing (and of the resulting detainer) when the parolee is serving time for an intervening crime.

54. FRYER, J. J. Omnibus Hearing: Benefit or Burden for State Courts? Mercer Law Review, v. 28: 329 - 339. 1976.

The article deals with a discovery device known as an omnibus hearing and whether such a reform would be beneficial to the state courts or would only cause delay without appreciable advantages. The omnibus hearing probably would not result in any significant advantages to courts where there is a large criminal caseload per judge and a high percentage of disposal by guilty pleas. In fact, such reform may possibly cause counterproductive delay in the administration of justice, and implication of mandatory omnibus hearings before trial would be unnecessary.

55. GEORGE, B. J. From Warren Burger to Chance: Future Trends in the Administration of Criminal Justice. Criminal Law Bulletin, v. 12, no. 3: 253 - 288. May - June, 1976.

This article discusses the changing constitutional framework under the Burger court in the areas of judicial control of police investigation, management of judicial caseloads, promotion of the unified appeal, speedy trial, new uses for due process and reallocation of the responsibility for revision of the system.

56. GODBOLD, J. C. Speedy Trial: Major Surgery for a National Ill. Alabama Law Review, v. 24: 265 - 294. 1972.

A circuit court judge delves into the history behind the "speedy trial" clause. He analyzes U.S. Supreme Court cases involving this issue, discussing, among others, the essential element, prejudice.

He then looks to all causes of delay both on the government and defendant sides. The ABA Standards Relating to Speedy Trial are analyzed as to the 60-day limitation suggested by Chief Justice Burger. The author describes the comprehensive efforts of the Supreme Court under the rulemaking power to expedite criminal cases in the Federal district courts, mentioning the second circuit rules. A summation of the significant points is made of Barker v. Wingo 407 US 514 (1972).

57. GORMAN, T. O. Excessive Delay in the Courts: Toward a Continuance Policy Relating to Counsel and Parties. Cleveland State Law Review, v. 21: 118 - 140. 1972.

The author discusses grounds for granting continuances and the court's inherent power as decided by civil and criminal cases. He makes recommendations for court rules regarding illness, counsel withdrawal, absence of parties, docket conflicts, sanctions, costs.

58. GROSS, S. E. Denial of the Right to a Speedy Trial: Strict Remedy for an Uncertain Doctrine. Justice System Journal, v. 1: 73 - 83. 1974.

A law assistant discusses particularly Strunk v. U.S., 412 US 434 (1973), involving issue raised that defendant had been denied his sixth amendment right to a speedy trial. The seventh circuit had held that relief less drastic than dismissal could be granted under certain circumstances. In that event, the defendant could be credited with time equal to the length of delay. The Supreme Court in Strunk unanimously reversed and held the only remedy was dismissal. The author then proceeds to discuss the essence of this right compared to other constitutional guarantees, giving examples. The discussion broadens into possible solutions and illustrations of experiments to reduce court congestion in New York City's criminal courts. The speedy trial balancing tests enumerated in Barker v. Wingo, 407 US 514 (1972), are analyzed.

59. HALLIGAN, P. D. Speedy Trial and the Criminal Appeals Act. Marquette Law Review, v. 55, no. 3: 457 - 509. Winter, 1972.

(NCJ 14104)

This paper examines the question of whether the government may appeal the granting of a motion to dismiss a Federal criminal prosecution for want of a speedy trial, and, if so, when the government may do so.

60. HAMMET, C. G. Criminal Procedure - Speedy Trial. California Law Review, v. 60, no. 3: 900 - 912. May, 1972.

(NCJ 6939)

In a recent case the California Supreme Court determined that an unjustified delay between complaint and arrest violates the defendant's right to a speedy trial.

61. HANSEN, V. K. The Speedy Trial Act of 1974 in Constitutional Perspective. Mississippi Law Journal, v. 47: 365, 415 - 417. 1976.

(NCJ 35474)

Section I of this article traces the decision of the Supreme Court but deals primarily with the case law as it has developed in the circuit courts of appeals. Particular emphasis is accorded the factor enunciated in Barker v. Wingo and the inconsistencies and injustices that have arisen from its interpretation. Section II explores the legislative history of the Speedy Trial Act and explains its provisions as they relate to time limitations, acceptable reasons for delay, and sanctions for violation and obstruction. The courts have not yet had an opportunity to apply the Act; however, by relating its provisions to concepts spawned by the courts' construal of the sixth amendment speedy trial right, specific suggestions may be proffered as necessary to ensure effective application of the Act's provisions. Finally, Section II points out problems which may arise through implementation of the Act, discusses its impact on the criminal justice system, and identifies vital supplemental measures. (Author Abstract - Modified)

62. HARTLEY, ROBERT L. Constitutional Guarantee of Speedy Trial. Indiana Law Review, v. 8: 414 - 440. 1974.

The four-factor balancing method for assessing deprivations of speedy trial as set forth by the Supreme Court is examined. The four factors are: (1) length of delay; (2) reason for delay; (3) the accused's assertion of his right; and (4) the prejudice to the accused. These four factors and the procedures by which they have been applied to date are reviewed. The author also discusses portions of the procedure where further clarification and development are needed.

63. HENN, R. B. Speedy Trial: No "Mere Ceremonial." Cleveland State Law Review, v. 21: 147 - 161. 1972.

Henn evaluates sixth amendment cases guaranteeing speedy trial, discusses waiver doctrine, and demonstrates constitutional weakness as applied to speedy trial clause. He thinks the doctrine needs clarification by the U.S. Supreme Court.

64. HODSON, K. J. Use of the ABA Standards in the Military. American Criminal Law Review, v. 12, no. 3: 447 - 457. Winter, 1975.
(NCJ 25097)

The author examines the applicability of ABA standards to courts-martial procedures, with comparisons of such areas as: jury selection, sentencing standards, legal counsel, pretrial discovery, and speedy trial rules for the military.

65. HUNTER, DONALD H. Riding to the Circuits: Indiana Probes Delay. Judicature, v. 59, no. 1: 19 - 21. June - July, 1975.
(NCJ 27854)

The article deals with attempts by the Indiana judiciary through the use of regional meetings to minimize delay in the court system. Possible methods discussed include: (1) tape recording of trials to avoid posttrial delay (which might not be acceptable to the judiciary); (2) a fixed time frame for discovery; (3) requiring a showing of good cause for change of venue from the county rather than from a judge due to the personal nature of allegations required to show cause; and (4) the adoption of a unified court system within the state, and the removal of judge selection from the political process.

66. IMLAY, CARL H. AND ELSIE L. REID. The Probation Officer, Sentencing, and the Winds of Change. Federal Probation, v. 39, no. 4: 9 - 17. December, 1975.

The probation officer increasingly functions for many federal judges as a confidential advisor on sentencing options. This reflects a recognition that sentencing is a problem amenable to the application of a correctional expert schooled in the social sciences and oriented toward the goal of rehabilitation. The advent of increased reliance on plea bargaining to negotiate sentences, the time restrictions of the Speedy Trial Act, and the proposed introduction of appellate review of sentencing may portend a decreased role for the probation officer as a sentencing consultant. These developments may also enhance pressure for uniform rather than individualized sentencing. (Editor Abstract - Modified)

67. The Impact of Speedy Trial Provisions: A Tentative Appraisal. Columbia Journal of Law and Social Problems, v. 8: 356 - 399. 1972.

The author in reviewing various statutory and court rule standards governing speedy trial concludes that the many claims for their effectiveness cannot be substantiated. While the standards have probably enhanced the ability of individual defendants to claim denial of speedy trial, they have had little impact on the administrative problems of the criminal justice system. The ability of these provisions to deter crime and promote public respect for the system is also in question, while the threat of mass dismissals remains a possibly significant problem. Even though these provisions may serve as a general symbol of commitment to speedier disposition and better judicial administration, the author does not feel they effectively address the deeper problems underlying the current crisis in criminal justice.

68. Interjurisdictional Conflict and the Right to a Speedy Trial. University of Cincinnati Law Review, v. 35: 179. 1966.

The right to a speedy trial for a currently incarcerated prisoner is dealt with in this report. Violations of this right due to a conflict of jurisdictions can be eliminated if the misplaced and indiscriminant reliance on Ponzi v. Fessenden is prohibited. Imprisonment does not sanction such discimination and disadvantage.

69. Justice Delayed - Justice Denied? The Right to a Speedy Trial in Iowa. Drake Law Review, v. 26: 159 - 169. 1976 - 1977.

(NCJ 26664)

This Note examines the constitutional background of the right to a speedy trial, the guidelines pronounced by the U.S. Supreme Court, and the Iowa statutes which provide for a speedy indictment and a speedy trial. The new Iowa Criminal Code indicates an awareness of the need for careful actions based upon considered judgments to protect those rights.

70. Justice Overdue - Speedy Trial for the Potential Defendant. Stanford Law Review, v. 5, no. 34: 95, 101 - 102. 1952.

This article is a discussion of the rights and remedies of the potential defendant under existing law (1952). Literal interpretations of statutes and constitutions omit direct references to potential defendants' rights to speedy trial. The argument is made for equal protection for the accused and the potentially accused, both in terms of rights and remedies. Potential remedies may include the doctrine of laches, mandamus, and denial of procedural due process under the fifth and fourteenth amendments to the Federal Constitution. Suggestions are made to supplement existing statutory provisions requiring formal charge and trial within certain time periods.

71. KATZ, L. R., L. LITWIN AND R. BAMBERGER. Justice Is the Crime - Pretrial Delay in Felony Cases. Cleveland, Ohio, Case Western Reserve University, 1972. 386 p.

(NCJ 7633)

Prepared originally for the National Institute of Law Enforcement and Criminal Justice (LEAA) the purpose of the book is to analyze pretrial criminal procedures and show how these contribute to delay; authors examine goal of each procedure, whether essential to due process, identifying problem areas; changes are recommended to alter drift toward greater delay; an extensive examination is made into origins of our system and delay in the courts. All processes before trial including bail are scrutinized, with case histories. The judge's role is analyzed. Appendix A gives court statistics of time lapses, Cuyahoga County Court of Common Pleas; Appendix B

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72. KAUFMAN, H. Evaluating Competency - Are Constitutional Deprivations Necessary. American Criminal Law Review, v. 10, no. 3: 465 - 504. Spring, 1972.

(NCJ 6985)

Kaufman presents arguments based on due process, equal protection, and right to speedy trial which may be used to attack competency proceedings.

73. KEENOY, GRETA GLAUIS. The Interim Provisions of the Speedy Trial Act: An Invitation to Flee. Fordham Law Review, v. 46, No. 3: 528-542 December 1977.

(NCJ 44691-Volume I)
(NCJ 44692-Volume II)

This article deals with the conflicts in the circuits which have arisen over the proper interpretation to be given to the "interim limits" section of the Act.

74. KLEIN, F. J. The Administration of Justice in the Courts, a Selected and Annotated Bibliography. v. I and v. II. Dobbs Ferry, New York, Oceana Publications, p. 980. 1976.

This comprehensive bibliography consists of two parts, Volume I addresses: I. Court Systems: Existing and Proposed; II. The Judge; III. The Administration and Operation of the Courts; IV. The Trial Process; and V The Appellate Process. Volume II addresses: VI The Criminal Justice System; VII. The Criminal Trial; VIII. Sentencing Procedures and Alternatives; IX. Criminal Appeals; X. Post-Conviction Remedies; XI. Selected Organizations Working for Court Reform; and Selected Bibliographies, Guidebooks, and Handbooks. Also included are: Table of Cases; Personal Name Index and Subject Index.

75. KLEINDIENST. R. G. Toward Speedy Justice. Texas Police Journal, February, 1972.

Reprinted from Congressional record, 92nd Congress, 2nd session, v. 118: 4899 - 4901. 1972.

The U.S. Deputy Attorney General is concerned with the backlogs and delays in many Federal district courts and suggests not only increased workloads and manpower but also revisions in the jurisdiction of the Federal district courts, postconviction remedies, pretrial motion practice, and reform of the jury system.

76. KOZINSKI, ALEX. That Can of Worms: The Speedy Trial Act. American Bar Association Journal, v. 62: 862 - 864. 1976.

(NCJ 36178)

The author discusses speedy trial provisions: transitional time limits, permanent limits, and the potential problems accompanying implementation.

77. The Lagging Right to a Speedy Trial. Virginia Law Review, v. 51: 1587. 1965.

The author reviews the four basic factors that the lower courts have typically considered in speedy trial cases: (1) length of delay; (2) prejudice to the defendant; (3) reason for the delay; and (4) waiver of the right. He describes how each factor has been applied, and then proposes a statute, substituting definite time limits for the concept of "unnecessary delay" patterned after Rule 48(b) of

the Federal Rules of Criminal Procedure. In the event statutory revision is not undertaken, several factors considered in speedy trial determinations are in need of reevaluation. Among these are the present application of the demand doctrine and the requirement of the defendant to show substantial prejudice due to delay. Another issue touched upon in this article is the corollary right to a speedy arrest once the decision to arrest has been made.

78. LANDES, W. Economic Analysis of the Courts. Journal of Law and Economics, v. 14, no. 1: 61 - 107. 1971.

(NCJ 42533)

The article first develops a theoretical model that identifies the variables relevant to the choice between a settlement and a trial. The model shows that both the prosecution and the defendant can influence the probability of conviction by their input of resources in the case and that cases are disposed of either by a trial or a voluntary pretrial settlement. Secondly, the article presents an empirical analysis from published data on the disposition of cases in state and Federal criminal courts. These data enable the testing of a number of the hypotheses developed in the theoretical analysis.

79. LEIB, JAMES. Criminal Procedure: Search and Seizure. The Right to a Speedy Trial. Double Jeopardy. Sentencing. Annual Survey of American Law, v. 1973-1974: 379 - 439. Spring, 1974.

The author presents several cases which explore valid, neutral, and invalid reasons for a delay with respect to a defendant's right to a speedy trial. A review of statutory criteria for establishing denial of a speedy trial with respect to specific time periods is also given, and dismissal of charges as a remedy for violations of a right to a speedy trial are covered.

80. LERMACK, P. Summary and Special Courts-Martial: An Empirical Investigation. St. Louis University Law Journal, v. 18: 329 - 379. Spring, 1974.

The author points out differences between the public courts and courts-martial. General courts-martial tend to have a "civilian tone," trying cases similar to their civilian counterpart. Minor courts-martial have a "military tone" concerned with minor offenses against military discipline, which has no real civilian counterpart. Since a typical court-martial is minor in nature, it is handled by the Special-Processing Detatchment (SPD). Since the SPD handles 90 percent of all cases in the minor courts-martial, the tendency has been to "push cases through" to handle the high volume of cases.

In courts-martial, the defendant's right to a speedy trial and the right to counsel are not denied in any of the cases studied. Since guilt is usually established very easily by relying on military procedure and record keeping and reporting, the trials are a formality held to protect the occasional innocent defendant.

81. LOHMAN, STEPHEN R. Speedy Trial Act of 1974: Defining the Sixth Amendment Right. Catholic University Law Review, v. 25: 130 - 147. Fall, 1975.

This article discusses the Speedy Trial Act of 1974, comparing it to constitutional and prior statutory definitions of speedy trial. The author perceives the Act as being beneficial to a defendant asserting violation of speedy trial by setting definite time limits for proceedings, relieving the accused of the burden of making a demand for speedy trial, and not requiring the accused to demonstrate the delay was prejudicial. This action should force some improvement in the judicial delays that now exist, and also force Congress to appropriate sufficient resources to meet the goals they have set.

82. Look at the New Second Circuit Rules for the Prompt Disposition of Criminal Cases. Minnesota Law Review, v. 56: 73 - 94. 1971. (NCJ 5155)

This article is an evaluation of the second circuit's 6-month ready rule for swift case disposition. It concludes that the rules are good, but more specific standards for implementation and reporting are needed at the district court level.

83. MAURO, ROBERT. Speedy Trial Guarantees in Pennsylvania: The Impact of Rule 1100. Dickinson Law Review, v. 78: 755 - 775. Summer, 1974.

Robert Mauro states that the Pennsylvania Rule of Criminal Procedure 1100 (provides for a fixed period of time within which criminal trials must commence, without requiring a demand for trial by the defendant) should clarify the speedy trial right and simplify the court's determination as to violation of this right. In dismissing the use of the balancing test, Rule 1100 should lead to more consistent determinations by the courts. However, it could also lead to mass dismissals, especially if a large number of defendants were to opt to wait out time periods rather than engage in plea bargaining. This could lead to the courts themselves initiating proceedings to acquire additional funds if they are unable to meet the time limits due to severe backlogs.

84. McINTYRE, D. M. AND D. LIPPMAN. Prosecutors and Early Disposition of Felony Cases. American Bar Association Journal, v. 56: 1154 - 1159. 1970.

(NCJ 2265)

The author points out the wide variation throughout the country in the prosecutor's role in the disposition of felony cases, particularly at early stages of the criminal process. He contends that these differences must be understood before any significant rethinking and consequent reform of the criminal process can be effectively undertaken.

85. MEYER, KEITH G. Effective Utilization of Criminal Detainer Procedures. Iowa Law Review, v. 61: 659-692. February, 1976.

(NCJ 34690)

This article has examined various procedural regulations which govern the law of detainers. An attorney must initially consider questions of strategy when a prisoner-client is faced with a detainer problem Attempts should be made to have the detainer informally withdrawn without causing such attempts to be interpreted as demands for a trial. Assuming that such attempts are unsuccessful, the prisoner must look to the statutory and cas law of detainers for possible relief.

86. MITCHELL, J. N. In Quest of Speedy Justice. University of Florida Law Review, v. 24, no. 2: 230-235. Winter, 1972.
(NCJ 5260)

This address by Attorney General John Mitchell to the ABA cites the danger that courts are drowning in a sea of legalisms which serve neither justice nor defendant.

87. MUROR, MARK GILBERT. Implementation of the Speedy Trial Guarantee in Louisiana. Louisiana Law Review, v. 33: 568 - 579. Summer, 1973.

This article briefly reviews the constitutional right to speedy trial and the specific time limitations established by Louisiana Code of Criminal Procedure articles 578 and 579. The author expresses his concern regarding the courts' previous reliance on the literal wording of the articles rather than the interests they are designed to protect. As an example of this tendency, he notes the courts' unwillingness to count the defendants' time from arrest to filing of charges toward the established time limitations.

88. NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS. Courts. Washington, D.C., U.S. Government Printing Office, 1973.
(NCJ 10859)

This report contains standards with commentary covering: screening, diversion, the negotiated plea, the litigated case, sentencing, review of trial court proceedings, the judiciary, the lower courts, court administration, court-community relations, computers and the courts, the prosecution, the defense, juveniles and mass disorders. Bibliography.

89. NATIONAL CENTER FOR STATE COURTS. Pretrial Delay: A Review and Bibliography. Virginia, 1978. 77 p.

A review of literature related to pretrial delay and an assessment of its causes, consequences, and recommended cures. Three major topics are addressed: the meanings, measurements and implications of "court delay;" consequences of delay; and a review of the asserted causes and suggested remedies for delay. An annotated bibliography emphasizing works with supporting data is included.

90. NATIONAL COLLEGE OF THE STATE JUDICIARY. Court Studies Division. Computers and Courts; A Selected and Annotated Bibliography. Reno, 1972. 11 p.

(NCJ 10264)

General discussions of computer capabilities, limitations, and problems, as well as descriptions of applications such as jury management, calendaring, traffic summons processing, and accounting in specific courts are contained in this bibliography.

91. _____. Court Studies Division. Congestion and Delay: A Selected and Annotated Bibliography. Reno, 1972. 7 p.

(NCJ 10265)

These are general discussions with analysis of problems and proposed solutions and some descriptions of remedies that have helped in specific courts.

92. _____. Court Studies Division. Court Administration: A Selected and Annotated Bibliography. Reno, 1972. 12 p.

(NCJ 10266)

This bibliography goes from history and theory to selected problem areas and includes articles by court administrators who share their experiences on how they manage state or trial courts or solve problems.

93. _____. Court Studies Division. Systems Analysis: A Selected and Annotated Bibliography. Reno, 1972. 10 p.

(NCJ 10268)

This annotated bibliography includes books and articles on theory and applications of analyzing, defining, and improving operations of complex organizations and systems.

94. NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS. Uniform Mandatory Disposition of Detainers Act 1958. In its Handbook, 1968, p. 262 - 263.

This Act, adopted in eight states as of 1972, provides for the request by a prisoner for final disposition of any pending untried complaint, information, indictment. It includes responsibility of warden to notify prisoner of such complaints of which he knows and of prisoner's right to request disposition; it requires court and prosecutor to act promptly, i.e., within 90 days.

95. NATIONAL SYMPOSIUM ON LAW ENFORCEMENT SCIENCE AND TECHNOLOGY, 4th, 1972. Reducing Court Delay. Papers presented at Symposium by University of Maryland, Institute of Criminal Justice and Criminology. Washington, U.S. Government Printing Office, 1973. 116 p. Criminal Justice Monograph.

(NCJ 9631)

Contents: Ash, M., Court delay: crime control; and neglect of the interests of witnesses; Foschio, L. G., Empirical research and the problem of court delay; Nayar, R., and W. H. Bleuel, Simulation of a criminal court case processing system; Pabst, W. R., Jr., A study of juror utilization; Haynes, H. P., Reducing court delay.

96. NATIONAL SYMPOSIUM ON SCIENCE AND CRIMINAL JUSTICE, Washington, D.C., June 23, 1966. The Administration and Scheduling of Criminal Court Business. An address by H. Ellenbogen. Pittsburgh, 1966. 9 p.

Judge Ellenbogen observes that criminal courts must be administered so as to have an adequate number of judges and facilities and must schedule quick trials to help deal with crime and criminals. He notes that the criminal courts of Allegheny County have been successful in eliminating backlog and urges the use of automation to help in handling criminal cases. The Judge also criticizes the executive branch of government for failing in the treatment and rehabilitation of criminals.

97. NEW YORK. Institute of Judicial Administration. Minimum Standards for Criminal Justice Project. Selected Bibliography by Klein, F. J. New York, Institute of Judicial Administration, 1965. 87 p. Supplement, 1966. 21 p.

(NCJ 8177)

Books and articles cover police functions, pretrial proceedings, prosecution and defense functions, the criminal trial including speedy trial, sentencing review, free press and free trial.

98. _____. Judicial Conference. Rules Governing Release From Custody and Dismissal of Prosecution, to be Effective May 1, 1972.
New York Judicial Conference Report 17: A18 - A20.

Rules require speedy trial and disposition of criminal cases or release of defendant or dismissal of prosecution (see N.Y. Session Laws 1972, c. 184, sec. 30.20).

99. _____. Judicial Conference Committee on Court Delay in New York City. Achieving Prompt Trials in New York City: A Report, March 6, 1972. New York, Judicial Conference Committee, 1972. 59 p.

The Committee, called by the Judicial Conference and consisting of it plus the five district attorneys of New York City, the appellate divisions, first and second departments, Legal Aid Society, criminal justice planning agencies, and others, assesses capacity of supreme court in the City (where felony trials take place) to meet speedy trial standards adopted by the Judicial Conference. Data are presented on sample of 1,242 defendants throughout the City, based upon which this report recommends additional grand jury sessions and supreme court parts, improved court management and case processing, and uniform rules of procedure.

100. NEW YORK STATE BAR ASSOCIATION COMMITTEE ON ADMINISTRATION OF CRIMINAL JUSTICE. Memorandum from R. P. Patterson, Jr., chairman, February 23, 1972; subject: Prompt Trials Budget. Albany, 1972. 1 v. (various pagings).

Memorandum consists of actual budgets for implementation of recommendations to allow for prompt trials. Included are: specified allocations to individual courts; means of relieving overcrowded detention facilities; and the renovation of courthouses to provide adequate space. Appendices: salaries and cost schedules of New York City Grand Jury and Trial Part criminal-converted civil parts.

101. New York's New Standards Attack Court Backlogs. Judicature, v. 59, no. 6: 304 - 305. January, 1976.

This Note concerns the October 1, 1975, implementation of standards and goals to reduce delay in New York court cases. These standards specify deadlines and maximum alleviable pending periods for all cases tried and include permissible exceptions and other details necessary for administration of the standards.

102. NORTH CAROLINA. Administrative Office of the Courts. Delay in the Superior Courts of North Carolina and an Assessment of its Causes. By Williams, J. O. and R. J. Richardson. Raleigh, 1973. 55 p.

Two political science professors using scientific sampling procedures, with Administrative Office cooperation, examine the extent of criminal delay. After defining "backlog," authors look at measure of conformity of North Carolina courts to speedy trial rules and ABA standards. Procedures in misdemeanor and felony cases are analyzed to determine caseloads, extent of delay, and reasons for delay. The average time in felony and misdemeanor cases is determined. Numerous tables give criminal statistics as to numbers of cases and extent of delay in each stage. Comparison is made with other states, and rural and urban area delays are commented upon.

103. O'BRIEN, K. E. Diversion from the Juvenile Justice System - An Analysis of Legal Issues Arising in the Post-Intake Diversion of Juvenile Offenders. Prepared for publication in the New England Journal on Prison Law, v. 3, no. 2. Spring, 1977.
NCJRS Loan Program (NCJ 38923)

Juvenile diversion is defined, a typology of programs is offered, and a range of possible legal problems, including speedy trial waivers, arising from diversion is explored.

104. OLMERT, ROBERT F. The Speedy Trial Act of 1974. FBI Law Enforcement Bulletin, v. 44, no. 11: 28 - 31. November, 1975.
(NCJ 29850)

Olmert briefly reviews the Speedy Trial Act of 1974 and its history. Also, he describes in general the planning procedure through which it will be implemented. In assessing the impact of the Act on law enforcement officers, Olmert says Federal law enforcement officers will have to work to insure close cooperation and coordination between Federal prosecutors and themselves.

105. PANNY, JAMES E. Military Restriction Triggers a Right to a Speedy Civilian Trial. University of Miami Law Review, v. 30: 1083 - 1092. Summer, 1976.

(NCJ 38549)

The United States Court of Appeals for the Fourth Circuit was faced with a review of a denial of a speedy trial violation claim based upon a delay of over 4 years from commencement of military proceedings to a civilian indictment. In overruling the trial court, the fourth circuit gave an in-depth analysis of the "factors" deemed "controlling" by the U.S. Supreme Court in reviewing such a claim. The author concludes that, notwithstanding a finding of a violation in the principal case, the right to a speedy trial may be at the mercy of prosecutional discretion. (Author Abstract)

106. POTTER, WILLIAM R. Waiver of the Right to a Speedy Trial. California Western Law Review, v. 5: 76 - 87. 1968.

The demand doctrine, as applied to the right to speedy trial, can be traced to the case of Phillips v. United States in 1912. The Court gave no rationale for its opinion; no citations to authorities were given; and no effort to otherwise support the decision was made. However, the demand doctrine has since been strictly adhered to with only a few exceptions. In light of the Supreme Court's position regarding waiver of other constitutional rights, the author believes the right to speedy trial should be accorded the same status regarding fictitious waiver. In view of the lower courts' reluctance to abandon the demand doctrine, he believes a Supreme Court opinion which directly addresses the problem will be required.

107. POULOS, J. W. Speedy Trial, Slow Implementation: The ABA Standards in Search of a Statehouse. Hastings Law Journal, v. 28: 357 - 385. November, 1976.

This study traces the evolution of the speedy trial right from the adoption of the Virginia Declaration of Rights through the promulgation and legislation implementation of the ABA's Standards Relative to Speedy Trial. The author has found that in a great majority of states the Speedy Trial Standards have yet to make their impact on the statehouses. In the meantime, the defendant charged with a criminal offense must rely on the vagaries of the sixth amendment to vindicate his right to a speedy trial.

108. POYDASHEFF, R. S. Military Justice? - Definitely. Tulane Law Review, v. 49, no. 3: 588 - 602. March, 1975.

(NCJ 25329)

This summary of the rights of the accused under military law demonstrates that the military accused is generally accorded the same rights as a civilian defendant. The discussion covers the military concepts of four basic rights: the right to counsel, the right against unreasonable searches and seizures, the right against self-incrimination, and the right to a speedy trial.

109. PROVINCE, J. T. The Defendant's Dilemma: Valid Charge or Speedy Trial. Criminal Law Bulletin, v. 6: 421 - 431. 1970.

The author discusses statutory provisions implementing speedy trial constitutional guarantees and considers whether the defendant's challenge to the validity of an indictment should constitute voluntary delay, thus discharging the statute. Cases pro and con are examined. The author concludes that the defendant should not be forced to choose between the constitutional right to a speedy trial and challenging the validity of the charge against him.

110. RATCHFORD, R. L. Jr. Military Court System Takes the Initiative with the Issue of Speedy Trial. Capital University Law Review, v. 3: 292 - 301. 1974.

(NCJ 17848)

The Military Court System, through its prior rulings, has established a much stricter construction of the right to speedy trial than have the civilian courts. After a period of 3 months from time of arrest or restraint to time of trial, the burden falls upon the prosecution to prove diligence or extraordinary circumstances beyond normal occurrences. According to the author, the civilian court system should follow their example to effect a true speedy trial for civilians.

111. RAY, H. M. The Federal Speedy Trial Act of the United States--One Year of Operation. United Nations and Far East Institute, 1977.

Mr. Ray, United States Attorney, Northern District of Mississippi, Member and Chairman of the Attorney General's Advisory Committee of the United States Attorneys, prepared and gave this paper as the United States representative to the United Nations and Far East Institute for Prevention of Crime and Treatment of Offenders. Drawing upon his personal participation in the legislative hearings and first year of implementation by the United States Attorneys, Mr. Ray briefly gives the case law background, a description of the Act, in detail, discusses the principle purpose of the Article--the provisions of the Act that effect scheduling for trials. The conclusion cites many effects of the Act's "inflexibility" on the operations of United States Attorneys--decreased arrests, criminal indictments, criminal case backlogs, increased civil backlog--that will effect all members of the criminal justice system.

112. RICCIO, L. J. Model for Court Resource Planning. The Justice System Journal, v. 1: 49 - 64. 1975.

The article offers a model that can assist court administrators and planners in their efforts to improve the performance of court systems. Many of the difficulties confronting the court systems are the result of increasing case backlog and ineffective court policy. The model is practical, simple to understand and manipulate, and a powerful tool for planning court policy and resource needs. Its basic structure is sound, which makes it an ideal foundation for a more comprehensive model.

113. The Right to a Speedy Trial. Stanford Law Review, v. 20: 476, 489. 1968.

The author comments on postindictment delays. He cites the four factors in speedy trial determinations: (1) length of delay; (2) waiver by the defendant; (3) cause of the delay; and (4) prejudice to the defendant. He also examines the controversy over the scope of the right to a speedy trial. Some claims assert that a violation has occurred due to delays in prosecution; that is, delays in arresting or charging. Since the statute of limitations already applies to this situation, this interpretation has proven to be controversial. The fourth factor in the delay, prejudice, is also controversial. It has not yet been decided who must prove prejudice. (Does the defendant have to prove prejudice occurred or does the prosecutor have to prove prejudice did not occur?) One suggested alternative is to automatically presume prejudice in all delays and to evaluate only the cause of the delay. This may not be desireable, however, if dismissal of the charges always results.

114. Right to a Speedy Trial: A Case Study of the St. Louis Criminal Docket. St. Louis University Law Journal, v. 16: 84 - 111. 1971.

This comment examines extent to which the interest in speedy trial prevails in the St. Louis criminal court system, and problems preventing speedy trial. Also discussed are the nature and constitutional basis of the right to a speedy trial, the present situation, and possible solutions. Appendices: felony cases issued by year; elapsed time from arraignment to sentencing; numbers of and averaged elapsed time for cases nolle prossed.

115. Right to a Speedy Trial in New Jersey after Barker v. Wingo. Criminal Justice Quarterly, v. 1, no. 1: 10 - 13. Winter, 1973.
(NCJ 25271)

In Barker, the U.S. Supreme Court rejected the "demand waiver doctrine" which provided that a defendant waives any consideration of his rights to a speedy trial for any period prior to which he has not demanded a trial.

115. ROSEMAN, P. L. Resolution of Detainers for Federal and State Prisoners.. Washington, D.C., American University. 1971. 29 p.

(NCJ 8495)

Roseman discusses procedures to resolve detainers, which are notices of impending criminal charges against a prisoner in another jurisdiction, through the right to a speedy trial.

117. ROSSER, CLAUDE JR. and JAMES R. PRATT, III. The Speedy Trial Act of 1974: A Suggestion. Cumberland Law Review, v. 8, no. 3: 905-939. Winter 1978.

This well documented Comment examines the question of whether the imposition of an arbitrary time limit within which a defendant must be tried is in the best interest of either the accused or society as a whole. While agreeing wholly with the vital policy considerations inherent in the speedy disposition of criminal prosecutions, the authors show that many of those policy considerations are being derogated by the judiciary's forced compliance with the Act's tripartite time standards.

118. RUBIN, CARL B. Report of the Ad Hoc Committee on the Speedy Trial Act, Report of the Judicial Conference Committee on Court Administration. September 1977.

Chief Judge (S.D. of Ohio) Rubin was asked by the Chief Justice, to investigate and report to the Judicial Conference on the effects of the Speedy Trial Act. Judge Rubin requested information from the Chief Judges of all districts, various reporters, public defenders, private defense counsel and U.S. Attorneys. The report gives a detailed analysis of their responses including what they perceive to be the immediate and future effects of the Act.

119. RUDSTEIN, D. S. Right to a Speedy Trial: Barker v. Wingo (92 Sup. Ct. 2182) in the Lower Courts. University of Illinois Law Forum, 1975: 11 - 58. 1975.

In reviewing lower court decisions on the right to a speedy trial, Rudstein concludes that the balancing process developed by the Supreme Court in Barker v. Wingo needs a close reexamination and reformulation. The particular portions of the balancing process in need of clarification are: treatment of a defendant's failure to assert his speedy trial right, treatment of delay caused by negligence on the part of the government, and the apparent treatment of the relationship between the length of delay and prejudice to the defendant. Rudstein believes the generality of this balancing process has led to some abuse of discretion by the lower courts against the accused and in favor of the government.

120. RYAN, D. B. Federal Pretrial Services Agencies. Federal Probation, v. 41, no. 1: 15 - 22. March, 1977.

(NCJ 41668)

The Chief Pretrial Services Officer of the U.S. District Court in Brooklyn examines the provisions of Title II of the Speedy Trial Act of 1974, and discusses the issues of confidentiality and release conditions raised by the Act.

121. SCHINDLER, P. M. Interjurisdictional Conflict and the Right to a Speedy Trial. University of Cincinnati Law Review, v. 35: 179 - 193. 1966.

The author discusses prejudice to sentenced accused in delaying prosecution and trial in another jurisdiction; the article includes illustrative cases.

122. SCHNEIDER, ALAN L. The Right to a Speedy Criminal Trial. Columbia Law Review, v. 57: 846, 852 - 855. 1957.

The author reviews the current constitutional and statutory rights to a speedy trial. Elements of the speedy trial law discussed are undue delay, assertion of the right to a speedy trial, good cause for delay (delays by the defendant, the prosecutor, or the courts) and the use of dismissal to enforce the law. His suggested content for a speedy trial law formed within existing rules is: (1) a statutory time prescription treated as mandatory, together with a constitutional guarantee; (2) assertion of the right by motion to dismiss, filed before trial; (3) excusal of delay for good cause under both constitution and statute; (4) penalizing violations of the rights by dismissal, and (5) barring future prosecutions for the same offense if the dismissal is under the constitution, or if the dismissal is statutory and the charge is a misdemeanor.

123. Serious Crime - A Criminal Justice Strategy. Criminal Justice Quarterly, v. 4, no. 3: 94 - 110. Fall, 1976.

(NCJ 40981)

This is a series of recommendations by the New Jersey Attorney General's Division of Criminal Justice and the County Prosecutor's Association to improve and speed the handling of criminal cases by prosecutors. Recommendations are included on: reducing court delay, setting prosecutorial priorities, speedy prosecution of impact offenses, plea negotiations, pretrial diversion, administrative disposition of cases, and prosecutorial discretion.

124. SEYMOUR, W. N. Jr. Speedy Trial from the Standpoint of the Federal Prosecutor. Congressional record, 92nd Congress, 2nd session, v. 118: 30404 - 30405. 1972.

Noting importance of speedy trials, U.S. Attorney, S.D.N.Y. describes successful experience of his office in expediting criminal prosecutions. He remarks on the benefits that have resulted from speedy trial rules, the net effect being increased rates of disposition and of conviction.

125. SINGER, P. B. How to Mobilize Citizen Support for Criminal Justice Improvement - A Guide for Civic and Religious Leaders. Washington, D.C., American Bar Association, n.d. 20 p.

(NCJ 35652)

The four major issues examined in this booklet are: police effectiveness/victim witness assistance; pretrial release/speedy trial; sentencing; and interagency cooperation.

126. SKOLER, D. L. Protecting the Rights of Defendants in Pretrial Intervention Programs. Criminal Law Bulletin, v. 10, no. 6: 473 - 492. July - August, 1974.

(NCJ 14820)

The author examines the problems of speedy trial, due process, equal protection in eligibility and selection, procedural safeguards surrounding termination, the requirement of entering a plea, and right to counsel.

127. Speedy Trial. California Law Review, v. 60: 900 - 912. 1972.

(NCJ 6939)

This article explores the California courts' view of prearrest and preprosecution delay, particularly Jones v. Superior Court, 3 Cal3d 734 (1970), which held that an unjustified delay of 19 months between filing of a complaint and an arrest violated defendant's right to speedy trial.

128. Speedy Trial Act of 1974 Enacted. International Association of Chiefs of Police Law Enforcement and Literature Report, v. 52: 10 - 12. February, 1975.

This short article outlines the three basic concerns of the Speedy Trial Act of 1974, signed into law, effective July 1, 1975. These concerns are: (1) establishment of a mandatory timetable governing trials for all Federal offenses and establishing sanctions; (2) the flow of information from the courts to Congress; and (3) pretrial services to defendants.

129. Speedy Trial: A Comparative Analysis Between the American Bar Association Standards of Criminal Justice and Arkansas Law. Arkansas Law Review, v. 25: 234 - 249. 1971.

A student compares Arkansas criminal law with the ABA Standards and notes that they differ in four major areas: court control over its calendar, continuance, specificity in the speedy trial statutes, and exempted periods of delay.

130. Speedy Trial: A Constitutional Right in Search of a Definition. Georgetown Law Journal, v. 61: 657 - 702. 1973.
(NCJ 17852)

This article contains an examination of U.S. Supreme Court and other Federal cases of interpreting speedy trial right and a factual report on criminal activities due to court delay. The author examines four sets of speedy trial rules: New York State's, ABA Standards, U.S. Second Circuit rules, and S.895, the Federal Speedy Trial Act of 1971. The conclusion is that S.895 provides the best approach because it integrates judicial and legislative efforts to eliminate delay, recognizes fiscal needs, and makes courts accountable.

131. Speedy Trial in Florida: Has the Defendant's Shield Become His Sword? University of Florida Law Review, v. 24: 517 - 540. 1972.

This article has a description of the Florida Supreme Court's new speedy trial, in the context of previous Florida law and other states' practices. It discusses what constitutes a speedy trial, who is entitled, and procedural rules, such as waiver and good cause prejudice, which weaken the Florida statute. The appendix includes tables of other states' rules and statistics on speedy trial in criminal cases.

132. Speedy Trial Protection for Criminal Defendants Under Indiana's Amended Criminal Rule 4. Valparaiso University Law Review, v. 8: 683 - 714. 1974.

This Note explores amended rule in light of the problems that courts have had in interpreting the rule's predecessors. It critically analyzes the new rule; exceptions; time periods; its application to defendants imprisoned on other offenses; demand requirements; the burden of establishing cause of delay; and possible future problems and solutions.

133. Speedy Trial: The Three Term Rule. West Virginia Law Review, v. 73: 184 - 190. 1971.

The article discusses historical perspective of the right to speedy trial and the rule that persons remanded for trial, W. Va. Code ch. 62, art. 3, s 21 (Michie, 1966), shall be discharged if no trial results within three court terms, in light of Farley v. Kramer, 169 S.E.2d 106 (W. Va., 1969), in which the court held that the challenge to indictments constituted a statutory exception to the counting of terms. It analyzes opinion of the court and the effect of the holding, including the issue of bad faith indictments.

