

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

NOV 22 2013

Stephan Harris, Clerk
Cheyenne

SPEEDY TRIAL ACT PLAN
(Modifying and Replacing the Speedy Trial Act Plan of May 7, 1980)

Pursuant to the Speedy Trial Act of 1974, 18 U.S.C. § 3161 *et seq.*, this court adopts the following Speedy Trial Act Plan, subject to the approval of the reviewing panel for the Tenth Circuit Judicial Council and to such rules and regulations as may be adopted by the Judicial Conference of the United States.

I. Time Limits and Procedures Adopted

To minimize undue delay and to further the prompt disposition of criminal cases and juvenile proceedings in compliance with the Sixth Amendment to the United States Constitution, the judges of the United States District Court for the District of Wyoming adopt the time limits and procedures required by the following authorities and include them by reference into this plan:

- A. The Speedy Trial Act of 1974, 18 U.S.C. § 3161 *et seq.*;
- B. The Speedy Trial Act Amendments Act of 1979, Pub. L. No. 96-43, 93 Stat. 327;
- C. The Federal Juvenile Delinquency Act, 18 U.S.C. § 5031 *et seq.*;
- D. The Interstate Agreement on Detainers Act, 18 U.S.C. App. 2 § 1 *et seq.*;
- E. The Bail Reform Act, 18 U.S.C. § 3141 *et seq.*;
- F. Federal Rules of Criminal Procedure; and
- G. All applicable local rules.

II. Intent and Expectations of the Court

All criminal cases will be managed and monitored to insure their just and speedy disposition in compliance with the Sixth Amendment to the United States Constitution, the federal laws and rules referred to in this plan, and the court's local rules.

The following practices advance this goal, and are hereby adopted:

- A. All participants in the criminal justice process will promote the just and speedy disposition of criminal cases within the duties of their office.
- B. The court will schedule cases for trial within the speedy trial period and will give criminal cases preference in setting trials, as far as practicable.
- C. At arraignment, counsel and the court, with the assistance of the clerk's office, will work together to establish a consensus on the current status of the applicable speedy trial periods. That calculation should be reflected in the docket text and minute sheet filed by the clerk.
- D. Reasonable discovery, motion, and pleading deadlines will be set at arraignment or as soon thereafter as practicable.
- E. Counsel will comply with all local and Federal Rules, with particular attention to:
 - 1. Meeting motion deadline and response times;
 - 2. Complying with the requirements for providing disclosure and discovery;
 - 3. Complying with the requirement to confer in person or by telephone in a good faith effort to resolve discovery disputes before filing a discovery-related motion;
 - 4. Complying with the requirements for requesting continuances;

5. Complying with the deadlines for the delivery of subpoenas and writs to the U.S. Marshals Service; and
 6. Complying with applicable General Orders of the court.
- F. Pretrial hearings will be conducted as soon after arraignment as possible, consistent with the priorities of other matters on the court's criminal docket.
 - G. The clerk's office will track excludable time periods for each criminal defendant in Case Management/Electronic Case Files ("CM/ECF") to assist judges with the management of their calendars.
 - H. The United States Attorney's office must monitor, on a continuing basis, the progress of each defendant toward trial and provide the court with a Speedy Trial Report, when requested by the court.
 - I. The United States Attorney's Office will familiarize itself with the scheduling procedures of each judge and will assign or reassign cases to ensure that the government will be ready for trial, consistent with the provisions of this plan.
 - J. The judge and the magistrate judge to whom the case is assigned are responsible for setting cases for trial. Each case will be set for trial on a date certain.
 - K. The chief judge may reassign any or all of the criminal cases of an assigned judge to other judges if the assigned judge cannot comply with Speedy Trial Act time limits because of incapacity, unavailability, or a congested docket.
 - L. The court will schedule cases for sentencing at the earliest practicable time upon completion of the presentence report, subject to reasonable notice to the parties and sufficient opportunity to file objections pursuant to the local rules and the Federal Rules of Criminal Procedure.

M. The court will remain open to new or revised procedures and technological innovations to manage its criminal caseload.

