

UNITED STATES COURT OF APPEALS

FIFTH CIRCUIT

On this day the Reviewing Panels of the United States Court of Appeals, Fifth Circuit, reviewed, pursuant to the requirements of Rule 50(b) of the Federal Rules of Criminal Procedure and in conformity with the provisions of the Speedy Trial Act of 1974 (18 U.S.C., Chapter (208) and the Federal Juvenile Delinquency Act (18 U.S.C. §5036, 5037), the submitted Plans to cover the period beginning July 1, 1979, when the Speedy Trial Act becomes fully effective, the following district courts of the Fifth Circuit:

Northern District of Alabama
Middle District of Alabama
Southern District of Alabama
District of the Canal Zone
Northern District of Florida
Middle District of Florida
Southern District of Florida
Northern District of Georgia
Middle District of Georgia
Southern District of Georgia

Eastern District of Louisiana
Middle District of Louisiana
Western District of Louisiana
Northern District of Mississippi
Southern District of Mississippi
Northern District of Texas
Eastern District of Texas
Southern District of Texas
Western District of Texas

The final Plans, aforementioned, having been fully reviewed by the Reviewing Panels of this Circuit, established in compliance with the Speedy Trial Act, the same are hereby found to be in compliance with

~~the Speedy Trial Act, the same are hereby found to be in compliance with~~

Five copies of the Plan of each district court will be filed

in the Administrative Office of the United States Courts, and one copy of each district court Plan will be filed in the office of the clerk of this court, and in the office of the clerk of each of the aforementioned district courts with a copy of this Order of Approval attached.

Entered for the Reviewing Panels at New Orleans, Louisiana,
this 8th day of June, 1978.



Thomas H. Reese
Secretary, Judicial Council
United States Court of Appeals
Fifth Circuit

**Plan for prompt
disposition of
criminal cases**

**Final plan pursuant to Speedy Trial
Act of 1974 — 18 U.S.C. § 3165(e)(2)**

UNITED STATES DISTRICT COURT

PLAN FOR PROMPT DISPOSITION OF CRIMINAL CASES

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Section I

Introductory Material

INTRODUCTORY MATERIAL

1. The Plan for Prompt Disposition of Criminal Cases in the United States District Court for the Eastern District of Texas, as set forth in Section III herein, developed and recommended by the Planning Group has been approved and adopted by the Court subject to approval as required by 18 U.S.C. 3165 (c).

2. The Planning Group for the Eastern District of Texas is comprised of the following individuals:

Chief Judge Joe J. Fisher

Charles K. Ruth, U. S. Magistrate

John H. Hannah, U. S. Attorney

Murray L. Harris, Clerk, U. S. District Court

Michael D. Matheny, Attorney at Law

Andrew P. Cokinos, Chief Probation Officer

Dr. John R. Altemose, Jr., Director Criminal Justice Program,
Lamar University

James G. Barton, U. S. Marshal

3. Copies of the plan will be available for public inspection at the Office of the Clerk, United States District Court for the Eastern District of Texas, at the Beaumont, Marshall, Paris, Sherman, Texarkana and Tyler Division offices. A copy of Section II will be made available to practicing members of the Bar.

Section II

**Statement of Time Limits Adopted by the
Court and Procedures for Implementing
Them**

PLAN FOR THE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
FOR ACHIEVING PROMPT DISPOSITION
OF CRIMINAL CASES

Pursuant to the requirements of Rule 50(b) of the Federal Rules of Criminal Procedure and in conformity with the provisions of the Speedy Trial Act of 1974 (Chapter 208, Title 18, U.S.C.), and the Federal Juvenile Delinquency Act as amended (18 U.S.C. Sec 5036,5037), the judges of the United States District Court for the Eastern District of Texas have adopted the following plan to minimize undue delay and to further the prompt disposition of criminal cases and certain juvenile proceedings:

1. Applicability.

(a) Offenses. The time limits set forth herein are applicable to all criminal offenses triable in this court, including cases triable by United States Magistrates, except for petty offenses as defined in 18 U.S.C. Sec 1(3). Except as specifically provided, they are not applicable to proceedings under the Federal Juvenile Delinquency Act. (Sec 3172)

(b) Persons. The time limits are applicable to persons accused who have not been indicted or informed against as well as those who have, and the word "defendant" includes such persons unless the context indicates otherwise.

