



CAPITAL REGION PUBLIC DEFENDERS

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Dear Chairs Carney and Kuhn and members of the Committee on Judiciary:

I am writing in support of An Act Regarding Speedy Trials, HP 0240, LD 340. This bill would set reasonable timelines for criminal cases to be brought to resolution, in conformance with defendants' Constitutional Right to a Speedy Trial.

Currently, individuals await many months and sometimes years for their cases to be brought to trial. This stands in contrast to most other states and the Federal system. This delay harms people awaiting trial and their families; it harms victims of crimes and their families; and it contributes to the overload and burnout faced by practitioners on both sides.

When old cases do not resolve and instead pile up, the amount of pending cases becomes overwhelming as new cases come into the system every day. According to the Judicial branch data, as of February 21st there are 5,817 more cases pending than there were in 2019. That number represents a 68.9% increase in pending felonies. As of Friday the list of unrepresented stands at 578. This indicates that attorneys on both sides are handling an enormous increase in the number of cases they are currently handling.

Creating a reasonable timeline for cases to be brought to resolution will require prioritization of cases, require thoughtful allocation of prosecutorial resources, encourage both sides to resolve cases earlier in the process, and put an end date on litigation that can linger. As you are aware, we are in a crisis when it comes to defense counsel and there are places where all the actors in the criminal justice system can act to make sure that it is functioning as it must. By creating a speedy trial deadline, this body can act to increase efficiency and make the system more fair.

One consideration for the bill I would like to highlight is discovery motions. Currently the bill seems to suggest that if a discovery motion is filed in a case it may extend the timeframe of speedy trial by tolling it up to 60 days. A discovery motion is a request that the court require the prosecutor to comply with its obligation to turn over materials related to the prosecution and any known exculpatory information. Not exempting these motions from tolling inserts a perverse incentive not to comply with discovery rules as by not providing discovery in a timely fashion will trigger a defense motion and subsequent tolling. Lack of compliance with discovery obligations is already a major concern of defense practitioners and a major driver of delays in the system.

I appreciate your consideration of this procedural mechanism to uphold the rights of all accused to have a Speedy Trial and urge you to pass this important legislation.

Thank You,
Frayla Tarpinian