134. Speedy Trial Schemes and Criminal Justice Delay. Cornell Law Review, v. 57: 794 - 826. 1972.

This article examines the likelihood of success of the recent statutory and court rules setting specific time limits within which an accused must be brought to trial. The analysis includes: the constitutional right to speedy trial; redefinition of this guarantee in terms of unavoidability; and general speedy trial schemes and their effect. The author concludes that a well-designed plan, backed by adequate financing, could be effective in hastening trial and could ensure judicial efficiency and provide a fair trial for the accused.

135. Speedy Trials and the Second Circuit Rules Regarding Prompt Disposition of Criminal Cases. Columbia Law Review, v. 71: 1059 - 1076. 1971.

The article discusses the problem of congestion in the trial courts and analyzes the setting for the U.S. Court of Appeals Second Circuit rules. It details the rules which establish a priority

for criminal cases, require biweekly reports from each U.S. Attorney listing persons in pretrial custody, require the accused's release if the government is not ready for trial within 90 days, provide for a dismissal of charges if the prosecution is not ready for trial within 6 months, allow for general exceptions to the 6-month limit, and eliminate the requirement that the defendant demand prompt trial or be deemed to have waived it. The constitutional requirements for speedy trial as set forth in recent case law are analyzed, and the new rules as a stricter standard than previously required are evaluated.

136. STATE V. GORHAM [(Iowa) 206 N W 2d 908]: The End of the Demand Waiver Doctrine. Iowa Law Review, v. 59: 389 - 400. December, 1973.

Under the demand-waiver doctrine, a defendant must request a speedy trial before he is entitled to one. This article reviews the case of State v. Gorham where the Supreme Court of Iowa invalidated the demand-waiver rule as a statutory limitation on the right to a speedy trial. The author sees this as the end to the demand-waiver rule in any form and suggests that Iowa replace their "part-time" county attorneys with qualified full-time personnel to prevent future violations of the speedy trial rights.

137. STEINBERG, MARC I. Right to Speedy Trial: Maintaining a Proper Balance Between the Interests of Society and the Rights of the Accused." UCLA-Alaska Law Review, v. 4: 242. 1974.

In this article Steinberg concludes that the Alaska Supreme Court has provided greater protection against the individual defendant's denial of speedy trial than has the U.S. Supreme Court. In the case of Glasgow v. State, the Alaska Supreme Court ruled that a 14-month delay was long enough to assume prejudice to the accused and impair the fact-finding process. This 14-month time period rule was subsequently reduced even further to a 4-month rule excluding periods allowed for justifiable delays. In the case of Rutherford v. State the 14-month rule was given only partial retroactivity. Since the Court views the speedy trial right as an assurance of the validity of the fact finding-process, Steinberg believes the Glasgow standards should be given complete retroactivity. He further argues that the time period for speedy trial should attach when the prosecution has sufficient evidence to establish "probable cause" rather than at the time formal charges are brought against the accused.

138. _____. Right to Speedy Trial: The Constitutional Right and Its Applicability to the Speedy Trial Act of 1974. Journal of Criminal Law and Criminology, v. 66: 229, 235 - 239. 1975.

After a brief review of the constitutional requirements for a speedy trial, Steinberg concludes that the Speedy Trial Act of 1974 meets and exceeds these minimum requirements. He perceives one major gap in the legislation to be the problem of determining the proper time at which the defendant's right to a speedy trial should attach. The legislation provides no safeguards against prosecutorial misconduct prior to time of arrest or indictment, which would give undue advantage over the defendant. Steinberg proposes a solution, the basis of which is the defendant may prove the state had sufficient evidence to prosecute prior to the date charges were formally brought. The defendant's right to speedy trial would then attach at this earlier time unless the prosecution could show the delay was absolutely necessary or reasonably necessary and nonprejudicial to the defense.

139. _____. Dismissal With or Without Prejudice Under the Speedy Trial Act: A Proposed Interpretation. Journal of Criminal Law and Criminology, v. 68, no. 1: 1 - 14. 1977.

(NCJ 43601)

The purpose of this article is to analyze the dismissal with or without prejudice provision of the Speedy Trial Act and to recommend a proposed interpretation in construing that provision. It must be emphasized that this sanction's provision provides the crucial inquiry under the Act. If all cases are dismissed without prejudice, allowing reprosecution, the Speedy Trial Act can be bypassed and, in effect, nullified. Only by vigorous judicial application of the remedy of dismissal with prejudice will the prosecution be deterred from noncompliance with the time limits.

140. TAURO, G. J. Court Delay and the Trial Bar - One Judge's Opinion. Judicature, v. 52, no. 10: 414 - 418. 1969.

The article's premise is that the congestion caused by the concentration of too many litigable cases among a disproportionately small segment of the bar is attributed to the absence of a sufficiently large and competent trial bar. Law schools, the bar, and the judiciary have largely ignored the need for training competent trial lawyers.

It will take their combined effort to place more emphasis on training in trial advocacy at the law school level in order to solve the problems of an inadequate trial bar.

141. TAYLOR, L. E. The Long Wait for a Speedy Trial. Case and Comment, v. 80: 3. 1975.

(NCJ 16653)

This article discusses some of the reasons for the judicial process being so slow in many cases and recommends some structural and procedural changes which the author believes could solve (not merely alleviate) the problem.

142. THEIS, W. H. Preliminary Hearings in Homicide Cases - A Hearing Delayed Is a Hearing Denied. Journal of Criminal Law, Criminology and Police Science, v. 62, no. 1: 17 - 28. March, 1971.

(NCJ 5395)

This article is a critical examination of the preindictment judicial proceedings in Illinois emphasizing the prosecutor's power to avoid them.

143. THORNBURGH, R. The Speedy Trial Act. The Judges' Journal, v. 15: 92 - 96. 1976.

The article is a presentation of the Federal Speedy Trial Act of 1974 and the resultant problems and challenges to the effective and impartial administration of criminal justice. Many of the provisions of the Act are complex and ambiguous, such as whether Section 3161(h) exclusions (relating to delays caused by hearings, appeals, etc.) apply to Section 3164 (regarding "high-risk" defendants). If not, then alleged felons could possibly be freed if not brought to trial within the time limits. Other problems of the Act include the impact on the trial itself and the increase of Federal prosecutors' declining prosecution in favor of state prosecution. The Act should not be interpreted so strictly but rather be interpreted as justice requires and amended where necessary.

144. TICHENOR, CARROLL J. The Accused's Right to a Speedy Trial in Military Law. Military Law Review, v. 52: 1. 1971

The author presents a practical guide to the military law on speedy trial by setting forth the military law as it exists in relation to the accused, the government, and the judiciary.

145. TOMPKINS, D. C. Court Organization and Administration, a Bibliography. Berkeley, California, University of California Institute of Governmental Studies, 1973. 200 p.
(NCJ 14550)

The overall book outline is divided into (1) courts, (2) courts in the states, (3) Federal courts, (4) appellate courts, and (5) administration of courts. It includes lists of bibliographies, readings, conferences and meetings; selections are subdivided by states.

146. TUTTLE, J. B. Catch 2254: Federal Jurisdiction and Interstate Detainers. University of Pittsburgh Law Review, v. 32: 489 - 503. 1971.

The author explains the detainer system and cases which consider the right to speedy trial of a prisoner held under a detainer, in particular Smith v. Hooey, 393 US 374 (1969). The author discusses lower courts' attempts to establish guidelines for speedy trial-detainer cases and notes that the issue of Federal court jurisdiction remains unresolved.

147. UNIVERSITY OF MISSOURI AT KANSAS CITY. Comparative Analysis of ABA Standards for Criminal Justice with Missouri Law, Rules and Legal Practice. Kansas City, Missouri Judicial Conference, 1971. 212 p.
(NCJ 13120)

Standards with commentary are categorized under the following general topics: pretrial release, providing defense services, guilty pleas, joinder and severance, speedy trial, trial by jury, sentencing alternatives and procedures, appellate review of sentences, postconviction remedies, discovery and procedure before trial, the prosecution and defense function, probation, criminal appeals, and electronic surveillance.

148. U.S. CONGRESS. SENATE. COMMITTEE ON THE JUDICIARY. Speedy Trial. Hearings before the Subcommittee on Constitutional Rights. 91st Congress, 2nd session. Washington, U.S. Government Printing Office, 1971. 983 p.

This bill requires trials for all Federal defendants within 60 days of indictment of information. Witnesses include: Senator Case and D. Freed and W. Rehnquist of the Office of Legal Counsel. Statements, texts of bills, proposed amendments, existing and proposed court rules, and reports and studies relating to speedy trials are included. The Administrative Office of the United States Courts' Annual Report of the Director, 1970 and the Federal Judicial Center Study on age of criminal cases at termination, fiscal year 1970 to 1971, are among the studies included.

149. _____. Speedy Trial. Hearings Before the Subcommittee on Constitutional Rights. 93rd Congress, 1st Session. Washington, U.S. Government Printing Office, 1973. 467 p.

This is a discussion of proposed bill (S.754) on 60-day rule in Federal criminal trials. Witnesses include: G. G. Rosenthal, for ABA Criminal Law Section; J. T. Sneed, Deputy Attorney General; C. S. Vance, President, National District Attorneys Association. Appendix includes: Administrative Office of the U.S. Courts, average time lapse data supplied to the Constitutional Rights Subcommittee, June 1973; Rule 50 (b), model plan of U.S. Judicial Conference; and a speedy trial study done for the Judiciary Committee by the Federal Judicial Center.

150. _____. Speedy Trial Act of 1974 - Report of Senate Committee on the Judiciary on S.754. Washington, U.S. Government Printing Office 5270 - 02431.

(NCJ 17657)

This report is a narrative explanation of the provisions of the Speedy Trial Act of 1974.

151. U.S. DEPARTMENT OF JUSTICE. Office of the Attorney General. Analysis of the Problem of Court Delay. Submitted to Senate Constitutional Rights Subcommittee concerning proposed amendment to S.895, the Speedy Trial Act of 1972. Congressional record, 92nd Congress, 2nd session, v. 118: 35767 - 35770. 1972.

This is an analysis of court delay and comments on a new Federal rule requiring district courts to formulate plans to achieve prompt disposition of criminal cases. It opposes uniform and inflexible rules which fail to deal with the underlying causes of delay. Experiences in the District of Columbia under the Court Reform and Criminal Procedure Act of 1970 are discussed where delay has been reduced without such rules.

152. U.S. JUDICIAL COUNCIL OF THE SECOND CIRCUIT COURT OF APPEALS. Speedy Trials; Not Preventive Detention. Series of new speedy trial rules for the Federal courts of the second circuit; promulgated January 5, 1971. Congressional record, 92nd Congress, 1st session, v. 117: 14711 - 14727. 1971.

Senator Ervin addresses the President on S.895, a bill in favor of speedy trial and opposed to preventive detention. He discusses the need for the bill and the constitutional defects of preventive detention. Exhibits include text of cases, articles, and studies showing the need for or supporting this bill.

153. UVILLER, H. R. Barker v. Wingo: Speedy Trial Gets a Fast Shuffle. Columbia Law Review, v. 72: 1376, 1385. 1972.

(NCJ 7459)

Uviller analyzes the Supreme Court's opinion in the case of Barker v. Wingo, concluding that it does not provide a thoughtful and comprehensive exploration of the right to a speedy trial. Among the elements of the opinion which he criticizes are: (1) the Court's treatment of length of delay only as a threshold "triggering" factor; (2) the use of the doctrine of waiver; (3) the burden placed upon the accused to show actual demonstrable harm to prove prejudice; and (4) the Court's seeming acceptance of all but the most unfair reasons for state delay. Aside from his critique of the factors applied in the balancing test, Uviller levels criticisms against the formula for the interplay of these elements applied by the Court.

154. WALTHER, D. L. Detainer Warrants and the Speedy Trial Provision. Marquette Law Review, v. 46: 423 - 429. 1963.

This article considers decisions involving right to speedy trial in an effort to resolve the problem area of detainer warrants when a prisoner's trial may be delayed.

155. WARD, ROBERT M. Criminal Procedure - Appeal and Error - The State Has No Right To Appeal a Trial Court's Dismissal of Criminal Charges Pursuant to the Ohio Speedy Trial Act. University of Cincinnati Law Review, v. 45: 680 - 685. 1976.

Originally, Ohio State's right to appeal a trial court's judgment has relied on a motion to quash, a plea in abatement, a demurrer, a motion in arrest of judgment, or the equivalent thereof. The Ohio Rule of Criminal Procedure 12(A) abolished the four pleadings, and by requiring technical adherence to the four exceptions, which no longer exist under rule 12, deprives the state of its right to appeal a trial court's dismissal under any and all circumstances. The author feels that the state's right to appeal a dismissal under the Speedy Trial Act is not in the interest of the public.

156. WAYBRIGHT, R. J. An Experiment in Justice Without Delay: A Tale of Three Florida Counties. Judicature, v. 52: 334 - 338. 1969.

The article studies how to decrease the backlog of cases in the courts by using various delay-controlling devices, including (1) a central assignment system; (2) reduction of pretrial conferences and split trials; (3) strict limitations on continuances; (4) time restrictions on arguing motions by attorneys; and (5) other limitations on delay-causing devices. The results would be that only viable cases would remain, the trial calendar would always be current, the judge's work would flow smoothly, and the judge would meet the demands on his time. The trial judge could devote more time to keeping up with new developments in the law and, thus, be a better judge. The underlying philosophy is that cases assigned to a judge are the judge's responsibility, and any resultant delay is due to the judge's inability to control the courtroom and procedures.

157. WENKE, R. A. Mastering the Master Calendar. Judicature, v. 57, no. 8: 354 - 359. 1974.

The article comments on the benefits that can accrue to a court that has mastered the master calendar system. The objective in calendaring for the judges is to keep them busy with a minimum of inconvenience to counsel, litigants, and witnesses, with a resultant reduction in case backlog and court delay. The main premise of the system is to have the court rather than the bar control caseflow. Included within this would be flexible trial setting, continuances allowed only for good cause, and taking into account preferences of the individual judges within the department.

158. What the Justices Are Saying. American Bar Association Journal, v. 62: 992 - 996. August, 1976.

Chief Justice Burger questions the Speedy Trial Act. He feels that the Act is too rigid and cites the release of certain foreign nationals indicted for smuggling large quantities of dangerous drugs. Even though the defense attorney indicated that the appellants, once released, could not be counted on to appear in court, the courts were forced to release them according to strict provisions of the Speedy Trial Act.

159. WHEELER, R. R. and H. WHITCOMB. The Literature of Court Administration: A Bibliographical Essay. Arizona State Law Journal, v. 1974: 691 - 722. 1974.

The quality of the literature concerning court administration in the United States varies widely. This essay consolidates much of the better literature to date and provides an investigative tool for the research by critiquing that literature in specific terms. (Author Abstract)

160. WHITTAKER, W. L. Minimum Standards for Criminal Justice Judicial Conference, U.S. Court of Appeals, Tenth Circuit, 1969.

(NCJ 2275)

The Judicial Conference of the 10th circuit proposes minimum standards for defense services, pretrial release, speedy trial, prosecution and defense functions, the ethics of the legal profession, standards relating to discovery, pretrial procedures, guilty pleas, appellate review of sentences, sentencing alternatives, sentencing procedures, and postconviction relief.

161. WIDMAN, J. M. The Right to a Speedy Trial: Pre-Indictment and Pre-Arrest Delay. American Criminal Law Quarterly, v. 7: 248 - 252. 1969.

Three approaches have been taken by the courts regarding the problem of preindictment and prearrest delay in claims of denial to a speedy trial. Some cases have held that the sole protection available at this stage is provided by the applicable statute of limitations. Others have held that to some extent the sixth amendment or Rule 48(b) of the Federal Rules of Criminal Procedure apply, generally requiring a showing of prejudice to the defendant. The third approach has been to hold that delay at this stage is in violation of the due process clause of the fifth amendment, again requiring prejudice to the defense as a result of the delay. Widman concludes by stating that different courts will deal with this stage of delay by different means, if at all.

162. WILLIAMS, E. B. Crime, Punishment, Violence - The Crisis in Law Enforcement. Judicature, v. 54, no. 10: 418 - 423. May, 1971. (NCJ 16521)

The author discusses specific changes needed in the urban criminal justice system to eliminate what he calls "slow motion justice" in the big cities of the United States. Areas of improvement include: elimination of mandatory grand jury proceedings, allowing liberal discovery at arraignment, filing all oral motions within 10 days after arraignment, and using a steno-computerized transcript system. Also recommended are: limiting the time spent on jury selection, preparing background reports on defendants at the time the case goes to trial, requiring appeals to be filed within 10 days after the trial, and elimination of appellate briefs and lengthy, signed appellate opinions.

163. WILSON, C. H., Jr. Delay and Congestion in the Criminal Courts; Some Proposals for Reform. Florida Bar Journal, v. 46: 88 - 92. 1972.

The author discusses the growing problem and burden of court congestion leading to a crisis of confidence in the judicial system: the effect of delay; the threat of innocent people pleading guilty to avoid months of pretrial detention; and possible reforms such as restoring judicial control, fixed time limits, modified court procedures, elimination of grand juries, accelerated appeals, and use of management techniques.

164. YACKLE, L. W. Taking Stock of Detainer Statutes. Loyola University of Los Angeles Law Review, (L.A.) v. 8: 88 - 138. February, 1975.

Yackle attacks detainer statutes (using California's as an example) pointing out the fact that they endorse the demand-waiver doctrine. An inmate must request a trial or be considered to have waived the right to a speedy trial. He also attacks the statutes on the basis of the equal protection clause of the 14th amendment challenging the classification of prison inmates against whom outstanding criminal charges are pending as separate from other defendants. Yackle then proposes a statutory scheme which responds to these arguments by treating all cases in a single statute, requiring no demand for trial and applying the same fixed period of time for trial to all prosecutions, irrespective of the defendant's status.

165. ZEISEL, H. Court Delay and the Bar: A Rejoinder. Judicature, v. 53, no. 3: 111 - 113. 1969.

The article's purpose is to determine whether or not concentration and partial inexperience of the trial bar contributes to the delay problem in the courts. The only way concentration can hurt the courts' efforts to eliminate delay is if it brings about a situation in which a judge, who is ready to try a case, is unable to find one. Statistics will show that this is rare. A study shows that most judges feel that a great majority (88 percent) of trial lawyers are rated as experienced. In any event, concentration and inexperienced lawyers may tend to produce more settlements which would help reduce court delay.

B. BIBLIOGRAPHY OF SPEEDY TRIAL LAW

The goal of this portion of the bibliography is to provide an exhaustive list of constitutional and statutory provisions, court rules and case law pertaining to speedy trial. No matter how repetitious, every relevant source was included.

Certain limitations must be recognized. First, the list is current as of February 1, 1978. Second, only cases truly related to speedy trial were included.[1/] Third and finally, case law was investigated which construed and applied speedy trial statutes and court rules. Case law applicable to constitutional speedy trial guarantees was generally not sought out, except for those few states which have no speedy trial statutes or court rules.

The MRI legal research staff examined 52 jurisdictions and identified 53 constitutional provisions, 239 statutes, 63 court rules, and approximately 2,357 court decisions, for a total of 2,712 bibliographic entries pertaining to speedy trial law.

1/ Not uncommonly a case would be encountered which cites a speedy trial provision and, then, dismisses it as being inapplicable or uses it analogously to an issue unrelated to speedy trial.

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WYOMING

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COMPARATIVE ANALYSIS OF STATE SPEEDY TRIAL PROVISIONS

A. METHODOLOGY

The purpose of this comparative analysis is to provide: (1) a catalogue of speedy trial provisions in all 50 states, the District of Columbia, the Federal system and the ABA Standards; and (2) a discussion of the nature and characteristics of those provisions.

As in the bibliography the goal of the MRI legal research staff was to be exhaustive--this time in a substantive sense.

The methodology selected for this task involves the use of a matrix format. The 52 jurisdictions and the ABA Standards are listed on the vertical axis. The characteristics of the speedy trial provisions are listed on the horizontal axis. Utilizing cross references, legislative histories and annotations appearing in annotated statute collections, MRI constructed a series of six substantively exhaustive and up-to-date categorical matrices which are organized according to:

- Basis of Authority (Figure 1);
- Fundamental Applicability (Figure 2);
- Time Limits (Figure 3);
- Excludable Time Provisions (Figures 4a and 4b);
- Enforcement/Administration (Figure 5); and
- Sanctions (Figure 6).