2. Priorities in Scheduling Criminal Cases.

Preference shall be given to criminal proceedings as far as practicable as required by Rule 50(a) of the Federal Rules of Criminal Procedure.

3. Time Within Which an Indictment or Information Must be Filed.

(a) Time Limits. If an individual is arrested or served with a summons and the complaint charges an offense to be prosecuted in this district, any indictment or information subsequently filed in connection with such charges shall be filed within 30 days of arrest or service.

(b) Grand Jury Not in Session. If the defendant is charged with a felony to be prosecuted in this district, and no grand jury in the district has been in session during the period prescribed in subsection (a), such period shall be extended an additional 30 days. (Sec 3161 (b))

(c) Measurement of Time Periods. If a person has not been arrested or served with a summons on a Federal charge, an arrest will be deemed to have been made at such time as the person (i) is held in custody solely for the purpose of responding to a Federal charge; (ii) is delivered to the custody of a Federal official in connection with a Federal charge; or (iii) appears before a judicial officer in connection with a Federal charge.

(d) Related Procedures.

(1) At the time of the earliest appearance before a judicial officer of a person who has been arrested for an offense not charged in an indictment or information, the judicial officer shall establish for the record the date on which the arrest took place.

(2) In the absence of a showing to the contrary, a summons shall be considered to have been served on the date of service shown on the return thereof.

4. Time Within Which Arraignment Must be Held.

(a) Time Limits. A defendant shall be arraigned at a division within the district designated by the Court, within 10 days of the last

to occur of the following dates:

(1) The date on which an indictment or information is filed in this district.

(2) The date on which a sealed indictment or information is unsealed; or

(3) The date of the defendant's first appearance before a judicial officer of this district.

(Sec 3161 (c))

(b) Measurement of Time Periods. For the purposes of this section:

(1) A defendant who signs a written consent to be tried before a magistrate shall, if no indictment or information charging the offense has been filed, be deemed indicted on the date of such consent.

(2) An arraignment shall be considered to take place at the time a plea is taken or is entered by the court on the defendant's behalf;

(3) In the event of a transfer to this district under rule 20 of the Federal Rules of Criminal Procedure, the indictment or information shall be deemed filed in this district when the papers in the proceeding or certified copies thereof are received by the clerk.

(c) Related Procedures. At the time of the defendant's earliest appearance before a judicial officer of this district, the officer will take appropriate steps to assure that the defendant is represented by counsel and shall appoint counsel where appropriate under the Criminal Justice Act and Rule 44 of the Federal Rules of Criminal Procedure. The judicial officer will also inform the defendant of his rights under this plan and pertinent legislation.

5. Time Within Which Trial Must Commence.

(a) Time Limits. The trial of a defendant shall commence at a division within the district designated by the Court, within 60 days of the arraignment. (Sec 3161 (c)).

(b) Retrial. The retrial of a defendant shall commence within 60 days from the date the order occasioning the retrial becomes final. If the retrial follows an appeal or collateral attack, the court may extend the period if unavailability of witnesses or other factors resulting from passage of time make trial within 60 days impractical. The extended period shall not exceed 180 days. (Sec 3161(e)).

(c) Withdrawal of Plea. If a defendant enters a plea of guilty or nolo contendere to any or all charges in an indictment or information and is subsequently permitted to withdraw it, the arraignment with respect to the entire indictment or information shall be deemed to have been held on the day the order permitting withdrawal of the plea becomes final. (Sec 3161 (i))

(d) Superseding Charges. If, after an indictment or information has been filed, a complaint, indictment, or information is filed which charges the defendant with the same offense or with an offense required to be joined with that offense, the time limit applicable to the subsequent charge will be determined as follows:

(1) If the original indictment or information was dismissed on motion of the defendant before the filing of the subsequent charge, the time limit shall be determined without regard to the existence of the original charge. (Sec 3161 (d))

(2) If the original indictment or information is pending at the time the subsequent charge is filed, the trial shall commence within the time limit for commencement of trial on the original indictment or information. (Sec 3161 (h)(6))

(3) If the original indictment or information was dismissed on motion of the United States Attorney before the filing of the subsequent charge, the trial shall commence within the time limit for commencement of trial on the original indictment or information, but the period during which the defendant was not under charges shall be excluded from the computations. Such period is the period between the dismissal of the original indictment or information and the date the time would have commenced to run on the subsequent charge had there been no previous charge. (Sec 3161 (h)(6)).