III. Statistics

Section 3166 contemplates that each district plan will provide for the annual gathering, analysis, and reporting of various criminal and civil justice statistics concerning the implementation of the Speedy Trial Act and its effect on the fair and efficient administration of justice in the district. See Section 3166(b) and (c). In the district of Wyoming's May 7, 1980 Speedy Trial Act Plan, many, if not all, of these statistical matters were addressed, either in the body of the plan or in the several tables appended to it. Those statistics, however, covered only all or part of calendar year, 1979. Since 1980, however, the district's Speedy Trial Act Plan has not been amended or supplemented with comparable statistical analysis for any of the intervening 33 1/2 years.

The information and statistical data called for by Section 3166(b) and (c) are dynamic in nature, and can vary significantly from one year to another based on factors having little or nothing to do with the requirements of the Speedy Trial Act. Moreover, there is little doubt that the statistical information called for by Section 3166(b) and (c) was, during the stages of the Act's implementation, relevant and important to gaining a full understanding of how successful the Act would be in fulfilling the Constitution's promise of a "speedy and public" trial and how the Act's implementation affected the rest of the justice system.

Today, however, after nearly 34 years of experience in implementing the Speedy Trial Act, it cannot be much doubted that the Act's core commands have been fully integrated into the routine functioning of the criminal justice system, and that the principal actors in today's justice system—the courts, the prosecutors and criminal defense lawyers, and the personnel involved in the civil justice system—have all accomplished the systemic adjustments required in order to account for the Act's requirements and at the same time ensure reasonable efficiency in the civil justice system.

Thus, it is doubtful that the data called for by Section 3166(b) and (c) is as useful or relevant today as it may have been when the Act was enacted in 1974.

In light of the foregoing factors, this Plan does not set forth specific statistical data responsive to the several categories of information enumerated in Section 3166(b) and (c). Should a specific need arise for the collection of such data, however, it is expected that the dramatic advances in technology since the Speedy Trial Act was enacted will make the capture and assembly of such data relatively easy. For example, the reporting functions of the district's CM/ECF system and the Probation & Pretrial Automated Case Tracking System provide much responsive data, as do the federal court management statistics on the website of the Administrative Office of the United States Courts. Other data referred to in Section 3166(b) and (c) are routinely available only to the United States Attorney's Office, the Federal Defender's Office, or the district's pretrial Services or Probation Offices. The clerk's office will consult with those agencies when compiling statistics in response to requests for information concerning the administration of criminal justice made pursuant to Section 3166(b) and (c).

IV. Effective Date

This plan modifies and replaces the Speedy Trial Act Plan approved by the Tenth Circuit Judicial Council on May 7, 1980, and will become effective upon its approval by the review panel of the Tenth Circuit Judicial Council.

DATED this 22 day of November, 2013.

BY THE COURT:



Nancy D. Freudenthal, Chief Judge
United States District Judge

**United States Courts for the Tenth Circuit
Office of the Circuit Executive
1823 Stout Street
Denver, Colorado 80257
(303) 844-2067**

**David Tighe
Circuit Executive
(303) 335-2829**

**Victoria M. Parks
Deputy Circuit Executive
(303) 335-2630**

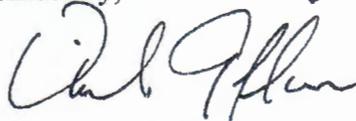
December 5, 2013

Honorable Nancy D. Freudenthal
Chief Judge
United States District Court
Joseph C. O'Mahoney Federal Building
2120 Capitol Avenue, Room 2242
Cheyenne, WY 82001

Dear Chief Judge Freudenthal:

Attached is a copy of the Judicial Council's order approving the changes to the Speedy Trial Act Plan for the District of Wyoming. Please let me know if you have any questions.

Sincerely,



Victoria Giffin
Deputy Circuit Executive

VG/cmp
Encl.

cc: Maggie Botkins, Chief Deputy Clerk
Sigmund Adams, Office of General Counsel

**JUDICIAL COUNCIL OF THE
UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

December 5, 2013

On this date the Judicial Council approved the amended Speedy Trial Act Plan for the United States District Court for the District of Wyoming, submitted by Ms. Maggie Botkins on November 22, 2013.

Entered on behalf of the Judicial Council
Of the Tenth Circuit

By:



Victoria Giffin
Deputy Circuit Executive

for David Tighe
Circuit Executive and Secretary to the
Judicial Council of the Tenth Circuit