A variety of symbols have been adopted to convey the necessary information. A "Y" stands for a "yes"; an "N" represents a "no." In addition, an individual cell may contain a number followed by a lower case "h," "d," "m," "t," or "y." This combination displays time increments measured in "hours," "days," "months," "terms," or "years," respectively. Regularly the letters "C," "L," "R," and "D" will appear in the lower right-hand corner of a cell. These indicate the source of the information appearing therein is a Constitution, Legislation (statutes), a court Rule, or a court Decision. Finally, a circled number corresponds to a footnote which explains specific characteristics not readily nor accurately represented by these symbols. The footnotes appear at the end of this catalogue.

In the course of the research it became necessary to adopt two assumptions to enable comparative analysis. First, it was recognized that

intrajurisdictional contradictions would be encountered. Accordingly the MRI research team assumed, unless it was otherwise indicated from the information search:

1. Decisions interpret court Rules, Legislation, or Constitution information sources.

2. Court Rules interpret Legislation or Constitution information sources.

3. Legislation interprets Constitution information sources.

Second, the matrices may be assumed to be accurate as of February 28, 1978. Replies from state attorneys general and court administrators who reviewed them update most jurisdictions to June 28, 1978. Wherever possible the MRI research team references very recent changes (see Hawaii, Iowa, Missouri, and Texas); however, Legislative Services and unenacted bills were not consulted due to the constraints of the task schedule. Blank cells in any given matrix indicate no information was found, it being at the reader's risk to derive any further conclusions therefrom. It should also be emphasized that judgments and incomplete data have been used in compiling the matrices; therefore, the presence or absence of information in any given cell is subject to some uncontrollable error.

B. FINDINGS

Figure 1 through 6 contain the categorical findings of MRI's legal research.

	BASIS OF AUTHORITY			
	Constitution	Legislation (Statutes)	Court Rules/Policy Guidelines	Court Decision
ABA STANDARDS				
FEDERAL	Y	Y	Y	(1)
ALABAMA	Y	Y	N	Y
ALASKA	Y	Y	Y	Y
ARIZONA	Y	Y	Y	Y
ARKANSAS	Y	Y	Y	Y
CALIFORNIA	Y	Y	Y	Y
COLORADO	Y	Y	Y	Y
CONNECTICUT	Y	Y	N	Y
DELAWARE	Y	Y	Y	Y
DISTRICT OF COLUMBIA	Y	N	Y	Y
FLORIDA	Y	Y	Y	Y
GEORGIA	Y	Y	N	Y
HAWAII	Y	Y	Y	N
IDAHO	Y	Y	N	Y
ILLINOIS	Y	Y	N	Y
INDIANA	Y	(2)	Y	Y
IOWA	Y	Y	Y	(3)
KANSAS	Y	Y	N	Y
KENTUCKY	Y	N	Y	Y
LOUISIANA	Y	Y	N	Y
MAINE	Y	N	Y	Y
MARYLAND	Y	Y	Y	Y
MASSACHUSETTS	Y	Y	N	Y
MICHIGAN	Y	Y	Y	Y
MINNESOTA	Y	Y	Y	Y
MISSISSIPPI	Y	Y	N	Y
MISSOURI	Y	Y	Y	(29)
MONTANA	Y	Y	N	Y
NEBRASKA	Y	Y	N	Y
NEVADA	N	Y	N	Y
NEW HAMPSHIRE	Y	Y	Y	Y
NEW JERSEY	Y	Y	Y	Y
NEW MEXICO	Y	Y	Y	Y
NEW YORK	N	Y	N	Y
NORTH CAROLINA	Y	Y	N	Y
NORTH DAKOTA	Y	Y	Y	Y
OHIO	Y	Y	Y	Y
OKLAHOMA	Y	Y	N	Y
OREGON	Y	Y	N	Y
PENNSYLVANIA	Y	Y	Y	Y
RHODE ISLAND	Y	Y	Y	Y
SOUTH CAROLINA	Y	Y	N	Y
SOUTH DAKOTA	Y	Y	N	Y
TENNESSEE	Y	Y	N	Y
TEXAS	Y	(4)	N	N
UTAH	Y	Y	N	Y
VERMONT	Y	Y	Y	Y
VIRGINIA	Y	Y	N	Y
WASHINGTON	Y	N	Y	Y
WEST VIRGINIA	Y	Y	N	Y
WISCONSIN	Y	Y	N	Y
WYOMING	Y	(5)	Y	Y

Legislative research ended 2/28/78. Updated as of 6/28/78 by replies from state attorneys general and court administrators.

Figure 1

	FUNDAMENTAL APPLICABILITY														
	Types of Defendants Covered									Waiver					Priorities
	Types of Defendants Distinguished?	Are There Provisions Affecting All Types of Defendants?	Detained Only - Are There Specific Provisions?	Felons Only - Are There Specific Provisions?	Misdemeanants Only - Are There Specific Provisions?	Those Posting Bail - Are There Specific Provisions?	Request or Demand Required?	Available?	Express Waiver/Plea of Guilty	Remain Silent/Decision Not to Make Motion	Fail to Make Timely Motion	Unknowing Waiver	Criminal Over Civil	Detained/High Risk Over Others
ABA STANDARDS	Y	Y	Y	N	N	Y	N	Y		Y	Y		Y	Y
FEDERAL	Y_L	Y_L	Y_L	Y_L	N	N	N	Y_L	Y_L	Y_L	Y_L		Y_R	
ALABAMA	Y_L	Y_L	N	Y_L	Y_L	N	Y_D	Y_D		Y_D		N_D		
ALASKA	N	Y_R	N	N	N	N	N_R	Y_R	Y_D	Y_R	Y_R	Y_R	Y_R	Y_R
ARIZONA	Y_R	Y_R	Y_R	N	N	N	Y_R	Y_R	Y_R		Y_D	N_D	Y_R	Y_R
ARKANSAS	Y_L	Y_R	Y_R	N	N	Y_R	Y_D	Y_R	(6)		Y_R		Y_R	Y_R
CALIFORNIA	Y_L	Y_L	Y_L	Y_L	Y_L	N	Y_D	Y_L		Y_L	Y_L	N_D	Y_L	Y_L
COLORADO	N	Y_L	Y_L	N	N	Y_L	Y_D	Y_D	Y_L	N_D	Y_L	N_D		Y_D
CONNECTICUT	N	Y	N	N	N	N	Y_D							
DELAWARE	Y_L	Y_R	Y_L	Y_L	N	Y_L	N						Y_R	
DISTRICT OF COLUMBIA	Y_R	Y_R	Y_R	Y_R	Y_R	Y_R	N							
FLORIDA	Y_R	(7)	Y_R	Y_R	Y_R	N	(8)	Y_R	Y_R	N_D	Y_D	Y_D		
GEORGIA	Y_L	Y_L	N	N	N	Y_L	Y_L	Y_D	Y_D	Y_D	Y_D			
HAWAII	Y_R	Y_R	N	N	N	N	N							
IDAHO	N	Y_L	N	N	N	N	Y_D	Y_D	Y_D		Y_D			
ILLINOIS	Y_L	Y_L	Y_L	N	N	Y_L	(9)	Y_D	(10)	N_D	Y_D	Y_D		
INDIANA	Y_L	Y_R	Y_R	N	N	Y_L	(11)	Y_D		Y_D	Y_D		Y_D	Y_R
IOWA	Y_R	Y_R	N	Y_R	(12)	N	N	Y_R					Y_R	
KANSAS	Y_L	Y_L	Y_L	Y_L	N	Y_L	N_D	Y_D	Y_D	Y_D	Y_D			
KENTUCKY	Y_R	Y_R	Y_R	N	N	N	Y_D	Y_D		Y_D	Y_D			
LOUISIANA	Y_L	Y_L	Y_L	Y_L	N	N	N_D			Y_L	Y_L			
MAINE	Y_L	Y_L	Y_L	Y_L	N	N	Y_L	Y_D		Y_D	Y_D			
MARYLAND	N_L	Y_L	N	N	N	N	N	Y_D						
MASSACHUSETTS	Y_L	Y_L	Y_L	N	N	N	Y_L	Y_D	Y_D	Y_D	Y_D	N_D		Y_L
MICHIGAN	Y_L	N	Y_L	N	N	N	Y_D	Y_D		Y_D	Y_D		Y_L	Y_R
MINNESOTA	N_R	Y_R	N	N	N	N	Y_R			Y_D	Y_D			
MISSISSIPPI	N	Y_L	N	N	N	N	N_D							
MISSOURI	Y_L	Y_L	Y_L	N	N	Y_L	Y_D	Y_L		Y_L	Y_L			
MONTANA	N	N	N	N	N	N	N							
NEBRASKA	N	Y_L	N	N	N	N	N_D	Y_L	Y_D	Y_L	Y_L	N_L	Y_L	Y_L
NEVADA	Y_L	Y_L	N	N	N	N	Y_D	Y_D	Y_D	Y_D	Y_D	Y_D	Y_L	Y_L
NEW HAMPSHIRE	Y_L	N	N	Y_L	Y_L	N	N							
NEW JERSEY	Y_L	Y_L	N	N	Y_L	N	N_D	Y_D	Y_D	N_D			Y_R	Y_R
NEW MEXICO	N_L	Y_L	N	N	N	N	N							
NEW YORK	Y_L	N	Y_L	Y_L	Y_L	N	N							
NORTH CAROLINA	N	Y_L	N	N	N	N	N	Y_L		Y_L	Y_L			
NORTH DAKOTA	N	N	N	N	N	N	Y_D						Y_R	
OHIO	Y_L	N	N	Y_L	Y_L	Y_L	Y_D	N_D		N_D	N_D	N_D	Y_R	
OKLAHOMA	Y_L	Y_L	Y_L	N	N	Y_D	(13)	Y_D		Y_D	Y_D		N_D	
OREGON	Y_L	Y_L	Y_L	Y_L	Y_L	Y_L	Y_D	Y_D	Y_D					
PENNSYLVANIA	Y_L	Y_L	N	Y_L	N	N	N_D	Y_D	Y_D	Y_D	Y_D	N_D		
RHODE ISLAND	Y_L	N	N	Y_L	N	N	Y_L	Y_D		Y_D				
SOUTH CAROLINA	Y_L	N	N	Y_L	N	N	Y_L							
SOUTH DAKOTA	N_L	N	N	N	N	N	Y_D							
TENNESSEE	N_L	N	N	N	N	N	N_D	Y_D						
TEXAS	Y_L	Y_L	Y_L	Y_L	Y_L	Y_L	Y_L	Y_L		Y_L			Y_L	Y_L
UTAH	Y_L	Y_L	Y_L	Y_L	Y_L	Y_L	Y_D	Y_D		Y_D				Y_L
VERMONT	N_L	N	N	N	N	N	N							
VIRGINIA	Y_L	N	Y_L	N	N	N	N						Y_L	
WASHINGTON	Y_R	Y_R	Y_R	N	N	Y_R	N_D	Y_D	Y_D	N_D	Y_D		Y_R	Y_R
WEST VIRGINIA	Y_L	Y_L	Y_L	Y_L	N	N	N_D	Y_D		Y_D	Y_D			
WISCONSIN	Y_L	N	N	Y_L	Y_L	Y_D	Y_L	Y_D	Y_D	N_D	N_D	N_D		
WYOMING	Y_L	Y_R	Y_L	N	N	Y_L	N						Y_R	

Legislative research ended 2/28/78. Updated as of 6/28/78 by replies from state attorneys general and court administrators.

Figure 2

	TIME LIMITS																								
	Time Limit						Time Limits by Key Event – Defendant Not in Custody						Time Limits by Key Event – Defendant in Custody												
	Specified?	Measured by Days/Months/Years	Measured by Terms of Court, Other	Time Limit from Commission to Arrest	Arrest to Trial	Arrest to Indictment/Information	Arrest to Arraignment	Indictment/Information to Arraignment	Indictment/Information to Trial	Arraignment to Trial	Arrest to Trial	Arraignment to Trial	Indictment/Information to Trial	Indictment/Information to Arraignment	Arraignment to Trial	Order for New Trial/Remand to New Trial/Remand	Verdict/Judgment to Appeal	Felonies – Overall Limits	Misdemeanors – Overall Limits	Extension (Grand Jury Not in Session, Etc.)	Maximum Limit on Such Extension
ABA STANDARDS	Y	Y	N		Y				Y	Y	Y				Y	Y	Y								
FEDERAL	Y_L	Y_L	N			$30d_L$		$10d_L$			$60d_L$		$30d_L$		$10d_L$		$60d_L$	(14)				Y_L	$30d_L$		
ALABAMA	Y_L	Y_L	N	(15)																					
ALASKA	Y_R	Y_R	N		$120d_R$				$120d_R$	$120d_R$	$120d_R$					$120d_R$	$120d_R$	$120d_R$		$120d_R$	$120d_R$				
ARIZONA	Y_L	Y_L	N		$150d_R$				$120d_R$	$90d_R$						$120d_R$	$90d_R$	$60d_R$		$150d_R$	$150d_R$	Y_R	$30d_R$		
ARKANSAS	Y_R	N	Y_R				$3t_R$									(16)				(16)	(16)				
CALIFORNIA	(17)	Y_L	N		(17)			$10d_R$	$60d_L$	$50d_R$		(17)			$4d_R$	$60d_L$	$56d_R$	$60d_L$	$60d_L$	$75d_R$	$60d_R$				
COLORADO	Y_L	Y_L	N	N_D					$6m_L$							$6m_L$		$3m_L$	$6m_L$	$6m_L$	$6m_L$	Y_L	$6m_L$		
CONNECTICUT	Y_L	Y_L	N	(18)		$24h_D$						$24h_D$													
DELAWARE	Y_L	N	Y_L			$2t_R$						$2t_R$								$2t_L$	$2t_R$				
DISTRICT OF COLUMBIA	Y_R	Y_R	N			$9m_R$						$9m_R$								$9m_R$	$9m_R$				
FLORIDA	Y_L	Y_L	N	$2y_L$	(19)					(19)										$180d_R$	$90d_R$				
GEORGIA	Y_L	N	Y_L					$2t_L$								$2t_L$				(20)	$2t_L$	Y_L	$30d_L$		
HAWAII	Y_R	Y_R	N		$6m_R$						$6m_R$							$6m_R$							
IDAHO	Y_L	N	Y_L			$1t_L$		$1t_L$				$1t_L$				$1t_L$				$1t_L$	$1t_L$				
ILLINOIS	Y_L	Y_L	N		$160d_L$					$120d_L$								$120d_L$		(21)	(21)	Y_L	$60d_L$		
INDIANA	(11)	Y_R	(2)		$1y_R$						$6m_R$											Y_R	$30d_R$		
IOWA	Y_R	Y_R	N			$45d_L$			$90d_L$	$1y_L$		$45d_L$				$90d_L$	$1y_L$			$1y_R$	$1y_R$	Y_R			
KANSAS	Y_L	Y_L	N			(22)	(23)			$180d_L$		(22)	(23)				$90d_L$								
KENTUCKY	N	N	N								(24)							(25)							
LOUISIANA	Y_L	Y_L	N															(26)		(27)	$1y_L$				
MAINE	(28)	N	N																						
MARYLAND	Y_L	Y_L	N						$120d_R$	$6m_L$					$120d_R$	$6m_L$				$6m_L$	$6m_L$				
MASSACHUSETTS	Y_L	Y_L	N								(29)				(29)							Y_D	N_D		
MICHIGAN	Y_R	Y_R	N						(30)											$180d_L$	$180d_L$				
MINNESOTA	Y_R	Y_R	N														$60d_R$			$60d_R$					
MISSISSIPPI	Y_L	Y_L	N						$270d_L$											$270d_L$	$270d_L$				
MISSOURI	(31)	Y_L	Y_L					$10d_L$	$3t_L$	$180d_L$					$10d_L$	$2t_L$	$180d_L$	$60d_L$							
MONTANA	N	N	N																						
NEBRASKA	Y_L	Y_L	N					$6m_L$								$6m_L$		$6m_L$		$6m_L$	$6m_L$				
NEVADA	Y_L	Y_L	N			$15d_L$	(32)	$60d_L$				$15d_L$				$60d_L$				$60d_L$	$60d_L$				
NEW HAMPSHIRE	Y_L	Y_L	N	$6y_L$																					
NEW JERSEY	N	N	N	(33)			(34)												$45d_R$						
NEW MEXICO	Y_L	Y_L	N		$6m_L$		$15d_L$	$15d_L$	$6m_L$		$6m_L$		$15d_L$	$15d_L$	$6m_L$					$6m_L$	$6m_L$				
NEW YORK	Y_L	Y_L	N		$6m_L$						$90d_L$									$6m_L$	$90d_L$				
NORTH CAROLINA	Y_L	Y_L	N		$90d_L$					$90d_L$											$90d_L$				
NORTH DAKOTA	Y_L	Y_L	N	$3y_L$																					
OHIO	Y_L	Y_L	N		$270d_L$		$15d_L$				(35)									$270d_L$	$90d_L$				
OKLAHOMA	Y_L	N	Y_L			$2t_L$			$2t_L$			$2t_L$				$2t_L$		$2t_D$				Y_D			
OREGON	Y_L	Y_L	N		(36)	$30d_L$			(36)		(36)	$30d_L$				(36)									
PENNSYLVANIA	Y_L	Y_L	Y_L		$180d_R$	(37)					(38)	(37)						$120d_R$		(38)		Y_L			
RHODE ISLAND	Y_L	Y_L	N	(39)																$90d_R$	$90d_R$				
SOUTH CAROLINA	Y_L	N	Y_L								$2t_L$	$2t_L$								$2t_L$					
SOUTH DAKOTA	Y_L	N	Y_L									$1t_L$				$2t_L$				$2t_L$	$1t_L$				
TENNESSEE	Y_L	N	Y_L									$1t_L$				$1t_L$				$2t_L$	$2t_L$				
TEXAS	Y_L	Y_L	N						$120d_L$		$120d_L$									$120d_L$	$90d_L$				
UTAH	Y_L	Y_L	Y_L	(40)	$2t_L$	$1t_L$	(41)	(42)	$1t_L$	(43)	(44)	$1t_L$	(41)	(42)	$1t_L$	(45)	$5d_L$	$1m_L$		$2t_L$	$2t_L$				
VERMONT	Y_L	Y_L	N	(46)																					
VIRGINIA	Y_L	Y_L	Y_L			$2t_L$			$9m_L$			$2t_L$				$5m_L$									
WASHINGTON	Y_R	Y_R	N						$90d_R$							$60d_R$					$60d_R$				
WEST VIRGINIA	Y_L	N	Y_L						$3t_L$							$3t_L$						N_D			
WISCONSIN	Y_L	Y_L	N																	$90d_L$	$60d_L$				
WYOMING	Y_L	N	Y_L		(47)				$3t_L$		(47)					$2t_L$									

Legislative research ended 2/28/78. Updated as of 6/28/78 by replies from state attorneys general and court administrators.