(4) In cases in which paragraph (2) or (3) applies but no arraignment is held on the original indictment or information, the time limit for commencement of trial shall be computed as if such arraignment had been held on the last permissible day, determined under Section 4(a).

(5) The time within which an indictment or information must be obtained on the subsequent charge, or within which an arraignment must be held on such charge, shall be determined without regard to the existence of the original indictment or information.

(e) Measurement of Time Periods. For the purposes of this section:

(1) An arraignment shall be deemed to take place as provided in section 4(b)(2).

(2) A trial in a jury case shall be deemed to commence at the beginning of voir dire.

(3) A trial in a non-jury case shall be deemed to commence on the day the case is called, provided that some step in the trial procedure immediately follows.

(f) Related Procedures.

(1) The court shall have sole responsibility for setting cases for trial after consultation with counsel. At the time of arraignment or as soon thereafter as is practicable, each case will be set for trial on a day certain or listed for trial on a weekly or other short-term calendar.

(2) Individual calendars shall be managed so that it will be reasonably anticipated that every criminal case set for trial will be reached during the week of original setting. A conflict in schedules of Assistant United States Attorneys will not be grounds for a continuance or delayed setting except under circumstances approved by the court and called to the Court's attention at the earliest practicable time. The United States Attorney will familiarize himself with the scheduling procedures of each judge and will assign or reassign cases in such manner that the government will be able to announce ready for trial.

(3) In the event that a complaint, indictment, or information is filed against a defendant charged in a pending indictment or information or in an indictment or information dismissed on motion of the United States Attorney, the trial on the new charge shall commence within the time limit for commencement of trial on the original indictment or information unless the court finds that the new charge is not for the same offense charged in the original indictment or information or an offense required to be joined therewith.

(4) At the time of the filing of a complaint, indictment or information described in paragraph (3), the United States Attorneys shall give written notice to the court of that circumstance and of his position with respect to the computation of the time limits.

(5) All pretrial hearings shall be conducted as soon after the arraignment as possible, consistent with the priorities of other matters on the court's criminal docket.

(6) Exclusion of Time from Computations.

(a) Applicability. In computing any time limit under section 3, 4 and 5 the periods of delay set forth in 18 U.S.C. Sec 3161(h) shall be excluded.

(b) Records of Excludable Time. The clerk of the court shall enter on the docket, in the form prescribed by the Administrative Office of the United States Courts, information with respect to excludable periods of time for each criminal defendant. With respect to proceedings prior to the filing of an indictment or information, excludable time shall be reported to the clerk by the United States Attorney.

(c) Stipulations.

(1) The attorney for the government and the attorney for the defendant may at any time enter into stipulations with respect to the accuracy of the docket entries recording excludable time.

(2) To the extent that the amount of time stipulated by the parties does not exceed the amount recorded on the docket for any excludable period of delay, the stipulation shall be conclusive as between the parties unless it has no basis in fact or law. It shall similarly be conclusive as to a codefendant for the limited purpose of determining, under 18 U.S.C. Sec 3161(h)(7), whether time has run against the defendant entering into the stipulation.

(3) To the extent that the amount of time stipulated exceeds the amount recorded on the docket, the stipulation shall have no effect unless approved by the court.

(d) Pre-Indictment Procedures.

(1) In the event that the United States Attorney anticipates that an indictment or information will not be filed within the time limit set forth in section 3, he may file a written motion with the court for a determination of excludable time. In the event that the United States Attorney seeks a continuance under 18 U.S.C. 3161 (h) (8), he shall file a written motion with the court requesting such a continuance.

(2) The motion of the United States Attorney shall state (i) the period of time proposed for exclusion, and (ii) the basis of the proposed exclusion. If the Motion is for a continuance under 18 U.S.C. 3161 (h)(8), it shall also state whether or not the defendant is being held in custody on the basis of the complaint. In appropriate circumstances, the motion may include a request that some or all of the supporting material be considered ex parte and in camera.

(3) The court may grant a continuance under 18 U.S.C. 3161 (h)(8) for either a specific period of time or a period to be determined by reference to an event (such as recovery from illness) not within the control of the government. If the continuance is to a date not certain, the court shall require one or both parties to inform the court promptly when and if the circumstances that justify the continuance no longer exist. In addition, the court shall require one or both parties to file periodic reports bearing on the continued existence of such circumstances. The court shall determine the frequency of such reports in the light of the facts of the particular case.

(e) Post-Indictment Procedures.

(1) In the event that the court continues an arraignment or trial beyond the time limit set forth in section 4 or 5, the court shall determine whether the limit may be recomputed by excluding

time pursuant to 18 U.S.C. Sec 3161(h). In the absence of a need for a continuance, the court will not ordinarily rule on the excludability of any period of time.

(2) If it is determined that a continuance is justified, the court shall set forth its findings in the record, either orally or in writing. If the continuance is granted under 18 U.S.C. Sec 3161(h)(8), the court shall also set forth its reasons for finding that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial. If the continuance is to a date not certain, the court shall require one or both parties to inform the court promptly when and if the circumstances that justify the continuance no longer exist. In addition, the court shall require one or both parties to file periodic reports bearing on the continued existence of such circumstances. The court shall determine the frequency of such reports in the light of the facts of the particular case.

7. Time Within Which Defendant Should be Sentenced.

(a) Time Limit. A defendant shall ordinarily be sentenced within 45 days of the date of his conviction or plea of guilty or nolo contendere.

(b) Related Procedures. If the defendant and his counsel consent thereto, a presentence investigation may be commenced prior to a plea of guilty or nolo contendere or a conviction.

8. Juvenile Proceedings.

(a) Time Within Which Trial Must Commence. An alleged delinquent who is in detention pending trial shall be brought to trial within 30 days of the date on which such detention was begun, as provided in 18 U.S.C. Sec 5036.

(b) Time of Dispositional Hearing. If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than

20 court days after trial, unless the court has ordered further study of the juvenile in accordance with 18 U.S.C. Sec 5037 (c).

9. Sanctions.

(a) Dismissal. Failure to comply with the requirements of Title I of the Speedy Trial Act may entitle the defendant to dismissal of the charges against him. Nothing in this plan shall be construed to require that a case be dismissed in circumstances in which dismissal would not be required by 18 U.S.C. 3162.

(b) Discipline of Attorneys. In a case in which counsel (1) knowingly allows the case to be set for trial without disclosing the fact that a necessary witness would be unavailable for trial, (2) files a motion solely for the purpose of delay which he knows is frivolous and without merit, (3) makes a statement for the purpose of obtaining a continuance which he knows to be false and which is material to the granting of the continuance, or (4) otherwise willfully fails to proceed to trial without justification consistent with 18 U.S.C. 3161, the court may punish such counsel as provided in 18 U.S.C. 3162 (b) and (c).

(c) Alleged Juvenile Delinquents. An alleged delinquent in custody whose trial has not commenced within the time limit set forth in 18 U.S.C. 5036 shall be entitled to dismissal of his case pursuant to that section unless the Attorney General shows that the delay was consented to or caused by the juvenile or his counsel, or would be in the interest of justice in the particular case.

10. Persons Serving Terms of Imprisonment.

If the United States Attorney knows that a person charged with an offense is serving a term of imprisonment in any penal institution, he shall promptly seek to obtain the presence of the prisoner for trial, or cause a detainer to be filed, in accordance with the provisions of 18 U.S.C. 3161 (j).

11. Effective Date.

(a) Upon approval of the reviewing panel designated in accordance with 18 U.S.C. 3165(c), this plan will take effect on July 1, 1979.