Figure 3

	EXCLUDABLE TIME PROVISIONS																				
		Grounds for Excludable Time / Continuances								Expressly-Listed Circumstances											
	Statutory, Court Rule Provision for Excludable Time?	Good Cause	Sufficient Cause	Extraordinary / Exceptional Circumstances	Ends / Interests of Justice, Necessary	Reasonable Cause	Caused by Defendant	Other	Initial Hearing	Incompetency / Incapacity Hearing	Examination - Narcotic Addict	Retrial Pgm	State and Federal Trials - Other Charges	Interlocutory Appeals	Hearings on Pretrial Motions	Proceeding Concerning Pretrial Motion Under Advisement	Transfers for Change of Venue	Pretrial Diversion Type of Programs	Unrestricted Mutual Deferred Prosecution	Discovery
ABA STANDARDS	Y	Y			Y		Y			Y		Y	Y	Y						-
FEDERAL	Y_L			Y_D	Y_L		Y_L			Y_L	Y_L	Y_L	Y_L	Y_L	Y_L	Y_L	Y_L	Y_L		
ALABAMA	Y_L	Y_D			Y_L	Y_D	Y_D													
ALASKA	Y_L	Y_L			Y_R	Y_D	Y_D		Y_R	Y_R		Y_R	Y_R	(49)	Y_D					
ARIZONA	Y_R			Y_R	Y_R		Y_D			Y_R			Y_D							
ARKANSAS	Y_R	Y_R	Y_L	Y_D	Y_R		Y_R			Y_R		Y_R	Y_R		Y_R					
CALIFORNIA	Y_L	Y_L	Y_L		Y_L		Y_L									Y_D		Y_L	Y_D	
COLORADO	Y_L			Y_L			Y_L			Y_D		Y_D	Y_L	Y_D	Y_D		Y_L	Y_L	Y_L	
CONNECTICUT	N																Y_L			
DELAWARE	N				Y_D															
DISTRICT OF COLUMBIA	Y_R	Y_R			Y_R															
FLORIDA	Y_R	Y_R	Y_R	Y_R	Y_R	Y_R	Y_R			Y_R		Y_R	Y_R	Y_R		Y_D		Y_D	Y_R	
GEORGIA	Y_L	Y_D	Y_L		Y_L	Y_L	Y_D			Y_D									Y_D	
HAWAII	Y_R	Y_R		Y_R			Y_R		Y_R	Y_R		Y_R	Y_R	Y_R	Y_R				Y_R	
IDAHO	N	Y_D				Y_D	Y_D						Y_D							
ILLINOIS	Y_L			Y_D	Y_L	Y_D	Y_L		Y_D	Y_L		Y_D	Y_L	Y_D	Y_D	Y_D		Y_D	Y_L	
INDIANA	N			Y_D			Y_R	(11)		Y_D		Y_D	Y_D	Y_D	Y_D	Y_D		Y_D	Y_D	
IOWA	N	Y_R																		
KANSAS	Y_L	Y_L			Y_D		Y_L			Y_L			Y_D			Y_D			Y_D	
KENTUCKY	N		Y_R					(24)												
LOUISIANA	Y_L				Y_D		Y_D	(51)				Y_D		Y_L	Y_L					
MAINE	N				Y_D		Y_D					Y_D							Y_D	
MARYLAND	N	Y_L		Y_L	Y_L		Y_D	(52)												
MASSACHUSETTS	N	Y_D			Y_D		Y_D					Y_D	Y_D						Y_D	
MICHIGAN	Y_L	Y_L			Y_L		Y_R			Y_R		Y_R	Y_R	Y_R	Y_R				Y_R	
MINNESOTA	Y_L	Y_L																		
MISSISSIPPI	Y_L	Y_L			Y_L		Y_D													
MISSOURI	Y_L	Y_L		Y_D	Y_L		Y_L			Y_L		Y_L		Y_L	Y_L	Y_L				
MONTANA	Y_L	Y_L			Y_L															
NEBRASKA	Y_L	Y_L			Y_L		Y_L			Y_L		Y_L		Y_L	Y_L	Y_L			Y_L	
NEVADA	Y_L		Y_L				Y_L													
NEW HAMPSHIRE	Y_L	Y_R																	Y_R	
NEW JERSEY	N				Y_D												Y_R			
NEW MEXICO	N	Y_L					Y_L													
NEW YORK	N			Y_L	Y_L					Y_L		Y_L			Y_L					
NORTH CAROLINA	Y_L			Y_L	Y_L					Y_L		Y_L	Y_L	Y_L	Y_L					
NORTH DAKOTA	Y_L		Y_L		Y_R		Y_L												Y_L	
OHIO	Y_L		Y_D		Y_R					Y_L	Y_L	Y_L		Y_L		Y_L				
OKLAHOMA	(53)	Y_L					Y_D		Y_D	Y_D		Y_D	Y_D	Y_D	Y_D					
OREGON	N	Y_L	Y_L				Y_L							Y_D	Y_D		Y_L			
PENNSYLVANIA	Y_R				Y_L		Y_L			Y_D	Y_R	Y_L		N_D	N_D		Y_R		N_D	
RHODE ISLAND	Y_L									N_D						Y_D				
SOUTH CAROLINA	N																			
SOUTH DAKOTA	N		Y_L							Y_D						Y_D				
TENNESSEE	Y_L	Y_L																		
TEXAS	Y_L	Y_L	Y_L	Y_L						Y_L		Y_L		Y_L						
UTAH	Y_L	Y_L	Y_L					(54)				Y_D								
VERMONT	Y_R																			
VIRGINIA	Y_L	Y_L								Y_D										
WASHINGTON	Y_R	Y_R			Y_R		Y_R			Y_R		Y_R	Y_R	Y_D	Y_D	N_D				
WEST VIRGINIA	Y_R						Y_R			Y_D		Y_D	Y_D		Y_D					
WISCONSIN	N			Y_D			Y_D	(55)		Y_D		Y_D	Y_D	Y_D					N_D	
WYOMING	Y_D				Y_D		Y_L													

Legislative research ended 2/28/78. Updated as of 6/28/78 by replies from state attorneys general and court administrators.

Figure 4a

	EXCLUDABLE TIME PROVISIONS																				
	Expressly – Listed Circumstances																		Docket Congestion		
	Absence of State's Witness	Absence of Defendant or Material Defense Witness	Temporarily Unavailable Evidence	Period of Incompetency/ Incapacity	Treatment – Narcotic Addict	Rehab. Plan	Superseding Indictment/ Information/New Charges	Defendant Awaiting Trial (No Severance)	Co-Defendant's Continuances – Ends of Justice Grounds	Time Between Guilty Plea and Plea Withdrawal	Interjurisdictional Prisoner Transfers, Extradition	Intrajurisdictional Prisoner Transfers	Where Defendant is Material Witness in Other Trial	Misc. Probation/Parole Revocation, Deportation	Always Justifies Delay (Within Limits)	Justifies Delay Caused by Court (Not Prosecution)	Justifies Delay – Exceptional Circumstances	Justifies Delay – Waiver Granted by Higher Court	Never Justifies Delay
ABA STANDARDS		Y	Y	Y		Y	Y	Y								Y					
FEDERAL	Y_L	Y_L	Y_D	Y_L	Y_L	Y_L	Y_L	Y_L	Y_L	Y_L	Y_L					Y_L					
ALABAMA		Y_L		Y_L		N_L				(48)											
ALASKA		Y_R	Y_R	Y_R		N_R	Y_R	Y_R						N_D							
ARIZONA		Y_R		Y_R		Y_R	Y_R	Y_R		Y_R	Y_R		(50)			Y_R	Y_R				
ARKANSAS		Y_R	Y_R	Y_D		Y_R	Y_D	Y_R								Y_R					
CALIFORNIA		Y_L				Y_D										Y_D					
COLORADO	N_D	Y_L	Y_L	Y_L		Y_D	Y_L								N_D						
CONNECTICUT						Y_D				Y_L											
DELAWARE		N_D	N_D																		
DISTRICT OF COLUMBIA		Y_D						Y_R							Y_D						
FLORIDA		Y_R	Y_R	Y_R	Y_R	Y_L	Y_R	Y_R	Y_D					N_D	N_R	N_D					
GEORGIA		Y_L		Y_D		Y_D		Y_L									Y_D				
HAWAII		Y_R	Y_R	Y_R		Y_R	Y_R														
IDAHO		Y_D		Y_D		Y_D				Y_D											
ILLINOIS		Y_L	Y_L	Y_L		Y_D	Y_D	Y_L	Y_D					N_D		Y_D					
INDIANA	Y_D	Y_D	Y_L	Y_D		Y_D	Y_D			Y_D	Y_D				N_D	(11)					
IOWA																					
KANSAS	Y_D	Y_D	Y_L	Y_L					Y_D						Y_L						
KENTUCKY	Y_D	Y_D								Y_D											
LOUISIANA		Y_L		Y_L																	
MAINE	Y_L	Y_D										Y_D									
MARYLAND		Y_D						Y_L													
MASSACHUSETTS	Y_L	Y_D				N_D				Y_D					Y_D						
MICHIGAN		Y_D	Y_R	Y_R			Y_R	Y_L						Y_D	Y_R						
MINNESOTA				Y_D																	
MISSISSIPPI		Y_L	Y_L					Y_L													
MISSOURI	N_L	Y_L	Y_L	Y_L		Y_D	Y_L	Y_L				Y_L		Y_L	N_L						
MONTANA		Y_D				Y_L		Y_L								Y_D					
NEBRASKA		Y_L	Y_L	Y_L			Y_L	Y_L								Y_D					
NEVADA		Y_D				Y_D															
NEW HAMPSHIRE		Y_L																			
NEW JERSEY		Y_D				Y_L		Y_D		Y_L					N_D						
NEW MEXICO																					
NEW YORK		Y_L	Y_L	Y_L			Y_L														
NORTH CAROLINA		Y_L		Y_L		Y_L	Y_L	Y_L				Y_L				Y_L	Y_D				
NORTH DAKOTA		Y_L		Y_D				Y_R		Y_D											
OHIO		Y_L	Y_D	Y_L	Y_L	Y_L				Y_L						Y_D					
OKLAHOMA	Y_D	Y_D	Y_D	Y_D		Y_D				Y_D	Y_D					Y_D					
OREGON																					
PENNSYLVANIA	Y_L	Y_R		Y_D	Y_R	Y_D	Y_D			Y_L	Y_L					Y_D					
RHODE ISLAND		Y_L		Y_D																	
SOUTH CAROLINA		Y_L																			
SOUTH DAKOTA		Y_D	Y_L	Y_D																	
TENNESSEE																					
TEXAS		Y_L	Y_L	Y_L		Y_L	Y_L														
UTAH																					
VERMONT		Y_R	Y_R																		
VIRGINIA		Y_L		Y_L			Y_L														
WASHINGTON	Y_D	Y_R	Y_R	Y_D		Y_R		Y_R						Y_D	N_D		Y_D				
WEST VIRGINIA	Y_D	Y_L		Y_L		Y_D				N_D	N_D										
WISCONSIN		Y_D		Y_D											Y_D						
WYOMING			Y_L																		

Legislative research ended 2/28/78. Updated as of 6, 28 78 by replies from state attorneys general and court administrators.

Figure 4b

	ENFORCEMENT/ADMINISTRATION																		
	Reason for Delay Must Be Cited in Record?	Habeas Corpus	Mandamus	Enforcement After Trial: Must Court Make Records for Dismissals?	Must Defendant File Motion to Dismiss for Delay?	On Defendant	On Prosecution	Burden to Show Prejudice/Lack of Prejudice: Must Show Relevance?	On Defendant	On Prosecution	On Defendant	Burden on Motion to Dismiss: On Prosecution	Burden on Other Relevant Issues: Prosecutor Actions File Detainer, etc.	Prisoner Actions File Disposition of Detainers Request	Procedures for Imprisoned Persons: By Court	By Prosecutor	Control of Calendar: Prosecutor Required to Report Delay?	Must Court Administrator File Speedy Trial Report?
ABA STANDARDS													Y	Y	Y	(56)	Y		
FEDERAL	Y_L	Y_D		Y_L	Y_L				Y_L			(57)	Y_L	Y_L	Y_R		Y_L	Y_L	
ALABAMA						Y_D		Y_D			(58)		Y_D						
ALASKA	Y_R			Y_R	Y_R		Y_D		Y_R				Y_R		Y_R	Y_D	Y_R		
ARIZONA	Y_D			(59)	Y_D			Y_D	Y_R	Y_R	(60)		Y_R	Y_R	Y_R	Y_R	Y_D		
ARKANSAS	Y_D			Y_D	Y_R	Y_D	Y_D		Y_R	Y_D				Y_D	Y_R				
CALIFORNIA	Y_L	Y_D	Y_D	Y_L	Y_D	Y_D	Y_D	N_D	Y_D				Y_D	(61)	Y_L				
COLORADO	Y_R	Y_D		Y_R	Y_L	Y_D		Y_D	Y_D	Y_R			Y_D	Y_L					
CONNECTICUT			Y_D										Y_L	Y_L					
DELAWARE						N_D									Y_R				
DISTRICT OF COLUMBIA						Y_D													
FLORIDA	Y_D	Y_D	Y_D	Y_D	Y_R	Y_D	Y_D	Y_D	Y_R			(62)	Y_R	Y_R					
GEORGIA				Y_D		Y_D						(63)							
HAWAII					Y_R								Y_L						
IDAHO		Y_D			Y_D	N_D													
ILLINOIS	Y_D	N_D	Y_D	Y_D	Y_D	Y_D		Y_D	Y_D		(64)	(65)	Y_D						
INDIANA	Y_D	Y_D	Y_D		Y_L	N_D	N_D	N_D	Y_D				Y_D	Y_D	Y_D				
IOWA	Y_R			Y_R	N					Y_R			Y_L	Y_L			Y_R		
KANSAS	Y_D			Y_D	Y_D	Y_D		Y_D	Y_D		(66)		Y_L	Y_L	Y_D		Y_D		
KENTUCKY													Y_D	Y_D					
LOUISIANA	Y_D			Y_D	Y_L	Y_D		Y_D	Y_L						Y_D	Y_D			
MAINE				Y_D	Y_D	Y_D		Y_D					Y_D						
MARYLAND						Y_D		Y_D											
MASSACHUSETTS	Y_D	Y_D			Y_D	(67)		Y_D					Y_D	Y_D					
MICHIGAN	Y_L			Y_D	Y_D	Y_D		Y_D	Y_D				Y_L	Y_D	Y_R			Y_R	
MINNESOTA						Y_D			Y_D										
MISSISSIPPI						Y_D													
MISSOURI	Y_L	Y_D		Y_L	Y_L	Y_D		Y_D	Y_D				Y_L	Y_L					
MONTANA	Y_L			Y_L					Y_L	Y_L									
NEBRASKA	Y_D			Y_D	Y_L	Y_D		Y_D	Y_L							Y_L			
NEVADA	Y_D					Y_D		Y_D							Y_L				
NEW HAMPSHIRE																			
NEW JERSEY					N_R	Y_D								Y_L	Y_R			Y_R	
NEW MEXICO					Y_D	Y_D				Y_D									
NEW YORK													Y_L						
NORTH CAROLINA					Y_L				Y_L				Y_R	Y_R					
NORTH DAKOTA	Y_L					Y_D		Y_D											
OHIO	Y_D			Y_R	Y_D	Y_D			Y_D					Y_D					
OKLAHOMA	Y_L	Y_D	Y_D	Y_L	Y_D	Y_D	Y_D	(68)	Y_D	Y_L		(13)	Y_L	Y_D			Y_D		
OREGON	Y_L			Y_L	N_L				Y_L	Y_L			Y_L	Y_L					
PENNSYLVANIA	Y_D	Y_D		Y_D	Y_R	(69)	Y_R	Y_D	Y_R				Y_L	Y_L	Y_D				
RHODE ISLAND																Y_D			
SOUTH CAROLINA																			
SOUTH DAKOTA				Y_L		Y_D							Y_D						
TENNESSEE						Y_D													
TEXAS				Y_L	Y_L														
UTAH	Y_L			Y_D									Y_D						
VERMONT				Y_R															
VIRGINIA																			
WASHINGTON	Y_D			Y_D	Y_D	N_D							Y_D	Y_L	Y_D		Y_D		
WEST VIRGINIA	Y_D	Y_D	(70)	Y_D	Y_D								Y_D						
WISCONSIN	Y_D			Y_D	Y_D	Y_D		Y_D					Y_D						
WYOMING		Y_D				Y_D									Y_R				

Legislative research ended 2/28/78. Updated as of 6/28/78 by replies from state attorneys general and court administrators.

Figure 5

	SANCTIONS					
			Consequences of Excessive Delay			
	Absolute Discharge (With Prejudice)	Qualified Discharge (Without Prejudice)	No Discharge	Mandatory Discharge - Untimely Indictment/Information	Mandatory Release from Jail - Untimely Trial	Discretionary Review before Discharge
ABA STANDARDS	Y					
FEDERAL	Y_L	Y_L		Y_L	Y_L	Y_R
ALABAMA						
ALASKA	Y_R			Y_R	Y_R	
ARIZONA	Y_R	Y_R				Y_D
ARKANSAS				Y_L		Y_R
CALIFORNIA				Y_L		
COLORADO	Y_L				Y_D	
CONNECTICUT				N_D		
DELAWARE	(71)					Y_R
DISTRICT OF COLUMBIA	(72)	Y_R				
FLORIDA						Y_D
GEORGIA				Y_L	Y_L	
HAWAII	Y_R	Y_R				Y_R
IDAHO		Y_L				
ILLINOIS				Y_L	Y_L	
INDIANA	Y_R					Y_R
IOWA	Y_R	Y_R				Y_R
KANSAS	Y_L					Y_D
KENTUCKY						
LOUISIANA	Y_L				Y_L	
MAINE						Y_R
MARYLAND			Y_D	N_D	N_D	Y_D
MASSACHUSETTS	Y_D		(73)	N_D	N_D	Y_D
MICHIGAN	Y_D	Y_D				
MINNESOTA						
MISSISSIPPI						
MISSOURI	Y_L	Y_L		Y_L	Y_L	
MONTANA	Y_D	Y_D		Y_L	Y_L	
NEBRASKA				Y_L	Y_L	
NEVADA				Y_D	Y_D	
NEW HAMPSHIRE						
NEW JERSEY	Y_D			Y_L		Y_R
NEW MEXICO	Y_L			N_D		
NEW YORK				Y_L	Y_L	
NORTH CAROLINA	Y_L	Y_L				
NORTH DAKOTA						
OHIO				Y_L		
OKLAHOMA		Y_L				Y_L
OREGON	(74)	(74)				Y_L
PENNSYLVANIA	Y_R	Y_L				Y_R
RHODE ISLAND		Y_R		Y_D	Y_L	
SOUTH CAROLINA				Y_L	Y_L	
SOUTH DAKOTA				Y_L	Y_L	
TENNESSEE				Y_D		
TEXAS				Y_L		
UTAH	(75)	(75)		Y_L	Y_L	
VERMONT						
VIRGINIA				Y_L	Y_L	
WASHINGTON	Y_R					Y_D
WEST VIRGINIA	Y_L					Y_D
WISCONSIN	Y_L					Y_D
WYOMING						Y_R

Legislative research ended 2/28/78. Updated as of 6/28/78 by replies from state attorneys general and court administrators.

Figure 6

FOOTNOTES TO SPEEDY TRIAL MATRICES

Figure 1 - Basis of Authority

1. The time limits of the Federal Speedy Trial Act have been found to be an unconstitutional legislative encroachment on the judiciary in the Federal District Court for Maryland. United States v. Howard, 440 F. Supp. 1106 (D. Md. 1977).

2. The court rules promulgated in 1974 supersede the relevant statutes by express provision as they pertain to time limits. Ind. Code Ann. Cr. R. 4(E) (Burns Supp. 1977).

3. Iowa repealed its old statutes (ch. 795) and enacted new rules which were effective 1/1/78. As yet there are no court decisions about them. Iowa Code Ann. ch. 2, sec. 1301 (West Supp. 1977).

4. The new Texas statutes are effective 7/1/78.

5. Rule 56, Wyo. R. Cr. P., provides that all existing speedy trial statutes are superseded by Rules 45 and 47, Wyo. R. Cr. P., which are the same as Fed. R. Cr. P. 48 and 50(a), respectively. However, the Wyoming Rules of Criminal Procedure have no application in municipal courts, justice of the peace courts and in appeals therefrom, according to Rule 51, Wyo. R. Cr. P.

   Therefore, if a provision is labeled with an "R," the information to which it refers is universally applied. If it is labeled with an "L," the provision pertains only to those exempted jurisdictions.

Figure 2 - Fundamental Applicability

6. A voluntary guilty plea prior to time court rules on motion to dismiss charges for failure to prosecute within statutory time limits waived right to speedy trial. Emery v. State, 489 S.W.2d 17 (Ark. 1973).

7. If imprisoned in Florida, with or without filing of detainer, defendant must be brought to trial if no demand is made within one year, if the crime is a misdemeanor or a felony not involving violence, or within two years if the crime is a noncapital felony involving violence or is punishable by death; if demand is made, defendant must be brought to trial within six months. Fla. R. Crim. P. 3.191(b)(1), (b)(2).

8. Speedy trial time limits, if nod demand is made, are 90 days for misdemeanors and 180 days for felonies. If demand is made, time limits are 60 days unless a continuance has been granted because of exceptional circumstances. (See also note 7.) Fla. R. Crim. P. 3.191 (a) (10), (a) (2). Demand is a nullity if filed prior to return of indictment. State v. Cullen, 253 So. 2d 861 (Fla. 1977).