(b) If a defendant was arrested or served with a summons before July 1, 1979, the time within which an information or indictment must be filed shall be determined under the plan that was in effect at the time of such arrest or service.

(c) If a defendant was arraigned before July 1, 1979, the time within which the trial must commence shall be determined under the plan that was in effect at the time of such arraignment.

Section III

**Summary of Experience Under the Act
Within the District**

SUMMARY OF EXPERIENCE UNDER
THE ACT WITHIN THE DISTRICT

A. The Eastern District of Texas has made satisfactory progress toward meeting the 1979 standards.

B. No serious problems have been encountered.

C. The incidence of, and request or allowances of extension of time beyond the district's standards were those authorized by the Speedy Trial Act as excludable time.

D. Because the Eastern District of Texas has a light criminal docket the prevailing limits of the Speedy Trial Act has not had a marked effect on Criminal Justice Administration.

E. The presently existing plan for this district did not provide for sanctions as authorized by the Speedy Trial Act.

Section IV

**Changes in Practices and Procedures
that Have Been or Will Be Adopted by
the District Court to Expedite the Disposition
of Criminal Cases in Accordance
With 18 U.S.C. §3167(b)**

CHANGES IN PRACTICES AND PROCEDURES THAT HAVE BEEN OR WILL
BE ADOPTED BY THE DISTRICT COURT TO EXPEDITE THE DISPOSITION
OF CRIMINAL CASES IN ACCORDANCE WITH 18 U.S.C. §3167(b)

1. Changes adopted by the Court.

A. Defendants are now being arraigned wherever the Court is sitting within the district at any of the six division points to insure compliance with time limits set forth by the Speedy Trial Act. This procedure will be continued.

2. Changes adopted by the United States Attorney.

A. Grand jury sessions have been scheduled more frequently than was necessary prior to the implementation of the Speedy Trial Act, depending upon the need; it is anticipated that grand jury sessions will be scheduled at 30-day intervals in Tyler and Beaumont Divisions.

B. This district will continue to limit arrest to indictment warrants rather than magistrate warrants except for exigent circumstances, in order to decrease the amount of time a defendant must be retained in custody prior to trial.

3. Changes adopted by other agencies.

A. The Marshal's office will continue to handle persons in custody on more of an individual basis rather than in small groups, due to the time limit as prescribed by the Speedy Trial Act.

Section V

**Additional Resources Needed, if any,
to Achieve Compliance with the Act
by July 1, 1979 (18 U.S.C. §3166(d))**

ADDITIONAL RESOURCES NEEDED, IF ANY,
TO ACHIEVE COMPLIANCE WITH THE ACT
BY JULY 1, 1979 (18 U.S.C. §3166(d))

Additional resources needed on a permanent basis are as follows:

1. Change half-time Magistrate at the Tyler Division to full-time.
2. Our experience with the Speedy Trial Act has established the need for one additional deputy marshal for this district as a result of the need to meet the time requirements of the Act.
3. Our experience has shown that additional travel funds for the Court, the Clerk, U. S. Attorney, U. S. Marshal and U. S. Magistrate will be needed.

Section VI

Recommendations for Changes in Statutes,
Rules, or Administrative Procedures
(18 U.S.C. §§3166(b)(7), (d)(e))

RECOMMENDATIONS FOR CHANGES IN STATUTES,
RULES, OR ADMINISTRATIVE PROCEDURES
(18 U.S.C. §§3166(b)(7), (d)(e))

It is the recommendation of this planning group for the Eastern District of Texas that the Speedy Trial Act be amended to exclude Saturdays, Sundays and holidays in the computation of the time limits imposed by the Act . This amendment will give multi-division districts sufficient time for the transportation of defendants and/or the Court to travel to comply with the requirement of the Act.

Section VII

**Incidence and Length of, Reasons for,
and Remedies for Detention Prior to
Trial (18 U.S.C. §3166(b)(6))**

INCIDENCE AND LENGTH OF, REASONS FOR,
AND REMEDIES FOR DETENTION PRIOR TO
TRIAL (18 U.S.C. §3166(b)(6))

The incidence of and reasons for pre-trial detention prior to trial in the Eastern District of Texas were those authorized by the Speedy Trial Act and allowed as excludable time.

Section VIII

Statistical Tables

CASE PROCESSING TIME — Interval 1

CRIMINAL DEFENDANTS TERMINATED DURING
EIGHTEEN MONTHS ENDED DEC. 31, 1977, IN

Eastern District of Texas
DISTRICT

TABLE 1A

NET TIME TO
INDICTMENT OR INFORMATION
FROM
ARREST OR SERVICE OF SUMMONS

ALL DEFENDANTS

NO. DEFENDANTS	(NET DAYS)																	
	SAME DAY		1 to 30		31 to 35		36 to 45		46 to 60		61 to 90		91 to 120		121 to 180		181 & over	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
BEFORE JULY 1 '76			1	33.3							2	66.7						
BETWEEN JULY 1 '76 & JUNE 30 '77	22	41.5	17	32.1	4	7.5	2	3.8	4	7.5	3	5.7	1	1.9				
BETWEEN JULY 1 '77 & DEC 31 '77	6	35.3	4	23.5			2	11.8	2	11.8	2	11.8	1	5.9				

PERMANENT LIMITS: 30 DAYS

TRANSITIONAL LIMITS: 7-77 to 7-78
7-78 to 7-79

_____ } DAYS

WITH MINOR OFFENSES EXCLUDED

BEFORE JULY 1 '76			1	33.3							2	66.7						
BETWEEN JULY 1 '76 & JUNE 30 '77	23	42.0	17	34.0	4	8.0	2	4.0	4	8.0	1	2.0	1	2.0				
BETWEEN JULY 1 '77 & DEC 31 '77	6	35.3	4	23.5			2	11.8	2	11.8	2	11.8	1	5.9				
	SAME DAY		1 to 30		31 to 35		36 to 45		46 to 60		61 to 90		91 to 120		121 to 180		181 & over	

CASE PROCESSING TIME—Interval 2
 CRIMINAL DEFENDANTS TERMINATED DURING
 EIGHTEEN MONTHS ENDED DEC. 31, 1977, IN **Eastern District of Texas**
 DISTRICT

TABLE 1B

ALL DEFENDANTS

NET TIME TO
 ARRAIGNMENT
 FROM LATER OF
 INDICTMENT OR INITIAL APPEARANCE

NO. DEFENDANTS	NET DAYS									
	SAME DAY		1 to 10		11 to 15		16 to 20		21 & over	
	No.	%	No.	%	No.	%	No.	%	No.	%
BEFORE JULY 1 '76	1	25.0	2	50.0					1	25.0
BETWEEN JULY 1 '76 & JUNE 30 '77	42	21.2	111	56.1	24	12.1	7	3.5	14	7.1
BETWEEN JULY 1 '77 & DEC 31 '77	18	38.3	19	40.4	5	10.6			5	10.6

PROCE-
 DURAL
 INTERVAL
 BEGAN

PERMANENT
 LIMITS : 10 DAYS

WITH MINOR OFFENSES EXCLUDED

BEFORE JULY 1 '76	1	25.0	2	50.0					1	25.0
BETWEEN JULY 1 '76 & JUNE 30 '77	41	21.2	109	56.5	24	12.4	5	2.6	14	7.3
BETWEEN JULY 1 '77 & DEC 31 '77	18	39.1	18	39.1	5	10.9			5	10.9
	SAME DAY		1 to 10		11 to 15		16 to 20		21 & over	

PROCE-
 DURAL
 INTERVAL
 BEGAN

CASE PROCESSING TIME—Interval 3

CRIMINAL DEFENDANTS TERMINATED DURING
EIGHTEEN MONTHS ENDED DEC. 31, 1977, IN

Eastern District of Texas
DISTRICT

TABLE 1C

NET TIME TO
COMMENCEMENT OF TRIAL
(OR OTHER DISPOSITION)
FROM ARRAIGNMENT

ALL DEFENDANTS

NET DAYS

NO. DEFENDANTS	SAME DAY		1 to 30		31 to 60		61 to 80		81 to 100		101 to 120		121 to 180		181 to 240		241 & over	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
BEFORE JULY 1 '76					1	3.6	1	5.0	2	11.1	6	33.3	6	33.3	2	11.1		
BETWEEN JULY 1 '76 & JUNE 30 '77	52	36.9	44	22.8	39	20.3	15	7.8	7	3.6	13	6.7	21	10.9	2	1.0		
BETWEEN JULY 1 '77 & DEC 31 '77	25	18.3	10	20.4	11	12.4			2	4.2								