9. A person on bail is entitled to trial within 160 days from date defendant demands trial. A person in custody is entitled automatically to trial within 120 days from date she/he is taken into custody. Ill. Ann. Stat. Ch. 38, sec. 103-4(a)(b) (Smith-Hurd Supp. 1977).

10. A plea of guilty waives the right to speedy trial. People v. Swansey, 7 Ill. App. 3d 1042, 288 N.E.2d 646 (1972).

11. Where the defendant is in jail awaiting trial, he may: (1) request an "early trial: or (2) fail to make such a request. Under the first option, discharge of an incarcerated defendant occurs after 80 calendar days have elapsed from the motion without a trial. Under the option, release of an incarcerated defendant occurs after 6 months have elapsed from formal charges or arrest, whichever is later. In both cases the prosecutor may obtain a continuance on grounds not involving his own fault. In any case, a defendant, whether incarcerated or not, is entitled to discharge after 1 year has elasped from being held to answer for a criminal chargewithout trial. Ind. Code Ann. Cr. R. 4(A-C) (Burns Supp. 1977).

12. Iowa p. 149 Figure 2 - Iowa Code Ann. §813.2 (Rule 27) refers to indictable offenses, which include aggravated and serious misdemeanors. Simple misdemeanors are excluded from Rule 27 and are coverred in §813.2 (Rules 32-56).

13. Demanding trial and resisting continuances are required when the defendant is on bail. Where the defendant is imprisoner, the law makes demand automatically. Brown v. State, 384 P.2d 54 (Okla. Crim. App. 1963).

    Also, if two terms of court pass without trial, demand by the defendant is "rendered immateria,: and the state must show good cause for the delay. Hampton v. State of Oklahoma, 267 F. Supp. 667 (D. Okla. 1967). See also Davidson v. State, 82 Okla. Crim. 402, 171 P.2d 640 (1946).

Figure 3 - Time Limits

14. Normally 60 days; unless "unavailability of witnesses or other factors resulting from passage of time shall make trial within 60 days impractical," where the maximum period shall be 180 days. 18 U.S.C. sec. 3162(a)(2).

15. For felonies:

(a) Conversion of state or county revenue - 6 years.
(b) Capital offenses, murder 1 and 2, manslaughter 1, arson, forgery, counterfeiting - no limit.
(c) All other felonies - 3 years.

For misdemeanors: 12 months.
(Source: Ala. Code tit. 15, sec. 3-1 et seq.).

16. A defendant in custody shall be brought to trial within two terms, not to exceed 9 months. Ark. R. Crim. P. 28.1(a).

17. California courts adhere to the guidelines found in Section 10 of the "Standards of Judicial Administration REcommended by the Judicial Council." The time limits listed in the matrix pertain to felony cases. Section 10 also covers misdemeanors accordingly:

Arrest to Arraignment - both in and out of custody. . . 2 days
Arraignment to Trial -
In custody. . . . . 30 days
Out of custody. . . . . 45 days

Also, there is a 15-day time limit between the time when "a person has been held to answer for a public offense: (i.e., the preliminary hearing) and an information. Cal. Penal Code sec. 1382 (1) (West Supp. 1977).

18. The Connecticut statute of limitations on criminal offenses:

(a) Capital felonies and Class A felonies - no limit.
(b) Offenses bringing possible imprisonment in excess of 1 year - 5 years.
(c) All other offenses - 1 year.
(Source: Conn. Gen. Stat. Ann. §54-193 (West Supp. 1977).

19. Speedy trial time limits, if no demand is made, are 90 days for misdemeanors and 180 days for felonies. If demand is made, time limits are 60 days unless a continuance has been granted because of exceptional circumstances. (See also note 7.) Fla. R. Crim. P. 2.191 (a)(1), (a)(2). Demand is a nullity if filed prior to return of indictment. State v. Cullen, 253 So. 2d 861 (Fla. 1971).

20. Under "capital offense," defendant has to be brought to trial during term of court in which demand is made or within two regular terms; for "offenses not affecting...life," defendant must be brought to trial within two terms. Ga. Code Ann. Secs. 27-1901, 27-1901.1 (Harrison Co. 1972); Orvis v. State, 237 Ga. 6, 226 S.E.2d 570 (1976).

21. A person on bail is entitled to trial within 160 days from data defendant demands trial. A person in custody is entitled automaticaly to trial within 120 days from date she/he is taken into custody. Ill. Ann. Stat. ch. 39, sec. 103-5(a)(b) (Smith-Hurd Supp. 1977).

22. There is a 20-day limit between arrest and preliminary examination before a magistrate. Kan. Stat. Sec. 22-2901(3) (Vernon 1973).

23. Kan. Stat. Ann. §22-3205 requires arraignment to be made in the district court not later than the next required day of court which occurs 10 days or more days after arrest upon a warrant issued on an indictment or after the order of the magistrate binding over the defendant for trial.

24. All prosecutions are to proceed when the defendant appears or is brought before the court unless postponed for cause. The trials of all persons in custody under arrest are to be held as promptly as reasonably possible. Ky. R. Crim. P. 9.02.

25. When the defendant's new trial was not held after 17 months from reversal and remand of the previous trial, he was denied his right to speedy trial. Wagner v. Ardery, 378 S.W.2d 625 (Ky. 1964).

26. Where there is a mistrial or a new trial, the state must commence the second trial within 1 year, unless: (1) the 2-year "other felony" limits allows more time; or (2) the 3-year "capital-case" limits allows more time. See footnote 25.

27. Capital cases carry a 3-year limit. All other felony cases must come to trial within 2 years. La. Code Crim. Pro. Ann. art. 578 (West 1967).

28. A flexible statutory standard of "unnecessary delay" and all of its definitions and meanings in light of the 6th Amendment's incorporated right to a speedy trial replaced earlier specified time limits. Me. Cr. R. 48(b); State v. O'Clair, 292 A.2d 186 (Me. 1972), State v. Brann, 292 A.2d 173 (me. 1972).

29. If detained upon an indictment the defendant is entitled to be brought to trial at the "sitting of the court next after the expiration of six months" from the time of detention. Mass. Gen. Laws Ann. ch. 277, sec. 72 (West 1972).

30. Statutory 180-day rule does not require that trial be concluded, or even commenced within 180 days; all that is required is that good faith action be taken on the case by the prosecution during the 180 days. People v. Wilder, 51 Mich. App. 280, 214 N.W.2d 749 (1974).

31. On July 28, 1977, the Missouri General Assembly completely revamped Mo. Ann. Stat. sec. 545,780, reflecting general conformity with the ABA Standards. The information appearing in these matrices contain the new changes, although the new law will not be effective until September 1, 1978. No other Missouri provisions were changed by this enactment.

Accordingly the preamendment situation in Missouri is illustrated in Figures a through f.

32. Nev. Rev. Stat. §171.178(1) requires that an arrestee be taken without unnecessary delay before the nearest available magistrate. A preliminary hearing must be held within 15 days of arraignment, pursuant to the provisions of Nev. Rev. Stat. §171.196.

33. To be prosecuted, tried or punished for a disorderly person offense, a complaint must be filed within 1 year from the commission of a crime or discovery of the offense in order for a person to be prosecuted, tried or punished. N.J. Stat. Ann. sec. 2A:169-10 (West 1976). No person may be prosecuted unless an indictment is rendered within 5 years from the commission of the offense. N.J. Stat. Ann. sec. 2A: 159-2, 159-3, 159-4 (West 1971).

34. N.J. Ct. R. 3:4-1 requires a person to be brought before a judge without unnecessary delay after arrest.

35. For purposes of computing time for persons held in jail without bail, each day there shall be counted as 3 days on bail. Ohio Rev. Code Ann. sec. 2945.71 (Page Supp. 1976).

36. The standard is a "reasonable period of time," Or. Rev. Stat. sec. 135.747 (1975).

37. If an indictment or information is not found within a "reasonable time," the court may dismiss the prosecution. Pa. R. Cr. Pro. 316 (Purdon 1977).

38. Where a defendant is imprisoned for treason or felony and has not been indicted and tried within: (1) six months of the "commitment" in second class counties, or (2) the next term of court in all other courts; she/he shall be freed on bail. If the defendnat again is not indicted and tried within: (1) six months of the "commitment: in second class counties, or (2) the second term of court in all other courts; she/he shall be discharged from imprisonment. The defendant however, is not released from subsequent prosecution and trial. Pa. Stat. Ann. tit. 19, sec. 781 (Purdon 1977); Commonwealth v. Moncak, 375 Pa. 559, 101 A.2d 728 (1954).

Footnote 31 - continued

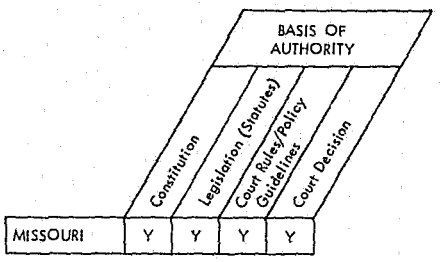


Figure a

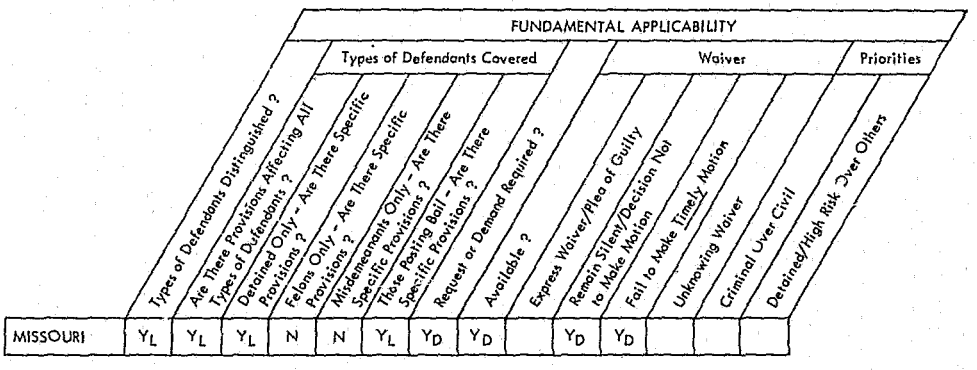


Figure b

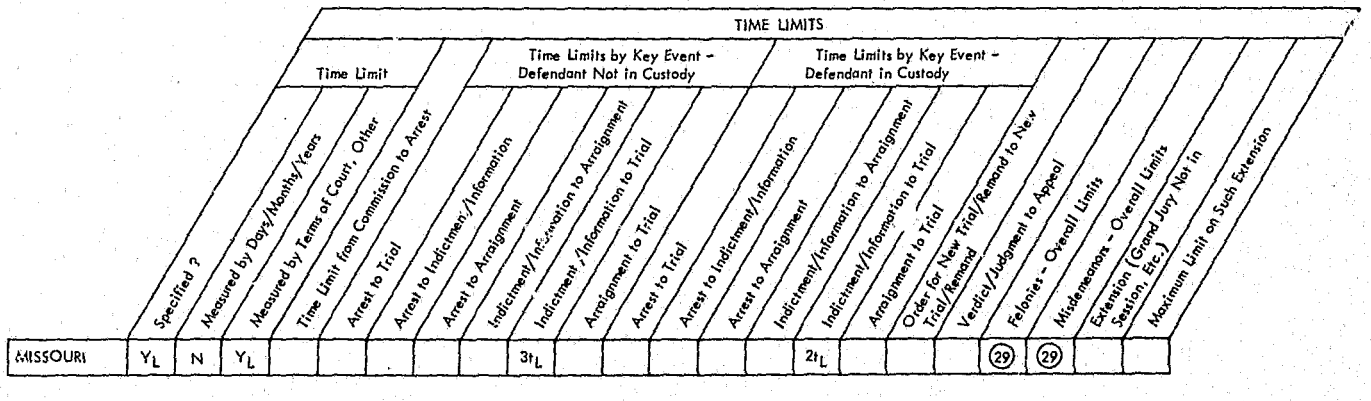


Figure c

Footnote 31 - continued

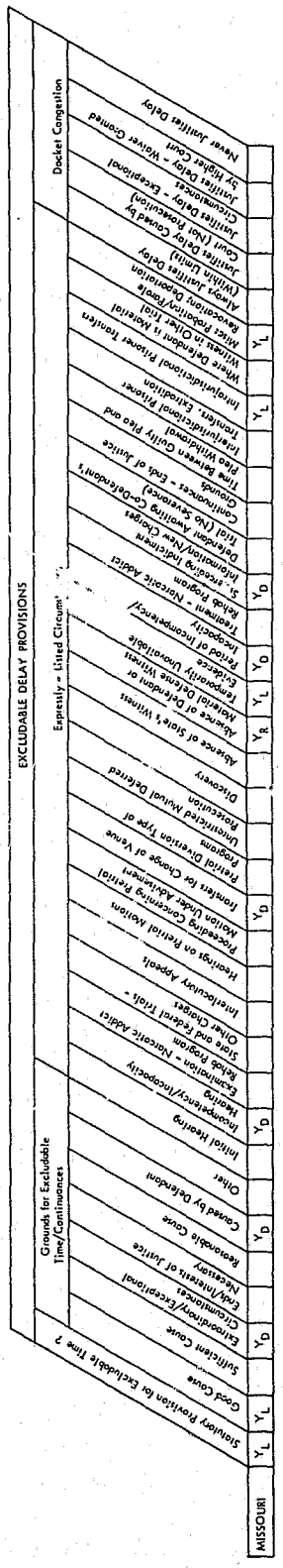


Figure d

Footnote 31 - concluded

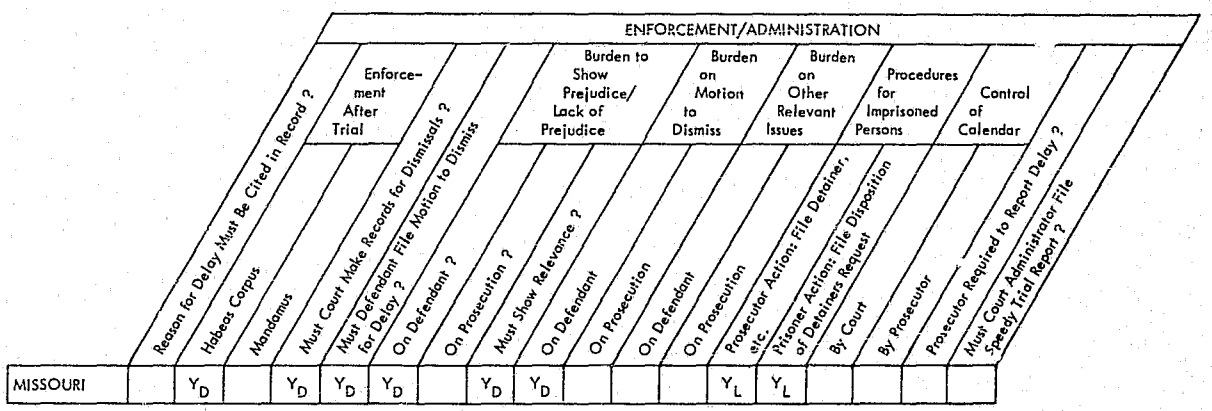


Figure e

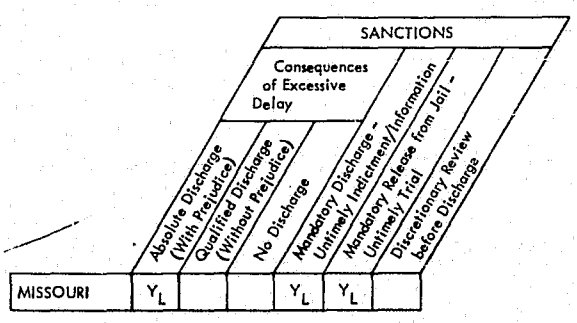


Figure f

39. Rhode Island has a general statute of limitations for "all suits or prosecutions founded upon any penal statute, which are wholly or in part for the use of the prosecutor" of 1 year after the commission of the offense. All other suits and prosecutions on a penal statute has a limitation of 2 years after the commission of the offense. R.I. Gen. Laws sec. 12-21-2 (Bobbs-Merrill Supp. 1976).

40. Utah Code Ann. §76-1-301 and §76-1-302 require prosecutions to be commenced within certain time periods unless it is a capital felony, embezzlement of public moneys, or the falsification of public records.

41. Utah Code Ann §77-51-1(1), 1 term, plus Utah Code Ann. §77-22-1, 3 days or by the first day of the next term.

42. Utah Code Ann. §77-22-1 requires arraignment within 3 days or the first day of the next term.

43. Utah Code Ann. §77-51-1(1), 1 term, plus §77-51-1(2), 1 term minus §77-51-1(1), 1 term plus §77-22-1, 3 days or 1st term day.

44. Would be the maximum time limits allowed for arrest to indictment/information plus indictment/information to arraignment plus arraignment to trial.

45. Utah Code Ann. §77-1-8(6) requires defendnat who cannot get bail to be brought to trial within 30 days after arraignment or on the first day of the next session of court if the court is not then in session.

46. Prosecutions for felonies and misdemeanors must commence within 3 years of the commission of the offense. Vt. Stat. Ann. tit. 13, sec. 4501 (1973). Prosecutions for larceny, robbery, burglary, and forgery must commence within 6 years of the commission of the offense. Vt. Stat. Ann. tit. 13, sec. 4502 (1973).

47. The standard for all but the "exempted" (see Footnote 5) jurisdictions is the existence of "unnecessary delay in bringing the defendant to trial." Wyo. R. Cr. Pro. 45.

Figures 4a and 4b - Excludable Time Provisions

48. Delays caused by lack of notice to Jurisdiction B (where indictment is pending) or release of accused from Jurisdiction A's penitentiary may be allowable. Nolly v. State, 35 Ala. App. 79, 43 So. 2d 841 (1950).

49. No pretrial motion shall be held under advisement for more than 30 days. Time over 30 days is not excludable. Alas. R. Ct. 45(d)(1).

50. Entrance of a substitute judge is an excludable delay. State v. Wallen, 114 Ariz. 355, 560 P.2d 1262 (1977).

51. "...for any other cause beyond the control of the state." La. Code Crim. Pro. Ann. art. 579 (West 1967).

52. Generally the grounds required for a postponement of a Maryland criminal trial is "extraordinary cause." Md. Ann. Code art. 27, sec. 591 (Supp. 1976); Md. R. Pro. 746 (Supp. 1976).

53. All excludable delay provisions shown for Oklahoma are derived from case-by-case consideration of "good cause."

54. Utah Code Ann. §77-60-4 allows for a continuance if a woman has not been delivered or is unable to attend.

55. A continuance may be granted for "cause" for periods in excess of 60 days. Wis. Stat. Ann. sec. 971.10(Supp. 1977).

56. The prosecuting attorney should aid the court. ABA Standard 1.2.

Figure 5 - Enforcement/Administration

57. The government shall have the burden of going forward with the evidence to show that delay caused by an absent or unavailable defendant or witness should be excluded. 18 U.S.C. sec. 3162(a)(2).

58. The burden to object to delay and/or demand trial is on the defendant. Ex parte State ex rel. Attorney General, 52 So. 2d 158 (Ala. 1951).

59. A motion to dismiss for delay is not mandatory. The court may initiate dismissal also.' Ariz. R. Cr. Pro. 8.2(c).

60. The burden to notify the court of impending expiration of a time limit is on the defendant. Ariz. R. Cr. Pro. 8.1(d).

61. Cal. Penal Code §§1381, 1381.5 require a defendant incarcerated in a federal correctional institution, a state prison, a county jail, or committed to an institution under the authority of the Department of Youth Authority or into the custody of the Director of Corrections to be brought to trial or sentenced within 90 days after assent by federal authorities to grant defendant's request to be brought to trial in the case of a federal correctional institution or in the cases of the other incarcerations within 90 days of defendant's request to be brought to trial and notice of the place of his imprisonment.

62. The burden of complying with the 180-day rule is on the state. Gue v. State, 297 So. 2d 135 (Fla. App. 1974). The state has the obligation to employ all reasonable means available to give a speedy trial. Leon v. Baker, 238 So. 2d 281 (Fla. 1970).