PERMANENT LIMITS: 60 DAYS

TRANSITIONAL LIMITS: 7-77 to 7-78
7-78 to 7-79

_____ DAYS

WITH MINOR OFFENSES EXCLUDED

BEFORE JULY 1 '76					1	3.6	1	3.6	2	11.1	6	33.3	6	33.3	2	11.1		
BETWEEN JULY 1 '76 & JUNE 30 '77	51	37.1	42	22.3	38	20.3	14	7.4	7	3.7	13	6.8	21	11.1	2	1.1		
BETWEEN JULY 1 '77 & DEC 31 '77	25	18.1	10	20.8	11	12.0			2	4.2								
	SAME DAY		1 to 30		31 to 60		61 to 80		81 to 100		101 to 120		121 to 180		181 to 240		241 & over	

CASE PROCESSING TIME—Interval 4

CRIMINAL DEFENDANTS TERMINATED DURING
EIGHTEEN MONTHS ENDED DEC. 31, 1977, IN

Eastern District of Texas
DISTRICT

TABLE 1D

ALL DEFENDANTS

TIME TO
SENTENCING
FROM CONVICTION

NO. DEFENDANTS	(NET DAYS)									
	SAME DAY		1 to 30		31 to 45		46 to 60		61 & over	
	No.	%	No.	%	No.	%	No.	%	No.	%
	134	54.9	87	35.7	7	2.9	11	4.5	5	2.0

CONVICTED
DURING
PERIOD
FROM
JULY 1, '76
THRU
DEC 31, '77

WITH MINOR OFFENSES EXCLUDED

130	54.6	86	36.1	6	2.3	11	4.6	5	2.1
SAME DAY		1 to 30		31 to 45		46 to 60		61 & over	

SPEEDY TRIAL DATA ANALYSIS

TOTALS FOR

INCIDENCE OF AND REASONS FOR DELAY

CRIMINAL DEFENDANTS TERMINATED DURING EIGHTEEN MONTHS ENDED DEC. 31, 1977.

**TERMINATED DEFENDANTS REPORTED DURING PERIOD

DEFENDANTS WITHOUT EXCLUDABLE TIME

DEFENDANTS WITH EXCLUDABLE TIME

INCIDENTS OF EXCLUDABLE TIME

(A) OF "A"

(B)

(C)

(D)

OF "D"

TABLE 2

***INTERVAL IN WHICH EXCLUDABLE DELAY OCCURRED

*REASON

Under 18 USC 3161

- A. Examination or hearing for mental or physical incapacity—(H)(1)(A)
- B. NARA examination—(H)(1)(B)
- C. State or federal trials on other charges—(H)(1)(C)
- D. Interlocutory appeals—(H)(1)(D)
- E. Hearings on pretrial motions—(H)(1)(E)
- F. Transfers from other districts (per FRCP rules 20, 21 & 40). (H)(1)(F)
- G. Motion is actually under advisement. (H)(1)(G)
- H. Misc. proceedings: probation or parole revocation, deportation, extradition. (H)(1)
- I. Prosecution deferred by mutual agreement. (H)(2)
- M. Unavailability (includes fugitive) of defendant or essential witness. (H)(3)(A)(B)
- N. Period of mental or physical incompetence of defendant to stand trial. (H)(4)
- O. Period of NARA commitment or treatment. (H)(5)
- P. Superseding indictment and/or new charges. (H)(6)
- R. Defendant awaiting trial of co-defendant when no severance has been granted. (H)(7)
- T. Continuances granted in the ends of justice. (H)(8)
- U. Time up to withdrawal of guilty plea (i)
- W. Grand jury indictment time extended 30 more days. (B)