63. If the defendant is not brought to trial within the required time period, the state has the burden of showing that she/he waived her/his right to have charges discharged. Parker v. State, 135 Ga. App. 620, 218 S.E.2d 324 (1975).

64. Burden is on the defendant to show violation of his right to a speedy trial and that delay was not caused by his actions. People v. Nettles, 107 Ill. App. 2d 143, 246 N.E.2d 29 (1969); People v. Terlikowski, 83 Ill. App. 2d 307, 227 N.E.2d 521 (1967).

65. The burden is on the state to take the steps necessary to bring about a prompt trial. People v. Hannah, 31 Ill. App. 3d 1087, 335 N.E.wd 84 (1975).

66. The primary burden is on the courts and prosecutors to assure that cases are brought to trial. State v. Otero, 210 Kan. 530, 502 P.2d 740 (1972).

67. Generally the defendant must show that prejudice resulted from a delay past the statutory period. However, in absence of any explanation or justification, an 11-month detention awaiting trial where no action was taken by the Commonwealth authorizes a dismissal of the indictment without a showing of prejudice. Commonwealth v. Alexander, 359 N.E.2d 306 (Mass. 1977).

68. The defendant has the initial burden to show expiration of the statutory time and lack of postponement with his consent. Then the prosecution must show good cause for continuing the trial over the statutory time. Hembree v. Howell, 90 Okla. Crim. 371, 214 P.2d 458 (1950); Brumitt v. Higgins, 80 Okla. Crim. 183, 157 P.2d 922 (1945).

69. The burden of proving prejudicial delay shifts according to the circumstances. If there is minimal delay, the defendant must show prejudice. If there is substantial delay, it is prima facie prejudicial unless rebutted by the Commonwealth. Commonwealth v. Jones, 95 Montg. 340 (1972).

70. Prohibition is a proper remedy. State ex rel. Farley v. Kramer, 169 S.E.2d 106 (W. Va. 1969).

Figure 6 - Sanctions

71. Order for dismissal "may" be with prejudice and will be presumed so unless otherwise indicated. State v. Fischer, 295 A.2d 417 (Del. 1971).

72. Trial court may dismiss with prejudice only when it concludes that defendant;s right to speedy trial has been violated. U.S. v. Mack, 298 A.2d 509 (D.C. Ct. App. 1972).

73. The county may be liable to the defendant for loss of earnings caused by detention over 6 months before trial, if discharged or acquitted. Mass. Gen. Laws Ann. ch. 277, sec. 73 (West 1972).

74. "An order for the dismissal of a charge or action...is a bar to another prosecution for the same crime if the crime is a Class B or C misdemeanor; but it is not a bar if the crime charged is a Class A misdemeanor or a felony." Or. Rev. Stat. sec. 135.753(2) (1975).

75. Utah Code Ann §77-51-6 states that dismissal will be a bar to further prosecutions for the same offense if it is a misdemeanor but not if it is a felony.

C. DEFINITIONS

Several of the categorical headings on the horizontal axes of Figures 1 through 6 require further definition. The list which follows provides a brief description of the meaning of the term or phrase as understood by the MRI legal research staff.[1/] Due to the broad variance in court systems and procedures, definitions of a term may be different from jurisdiction to jurisdiction. Therefore, ambiguities which may appear to arise when comparing the findings are due to different jurisdictional meanings. In other words, the MRI research staff did not attempt to standardize all definitions of all terms across all jurisdictions. It simply used the term as it was found in the constitutions, statutes, court rules and case decisions examined.[2/]

A shorthand system was adopted to facilitate the reader's understanding of the interdependence of the terms. Before each heading, subheading and category a letter or number will appear uniquely denoting each categorical address.[3/] Regularly these addresses will appear in the definitions of terms and phrases appearing at other addresses, reflecting the systemic interrelationships.

1. Basis of Authority

1A. Constitution - a system of fundamental laws or principles reflecting the sovereign will.

1B. Legislation - statutory law promulgated by a jurisdiction's legislative body.

1C. Court Rules/Policy Guidelines - a rule or order governing procedure or practice promulgated by a court.

1D. Court Decisions - opinions of courts of record in the adjudication of a case.

1/ Definitions are largely adopted from Ballentine's Law Dictionary (3d Ed.) (1969).

2/ For instance in some states an arraignment is held before an indictment is filed; in other jurisdictions, the reverse occurs. In this case time limits involving these key events may vary more widely than expected between states due to different criminal justice systems.

3/ For example, "3C2" represents the "Time Limits" matrix (3), the "Time Limits by Key Event--Defendant Not in Custody" (C) subheading, and the "Arrest to Indictment/Information" category (2).

2. Fundamental Applicability

2A1. Types of Defendants Distinguished? - self-explanatory, varying as a function of answers to 2A(1-5).

2B. Types of Defendants Covered - self-explanatory.

2B1. Are There Provisions Affecting All Types of Defendants? - speedy trial provisions which do not distinguish types of defendants.

2B2. Detained Only - Are There Specific Provisions? - speedy trial provisions which address detained defendants.

2B3. Felons Only - Are Three Specific Provisions? - speedy trial provisions which address felony defendants.

2B4. Misdemeanants Only - Are There Specific Provisions? - speedy trial provisions which address misdemeanor defendants.

2B5. Those Posting Bail - Are There Specific Provisions? - speedy trial provisions which address defendants posting bail.

2C1. Request or Demand Required? - is an affirmative action required by the defendant to invoke the protection of a speedy trial provision?

2D. Waiver - the relinquishment, either partially or wholly, of a right to speedy trial conveyed by statute or court rule, Cf: "continuance caused by defendant," at 4B6, for distinctions.

2D1. Available? - self-explanatory; varying as a function of answers to 2D(2-5).

2D2. Express Waiver/Plea of Guilty - an affirmative act by the defendant which knowingly and intentionally relinquishes, either partially or wholly, a right to a speedy trial conveyed by a jurisdiction's statues and/or court rules.

2D3. Remain Silent/Decision Not To Make Motion - a knowing and intentional failure to move for dismissal for delay which relinquishes, either partially or wholly, a right to a speedy trial conveyed by a jurisdiction's statutes and/or court rules.

2D4. Fail To Make Timely Motion - a failure to move for dismissal in accordance with a jurisdiction's procedural law, the result of which is the relinquishment, either partially or wholly, of a right to a speedy trial conveyed by a jurisdiction's statutes and/or court rules.

2D5. Unknowing Waiver - an unknowing and unintentional relinquishment, either partially or wholly, of a right to a speedy trial conveyed by statute or court rule.

2E. Priorities - jurisdictional practices designed to facilitate operation of speedy trial requirements.

2E1. Criminal Over Civil - self-explanatory.

2E2. Detained/High Risk Over Other - self-explanatory.

3. Time Limits

3A. Time Limit

3A1. Specified? - self-explanatory; varying as a function of answers to 3A(2-3).

3A2. Measured in Days/Months/Years - time limits specified in terms of absolute time.

3A3. Measured by Terms of Court, Other - time limits specified in terms of relative time.

3B1. Time Limit from Commission to Arrest - a statute of limitations for arrest on criminal charges.

3C. Time Limits by Key Event - Defendant Not in Custody.

3C1. Arrest to Trial - generally, the period between (1) the lawful detention of a person by a law enforcement authority and (2) the judicial examination of legal and factual issues to determine the ultimate guilt or innocence of a person accused of the commission of an offense.

3C2. Arrest to Indictment/Information - generally, the period between (1) the lawful detention of a person by a law enforcement authority and (2) the formal filing of a charge accusing a person of the commission of an offense.

3C3. Arrest to Arraignment - generally, the period between (1) the lawful detention of a person by a law enforcement authority and (2) the act of bringing a person accused of the commission of an offense before a court to answer the charges against him (usually by entering a plea of guilty, not guilty, nolo contendere, etc.).

3C4. Indictment/Information to Arraignment - generally, the period between (1) the formal filing of a charge accusing a person of the commission of an offense and (2) the act of bringing a person accused of the commission of an offense before a court to answer the charges against him (usually by entering a plea of guilty, not guilty, nolo contendere, etc.)

3C5. Indictment/Information to Trial - generally, the period between (1) the formal filing of a charge accusing a person of the commission of an offense and (2) the judicial examination of legal and factual issues to determine the ultimate guilt or innocence of a person accused of the commission of an offense.

3C6. Arraignment to Trial - generally, the period between (1) the act of bringing a person accused of the commission of an offense before a court to answer the charges against him (usually by entering a plea of guilty, not guilty, nolo contendere, etc.), and (2) the judicial examination of legal and factual issues to determire the ultimate guilt or innocence of a person accused of the commission of an offense.

3D. Time Limits by Key Event - Defendant in Custody.

3D1. Arrest to Trial - same definition as 3C1.

3D2. Arrest to Indictment/Information - same definition as 3C2.

3D3. Arrest to Arraignment - same definition as 3C3.

3D4. Indictment/Information to Arraignment - same definition as 3C4.

3D5. Indictment/Information to Trial - same definition as 3C5.

3D6. Arraignment to Trial - same definition as 3C6.

3E1. Order for New Trial/Remand to New Trial/Remand - self-explanatory.

3F1. Verdict/Judgment to Appeal - self-explanatory.

3G1. Felonies - Overall Limits - self-explanatory.

3H1. Misdemeanors - Overall Limits - self-explanatory.

3I1. Extension (Grand Jury Not in Session, Etc.) - is an extension of the time limits allowed through judicial discretion to account for major systemic peculiarities (grand jury not in session, in between terms of court, etc.).

3J1. Maximum Limit on Such Extension - self-explanatory, referring to 3I1.

4. Excludable Time Provisions

4A1. Statutory, Court Rule Provision for Excludable Time? - are there express provisions made for excludable time grounds in the speedy trial statutes and/or court rules?

4B. Grounds for Excludable Time/Continuances.

4B1. Good Cause - as phrased in the literature.

4B2. Sufficient Cause - as phrased in the literature.

4B3. Extraordinary/Exception Circumstances - as phrased in the literature.

4B4. Ends/Interests of Justice, Necessary - as phrased in the literature.

4B5. Reasonable Cause - as phrased in the literature.

4B6. Caused by Defendant - any request or other action by a defendant or his attorney resulting in delay for the benefit of the defendant (for instance, a simple request by the defendant for a continuance of the trial date), Cf: "waiver," at 2D, generally, with "continuance," which is "an adjournment of a cause from one day to another, in the same or in a later term, or to a later hour of the same day." More simply, "waiver" is a relinquishment, either partially or wholly, of speedy trial protection. A "continuance caused by the defendant" is a tolling of the time limits initiated by some act of the defendant.

4B7. Other - self-explanatory; variations included in the footnotes listed.

4C. Expressly Listed Circumstances - contains the full range of specific circumstances for which speedy trial time limits may be tolled.

4C1. Initial Hearing - where required, the first appearance by a defendant before a court to determine threshold information about the commission of the offense alleged.

4C2. Incompetency/Incapacity Hearing - initiated usually upon defendant's request to determine competency or capacity to stand trial.

4C3. Examination - Narcotic Addict Rehabilitation Program - where such a program operates.

4C4. State and Federal Trials - Other Charges - trial of defendant on a charge may be legitimately delayed where defendant is being tried on other charges.

4C5. Interlocutory Appeals - where a jursidiction's procedural law allows it.

4C6. Hearings on Pretrial Motions - where authorized by a jurisdiction's procedural law.

4C7. Proceeding Concerning Pretrial Motion Under Advisement - where an issue exists relative to pretrial motion, and the court, in exercising its discretion, is considering the merits of conducting a hearing to decide it.

4C8. Transfers for Change of Venue - self-explanatory.

4C9. Pretrial Diversion Types of Programs - where such programs operate.

4C10. Unrestricted Mutual Deferred Prosecution - in those jurisdictions allowing it.

4C11. Discovery - self-explanatory.

4C12. Absence of State's Witness - if so, usually only with approval of the court where the prosecution has demonstrated (1) good faith and/or best efforts in locating the absent witness and (2) reasonable assurances that the absence is only temporary.

4C13. Absence of Defendant or Material Defense Witness - usually upon request to the court without showing. Cf: 4C12.

4C14. Temporarily Unavailable Evidence - if at the defendant's request, court grants on this ground without any showing; but the state must usually show (1) good faith and/or best efforts to obtain it and (2) reasonable assurances that the absence is only temporary.

4C15. Period of Incompetency/Incapacity - where defendant is actually so adjudged. See 4C2.

4C16. Treatment - Narcotic Addict Rehabilitation Program - where defendant is actually found to be eligible for it. See 4C3.

4C17. Superseding Indictment/Information/New Charges - self-explanatory.

4C18. Defendant Awaiting Codefendant's Trial (No Severance) - self-explanatory.

4C19. Continuances - Ends of Justice Grounds - where specifically recognized in a statute or court rule as a valid ground. Cf: 4B4, where case law language was included, as well as other standards similarly phrased.

4C20. Time Between Guilty Plea and Plea Withdrawal - self-explanatory.

4C21. Interjurisdictional Prisoner Transfers, Extradition - self-explanatory.

4C22. Intrajurisdictional Prisoner Transfers - self-explanatory.

4C23. Where Defendant is a Material Witness in Other Trial - self-explanatory.

4C24. Miscellaneous - Probation/Parole; Revocation; Deportation - self-explanatory.

4D. Docket Congestion

4D1. Always Justified Delay (Within Limits) - self-explanatory; except the limits involve the lack of bad faith, ultra vires actions, arbitrary and capricious abuse of discretion.

4D2. Justifies Delay Caused by Court (Not Prosecution) - within the discretion of the court.

4D3. Justifies Delay - Exception Circumstances - within case-by-case meaning of "exceptional circumstances."

4D4. Justifies Delay - Waiver Granted By Higher Court - usually a matter of a statutory requirement of higher court approval as a condition precedent to allowable delay.

4D5. Never Justifies Delay - self-explanatory.

5. Enforcement/Administration

5A1. Reason for Delay Must Be Cited in Record? - self-explanatory.

5B. Enforcement After Trial.

5B1. Habeas Corpus - self-explanatory.

5B2. Mandamus - self-explanatory.

5C1. Must Court Make Records for Dismissal? - self-explanatory.

5D1. Must Defendant File Motion to Dismiss for Delay? - self-explanatory.

5E. Burden to Show Prejudice/Lack of Prejudice.

5E1. On Defendant? - to show prejudice.

5E2. On Prosecution? - to show lack of prejudice.

5E3. Must Show Relevance? - to the ultimate issue of guilt or innocence.

5F. Burden on Motion to Dismiss

5F1. On Defendant - to show denial of speedy trial.

5F2. On Prosecution - to show lack of denial of speedy trial.

5G. Burden on Other Relevant Issues - as defined by accompanying footnotes.

5G1. On Defendant - self-explanatory.

5G2. On Prosecution - self-explanatory.

5H. Procedures for Imprisoned Person.

5H1. Prosecutor Action: File Detainer, etc. - self-explanatory.

5H2. Prisoner Action: Files Disposition of Detainers Request - self-explanatory.

5I. Control of Calendar - which unit(s) of the criminal justice system has responsibility for the court calendar?

5I1. On Court - self-explanatory.

5I2. On Prosecutor - self-explanatory.

5J1. Prosecutor Required to Report Delay? - indicates whether the prosecution has an affirmative duty to report speedy trial time delays.

5K1. Must Court Administrator File Speedy Trial Report? - self-explanatory.

6. Sanctions

6A. Consequences of Excessive Delay.

6A1. Absolute Discharge (With Prejudice) - complete discharge of defendant, barring another suit on the same charges involving the same allegedly criminal conduct. Considered an adjudication on the merits and a final disposition.

6A2. Qualified Discharge (Without Prejudice) - a voluntary dismissal of defendant which does not act as a bar to another suit on the same charges involving the same allegedly criminal conduct. Not an adjudication on the merits nor a final disposition.

6A3. No Discharge - self-explanatory.

6B1. Mandatory Discharge - Untimely Indictment/Information - automatic discharge, either with or without prejudice if there is an untimely indictment/information.

6C1. Mandatory Release from Jail - Untimely Trial - where incarcerated defendant is not given a trial within speedy trial limits, he is automatically released.

6D1. Discretionary Review Before Discharge - where the court in its discretion may review the question of denial of speedy trial once raised before discharge. No automatic discharge mandated.

D. COMPARATIVE RESULTS

1. Basis of Authority

A total of 53 different constitutional provisions appear in the 52 jurisdictions examined by the MRI legal research staff. Two states (Nevada and New York) have no such provision, while three states (Kansas, Kentucky, and South Carolina) have two each. No jurisdiction has more than two constitutional speedy trial provisions.

The number of speedy trial statutes total 239 across the 52 jurisdictions, ranging from 18 (Utah) to zero (District of Columbia, Kentucky, and Wyoming).

Court rules/policy guidelines investigated by MRI reveal 63 operating in the 52 jurisdictions. Two states (Arkansas and New Jersey) had nine distinct provisions, while 24[1/] have none.

The number of cases assembled for the Bibliography of Speedy Trial Law is approximately 2,357. Since the goal of the MRI legal research staff in the Comparative Analysis task was to be substantively exhaustive, each case listed in the bibliography has been individually examined for the purpose of constructing the six matrices (Figures 1 through 6 above). All but four states[2/] have cases reflecting the current status of their individual speedy trial law. One jurisdiction in the Federal system (United States District Court for the District of Maryland) has recently ruled the Federal Speedy Trial Act to be an unconstitutional encroachment upon the judiciary by Congress, raising several fundamental issues under separation of powers.[3/]

2. Fundamental Applicability

Only 15 of the 52 jurisdictions do not distinguish between different types of defendants in their speedy trial provision. The remaining 37 specifically provide for detained defendants (26), felony defendants (21), misdemeanor defendants (12), and defendants posting bail (17).

1/ Alabama, Connecticut, Georgia, Idaho, Illinois, Kansas, Louisiana, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New York, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

2/ Hawaii, Iowa, Missouri and Texas have no cases reflecting the current status because of recent amendments and enactments.

3/ United States v. Howard, 440 F. Supp. 1106 (D.C. Md. 1977).

Twenty-four of the jurisdictions require an affirmative demand or request by the defendant to invoke their speedy trial machinery, as compared to 23 which do not and four which do or do not depending on the unique characteristics of each case.[1/]

Waiver of speedy trial rights is barred in only one jurisdiction (Ohio). Ordinarily, a waiver must usually be a knowing and intelligent one.[2/] Simply remaining silent or failing to make a timely motion to dismiss appear to be the most common methods of waiver, followed by filing an express waiver or a plea of guilty.[3/]

Relatively few of the jurisdictions have incorporated the priority circumstances suggested in the ABA standards. A possible explanation for not doing so expressly in a statute or court rule is that they are already practiced as a standard operating procedure. Nevertheless, unless so specified in Figure 2, the MRI legal research staff discovered no such provision in most of the jurisdictions examined.

3. Time Limits

A surprisingly few number of jurisdictions (4) have no specified time limits. One of those four (New Jersey) has a criminal statute of limitation. The other three (Kentucky, Maine, and Montana) rely solely on constitutional guidelines and court decisions. Main recently repealed an operational time-specific statute with a "more flexible" court rule using an "unnecessary delay" standard.

The time limits vary as a function of absolute time (hours, days, months, years) and relative time (terms of court). One of the shortest total time frames is that of the Federal system with a 3-stage, 100-day arrest-to-trial limit for both incarcerated and unincarcerated defendants. California also possesses relative short time limits, requiring: (a) a 75-day preliminary hearing-to-trial limit for both incarcerated and unincarcerated felony defendants; (b) a 60-day preliminary hearing-to-trial limit for unincarcerated misdemeanor defendants; and (c) a 45-day prelminary hearing-to-trial limit for incarcerated misdemeanor defendants.

1/ Whether or not a request is required in these states is normally a function of whether the defendant is imprisoned and/or the actual speedy trial time limits involved. See Florida (Note 8), Illinois (Note 9), Indiana (Note 11), and Oklahoma (Note 13). (Notes refer to Footnotes to Speedy Trial Matrices.)

2/ Alaska appears to be the only state allowing an unknowing waiver; yet, it may be argued that knowledge is presumed because the waiver clause pertains to defendants represented by counsel.

3/ Cases pertaining to the use of a guilty pleas are found in Notes 6 and 10 in Footnotes to Speedy Trial Matrices, this report.

On the other hand a few of the longer time limits entail 9 months/270 days (District of Columbia and Mississippi), 1 year (Iowa), 2 years (for noncapital felony cases in Louisiana), and 3 years (for capital felony cases in Louisiana). Time limits for appeals and new trials after mistrials or remands were found to vary similarly. Time extensions are available in some jurisdictions with limits in the 30- to 60-day range (except Colorado with a 6-month limit and Massachusetts with no limit).

4. Excludable Time Provisions

Seventeen of the 52 jurisdictions have no statutory or court rule provisions which expressly exclude certain time delays encountered in bringing a defendant to trial. This is not to say that they have no provision for excludable time. Frequently case law exists which defines and enlarges the list of circumstances under which speedy trial time limits are tolled.

Grounds for excludable time overwhelmingly fall within two broad categories: "Ends/Interests of Justice, Necessary" and "Caused by Defendant." In fact all of the expressly listed circumstances found in statutory and court rule provisions arguably fall within these two grounds. The most prevalent expressly listed circumstance is "Absence of Defendant or Material Defense Witness." "Incompetency/Incapacity Hearings," "State and Federal Trials--Other Charges," and "Hearings on Pretrial Motions" are also commonly listed.

Docket congestion can justify delay although most jurisdictions require exceptional circumstances. Normal congestion never justifies a delay by itself. However, no jurisdiction suggests that docket congestion never justifies delay.

5. Enforcement/Administration

Since the reason for delay usually must be cited in the trial record and courts are normally required to make records for dismissed actions, the appellate process is preserved for speedy trial questions. Habeas corpus, mandamus and, in West Virginia, prohibition are post-trial writs also available for the enforcement of speedy trial rights after trial (or the point in the trial where defendant is estopped from asserting those rights).

The defendant in most jurisdictions bears the burdens to dismiss and to show prejudice. In some states the burden is on the prosecution to show lack of prejudice. In Pennsylvania the burden shifts according to the circumstances. Relative to the time limits in that state, if there is "minimal delay," the defendant must show prejudice. If there is "substantial delay," it is prima facie prejudicial unless rebutted by the Commonwealth.

Almost every state has some formalized process for the filing and disposition of detainers. Most are directly affected by the Interstate Agreement on Detainers and the Uniform Mandatory Disposition of Detainers Act. Time limits pertaining to bringing an imprisoned defendant to trial are governed by these provisions and the position adopted concerning interjurisdictional and intrajurisdictional prisoner transfers (see Figure 4 - Excludable Time Provisions).

Control of the court calendar usually rests with the court itself, rather than the prosecutor. In a few jurisdictions the prosecutor controls the calendar; however, it is a joint effort in several others.

In a few jurisdictions prosecutors are required to affirmatively report delays to the court. Only three jurisdictions (Federal, Michigan, and New Jersey require the court clerk to a file a speedy trial report.

6. Sanctions

Discharge, both with and without prejudice, is the standard consequence of excessive delay. Generally most states with sanction provisions authorize both types, conditioning their usage on: (a) the stage in the judicial process in which the denial of the speedy trial right occurred; and (b) general judicial discretion.

Judicial discretion is also regularly exercised in determining whether the defendant should be discharged at all. Although mandatory discharge (and release from jail for those unable to post bail) is usually authorized for a few extreme situations (such as substantial, nonexcluded delay), it is specifically rejected in Connecticut, Maryland, Massachusetts, and New Mexico. Even where it is authorized, some form of discretionary review is also an available alternative. Several states provide for discretionary discharge only.

One of the more unusual sanction provisions is found in Massachusetts where a county may be liable to a defendant for any loss of earnings caused by detention in excess of 6 months before trial, if the defendant is eventually discharged or acquitted.[1/]

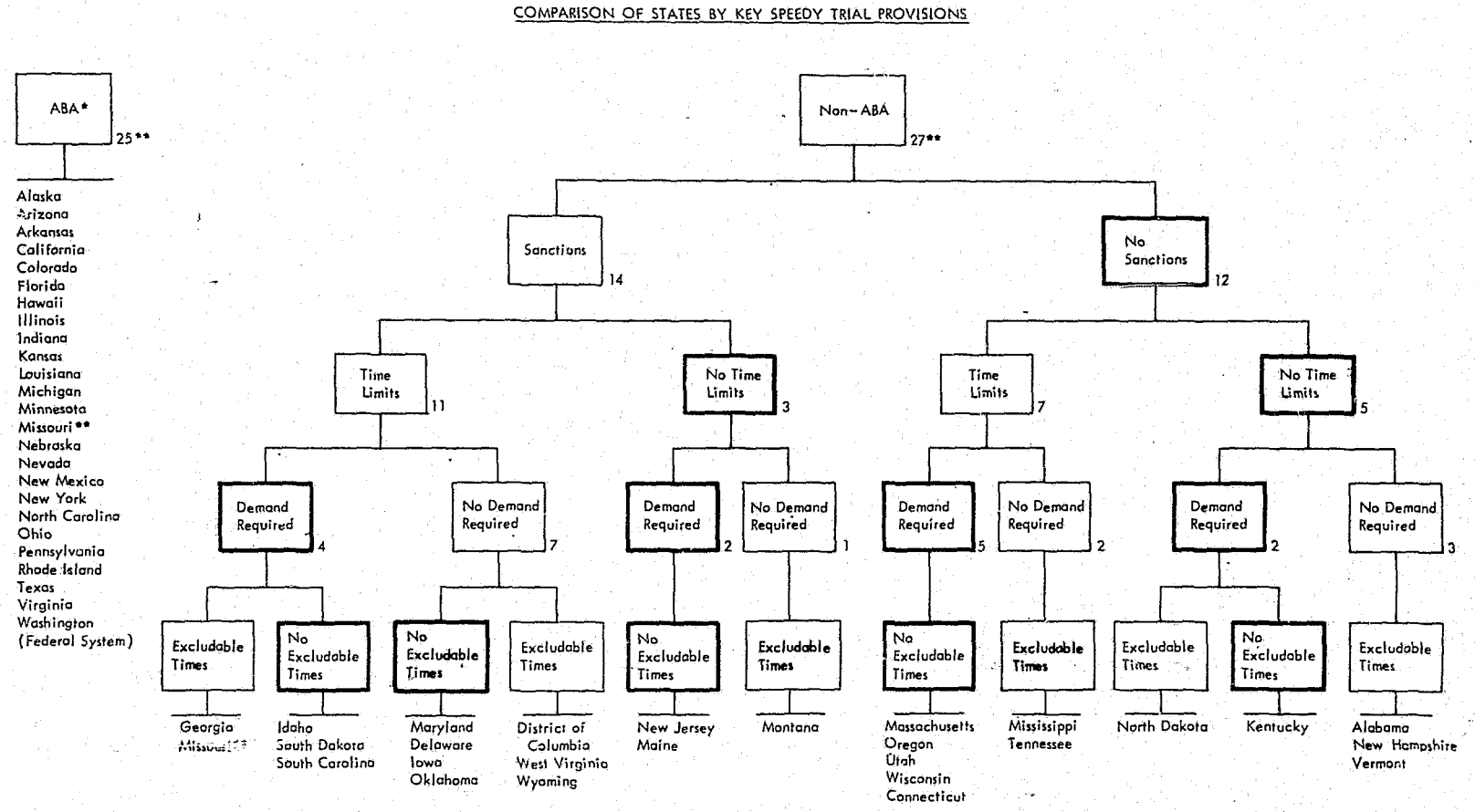
7. Conclusions

A broad range of speedy trial law is found within the constitutional, statutory, court rule and case law provisions of the 52 jurisdictions examined. In determining the degree of similarity with the ABA Standards on Speedy Trial,

1/ See Mass. Gen. Laws Ann. ch. 277, § 73 (West 1977).

four key characteristics are particularly suited for comparative purposes: (1) sanctions for noncompliance; (2) specific time limits; (3) no requirement for an affirmative demand or request for speedy trial; and (4) excludable time circumstances. Those jurisdictions possessing these key characteristics reflect significant similarity to the ABA Standards. Those which do not are considered relatively dissimilar.[1/] The comparative results appear in Figure 7.

1/ It is important to note that an occasional deviation from this definition is found, especially in the "demand required" criterion, where other aspects of a particular law or court rule argue persuasively for inclusion in the "ABA" category. This would occur where the language used is almost identical but for the deviation, etc.



*The ABA group in equivalent to a Set (at right) of: Sanctions – Time Limits – No Demand Required – Excludable Times

** Missouri is shown in two locations. It will fall under the ABA group effective September 1978.

NOTE: Blocks in heavy outline indicate provisions at variance with the ABA standard.

Figure 7 - Speedy Trial Breakdown of Jurisdictions

APPENDIX —LIST OF SOURCES

All references are to bibliography entry numbers, not pages.

1. Villanova Law Review
Villanova University Law School
Villanova, Pennsylvania 19085

2. New York Library
Legislative Reference Library
5th Avenue and 42nd Street
New York, New York 10017

3. American Bar Association
1155 East 60th Street
Chicago, Illinois 60637

4. Same as No. 3.

5. American Friends Service Committee
3785 Broadway
New York, New York 10032

6. American Judicature Society
Suite 1606
200 West Monroe Street
Chicago, Illinois 60606

7. Stanford Law Review
Stanford University
School of Law
Stanford, California 94305

8. Columbia Journal of Law and Social Problems
Box 7
Columbia University School of Law
435 West 116th Street
New York, New York 10027

9. Arizona Law Review
College of Law
University of Arizona
Tucson, Arizona 85721

10. Same as No. 3.

11. Same as No. 3.

12. National Legal Aid and Defender Association
2100 M. Street, N.W.
Suite 601
Washington, D.C. 20037

13. American Judicature Society
Suite 1606
200 West Monroe Street
Chicago, Illinois 60606

14. Same as No. 3.

15. Superior Court, Los Angeles County
Special Committee on Judicial Reforms
111 North Hill Street
Los Angeles, California 90012

16. California Superior Court
850 Bryant Street
San Francisco, California 94102

17. Federal Rules of Decision
West Publishing Company
50 Kellogg Boulevard
St. Paul, Minnesota 55102

18. DePaul Law Review
DePaul University College of Law
25 East Jackson Boulevard
Chicago, Illinois 60604

19. Library of Congress
Congressional Research Service
1st Street Between East Capital
and Independence Avenue, S.E.
Washington, D.C. 20003

20. Fordham Urban Law Journal
Lincoln Center
140 West 62nd Street
New York, New York 10023

21. Law and Society Review
University of Denver
College of Law
200 West 14th Avenue
Denver, Colorado 80204

22. National Institute of Law
Enforcement and Criminal Justice
633 Indiana Avenue, N.W.
Washington, D.C. 20531

23. Cornell Law Review
Cornell Law School
Myron Taylor Hall
Ithaca, New York 14853

24. Criminal Justice Review
College of Urban Life
Georgia State University
Atlanta, Georgia 30303

25. Michigan Law Review
University of Michigan School
of Law
Hutchins Hall
Ann Arbor, Michigan 48109

26. Valparaiso University Law Review
School of Law
Valparaiso University
Valparaiso, Indiana 46383

27. Federal Probation
Administrative Office of U.S.
Courts
Supreme Court Building
Washington, D.C. 20544

28. University of Florida Law Review
College of Law
Holland Law Center
University of Florida
Gainsville, Florida 32611

29. Pennsylvania Bar Association
Quarterly
Pennsylvania Bar Association
401 North Front Street
Box 186
Harrisburg, Pennsylvania 17108

30. Yale Law Journal
401A Yale Station
New Haven, Connecticut 06520

31. New York Law Forum
Editorial and General Offices
57-59 Worth Street
New York, New York 10013

32. Journal of Criminal Law, Criminology,
and Police Science
Williams and Wilkins Company
428 East Preston Street
Baltimore, Maryland 21202

33. Rutgers Law Review
Rutgers University School of Law
180 University Avenue
Newark, New Jersey 07012

34. Lawyers Cooperative Publishing
Company
Acqueduct Building
Rochester, New York 14603

CONTINUED

2 OF 3

35. University of Richmond Law Review
School of Law
University of Richmond
Richmond, Virginia 23173

36. New York State Bar Journal
One Elk Street
Albany, New York 12207

37. Same as No. 29.

38. University of Chicago Law Review
University of Chicago School of Law
1111 East 60th Street
Chicago, Illinois 60637

39. Same as No. 30.

40. Same as No. 13.

41. Same as No. 3.

42. University of Cincinnati Law Review
Taft Hall
University of Cincinnati
Cincinnati, Ohio 45221

43. Drake Law Review
Drake University School of Law
Des Moines, Iowa 50311

44. Same as No. 28.

45. Same as No. 30.

46. Same as No. 3

47. Houston Law Review
4800 Calhoun Road
Houston, Texas 77004

48. Same as No. 3.

49. Same as No. 9.

50. Public Interest
National Affairs Incorporated
Box 542
Old Chelsea Post Office
New York, New York 10011

51. Dickinson Law Review
Dickinson School of Law
Carlisle, Pennsylvania 17013

52. Same as No. 38.

53. Chicago-Kent Law Review
Chicago-Kent College of Law
10 North Franklin Street
Chicago, Illinois 60606

54. Mercer Law Review
Mercer University School of Law
1400 Coleman Avenue
Mason, Georgia 31207

55. Criminal Law Bulletin
89 Beach Street
Boston, Massachusetts 02111

56. Alabama Law Review
University of Alabama School of Law
Box 1976
University, Alabama 35486

57. Cleveland State Law Review
Cleveland-Marshall College of Law
Euclid Avenue at East 24th Street
Cleveland, Ohio 44115

58. Justice System Journal
College of Business
201 Johnson Hall
Colorado State University
Fort Collins, Colorado 80521

59. Marquette Law Review
Marquette University School of Law
1103 West Wisconsin Avenue
Milwaukee, Wisconsin 53233

60. California Law Review
University of California
School of Law
Berkeley, California 94720

61. Mississippi Law Journal
Box 146
University, Mississippi 38677

62. Indiana Law Review
Indiana University
Indianapolis Law School
735 West New York Street
Indianapolis, Indiana 46202

63. Same as No. 57.

64. Same as No. 3.

65. Same as No. 13.

66. Same as No. 27.

67. Same as No. 8.

68. Same as No. 42.

69. Same as No. 43.

70. Same as No. 7.

71. Case Western Reserve University
The Press of Case Western Reserve University
School of Law
Gund Hall
Cleveland, Ohio 44106
or
University Microfilms
300 North Zeeb Road
Ann Arbor, Michigan 48106

72. Same as No. 3.

73. Fordham Law Review
Lincoln Center
140 W. 62nd Street
New York, New York 10023

74. Institute of Judicial Administration
One Washington Square Village
New York, New York 10012

75. Texas Police Journal
Texas Police Association
12820 Hillcrest
Suite 224
Dallas, Texas 75230

76. Same as No. 3.

77. Virginia Law Review
University of Virginia Law School
Clark Memorial Hall
Charlottesville, Virginia 22901

78. Journal of Law and Economics
University of Chicago Law School
1111 East 60th Street
Chicago, Illinois 60637

79. Annual Survey of American Law
New York University School of Law
40 Washington Square South
New York, New York 10012

80. St. Louis University Law Journal
3642 Lindell Boulevard
St. Louis, Missouri 63108

81. Catholic University Law Review
Catholic University of America
School of Law
Washington, D.C. 20017

82. Minnesota Law Review
University of Minnesota Law School
125 Fraser Hall
Minneapolis, Minnesota 55455

83. Same as No. 52.

84. Same as No. 3.

85. Iowa Law Review
University of Iowa College of Law
Iowa City, Iowa 52242

86. Same as No. 28.

87. Same as No. 68.

88. U.S. Government Printing Office
Superintendent of Documents
Washington, D.C. 20402

89. National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185

90. National College of the State Judiciary
Judicial College Building
University of Nevada
Reno, Nevada 89507

91. Same as No. 89.

92. Same as No. 89.

93. Same as No. 89.

94. National Conference of Commissioners on Uniform State Laws
American Bar Association
1155 East 60th Street
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95. Same as No. 19.

96. Same as No. 88.

97. Same as No. 74.

98. Same as No. 74.

99. Same as No. 74.

100. New York State Bar Association
42 West 44th Street
New York, New York 10036

101. Same as No. 13.

102. North Carolina Administrative Office of the Courts
Justice Building
217 North Street
Raleigh, North Carolina 27607

103. New England Journal on Prison Law
126 Newbury Street
Boston, Massachusetts 02116

104. F.B.I. Law Enforcement Bulletin
Federal Bureau of Investigation
U.S. Department of Justice
Washington, D.C. 20535

105. University of Miama Law Review
University of Miami School of Law
Coral Gables, Florida 33124

106. California Western Law Review
3902 Lomaland Drive
San Diego, California 92106

107. Hastings Law Journal
Hastings College of Law, University of California
198 McAllister Street
San Francisco, California 94102

108. Tulane Law Review
Tulane Law Review Association
Tulane University Station
New Orleans, Louisiana 70118

109. Same as No. 55.

110. Capital University Law Review
Capital University
Columbus, Ohio 43209

111. United Nations Publications
Sales Section, Room A-3315
New York, New York 10017

112. Same as No. 58.

113. Same as No. 7.

114. Same as No. 80.

115. Criminal Justice Quarterly
New Jersey Division of Criminal Justice
Appellate Section
7 Glenwood Avenue
East Orange, New Jersey 07017

116. American University
Washington College of Law
Massachusetts and Nebraska Avenues, N.W.
Washington, D.C. 20016

117. Fred B. Rothman Company
57 Leuning Street
South Hackensack, New Jersey 07606

118. West Publishing Co.
50 W. Kellogg Boulevard
P.O. Box 3526
St. Paul, Minnesota 55165

119. University of Illinois Law Forum
125 Law Building
University of Illinois
Champaign, Illinois 61820

120. Same as No. 27.

121. Same as No. 42.

122. Columbia Law Review
435 West 116th Street
New York, New York 10027

123. Same as No. 113.

124. Same as No. 88.

125. Same as No. 3.

126. Same as No. 55.

127. Same as No. 60.

128. International Association of Chiefs of Police
Eleven Firstfield Road
Gaithersberg, Maryland 20760

129. Arkansas Law Review
University of Arkansas School of Law
Fayetteville, Arkansas 72701

130. Georgetown Law Journal
Georgetown University Law Center
600 New Jersey Avenue, N.W.
Washington, D.C. 20001

131. Same as No. 28.

132. Same as No. 26.

133. West Virginia Law Review
West Virginia University
College of Law
Morgantown, West Virginia 26500

134. Same as No. 23.

135. Same as No. 118.

136. Same as No. 85.

137. U.C.L.A.-Alaska Law Review
School of Law
405 Hilgard Avenue
Los Angeles, California 90024

138. Journal of Criminal Law and Criminology
Williams and Wilkins Company
428 East Preston Street
Baltimore, Maryland 21202

139. Same as No. 134.

140. Same as No. 13.

141. Case and Comment
P.O. Box 1951
Rochester, New York 14603

142. Same as No. 32.

143. Same as No. 3.

144. Department of the Army
Headquarters
Washington, D.C. 20002
or
Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

145. University of California Institute of Governmental Studies
Berkeley, California 94720

146. University of Pittsburgh Law Review
3900 Forbes Avenue
Pittsburgh, Pennsylvania 15260

147. University of Missouri at Kansas City
School of Law
5100 Rockhill Road
Kansas City, Missouri 64110

148. Same as No. 88.

149. Same as No. 88.

150. Same as No. 88.

151. Same as No. 88.

152. Same as No. 88.

153. Same as No. 118.

154. Same as No. 59.

155. Same as No. 42.

156. Same as No. 13.

157. Same as No. 13.

158. Same as No. 3.

159. Arizona State Law Journal
College of Law
Arizona State University
Tempe, Arizona 85281

160. U.S. Court of Appeals, Tenth Circuit
West Publishing Company
P.O. Box 3526
St. Paul, Minnesota 55165

161. Same as No. 3.

162. Same as No. 13.

163. Florida Bar Journal
600 Apalachee Parkway
Tallahassee, Florida 32304

164. Loyola University of Los Angeles Law Review
Loyola University of Los Angeles School of Law
1440 West 9th Street
Los Angeles, California 90015

165. Same as No. 13.

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