LENGTH OF EXCLUDABLE DELAY PERIOD (NO. OF DAYS)

	0 to 10 days	11 to 21	22 to 42	43 to 84	85 to 120	121 + days
A	0	1	2	3	3	2
B	0	0	0	0	0	0
C	6	0	2	5	1	1
D	0	0	0	0	0	1
E	1	0	0	0	0	0
F	0	0	2	3	0	0
G	5	2	2	0	1	0
H	0	0	0	0	0	0
I	1	2	2	0	2	6
M	1	3	2	1	1	3
N	0	0	0	0	0	1
O	0	0	0	0	0	0
P	0	2	0	0	0	1
R	0	0	0	0	0	0
T	1	1	0	2	0	0
U	0	0	1	0	0	0
W	0	0	0	0	0	0

SUB-TOTALS OF "D"

ONE TWO THREE

*Paragraph and subsection of 18 USC 3161, Speedy Trial Act of 1974, are shown with reason for delay below.

**DEFENDANT FIGURES DO NOT INCLUDE: Juveniles, Appeals from U.S. Magistrate decisions, Rule 20 transfers out of district, pretrial diversion dispositions, removals from State courts and any petty offenses proceeded by information.

***Interval one: Arrest to Indictment; Interval two: Indictment to Arraignment; Interval three: Arraignment to Trial.

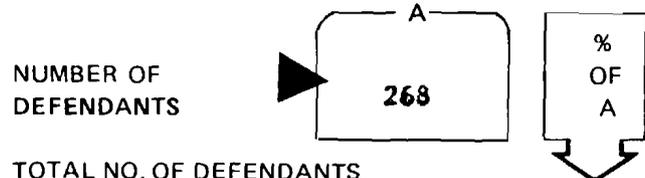
PRETRIAL DETENTION

REPORT COVERS

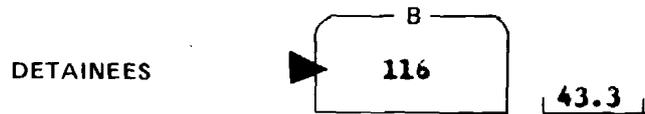
PERIOD OF: 18 months ending December 31, 1977

PERCENTAGE OF DEFENDANTS DETAINED

CLOSED CASES

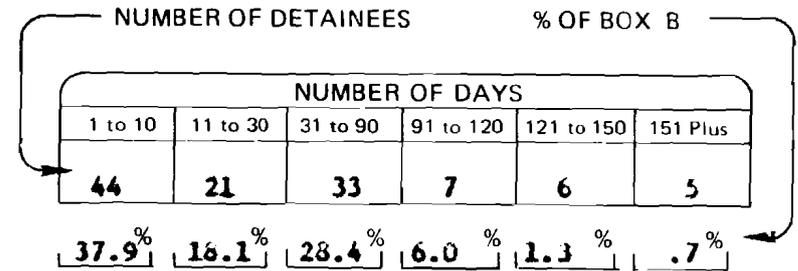


TOTAL NO. OF DEFENDANTS
DISPOSED OF DURING PERIOD
OF REPORT

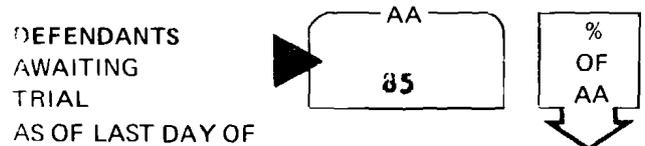


DEFENDANTS DETAINED
AFTER INITIAL APPEARANCE
BEFORE A JUDGE OR
MAGISTRATE

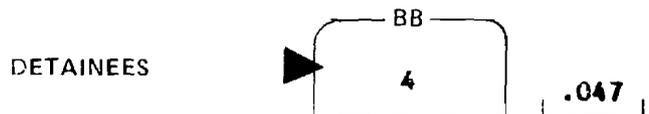
DEFENDANTS GROUPED BY LENGTH OF TIME IN
DETENTION STATUS



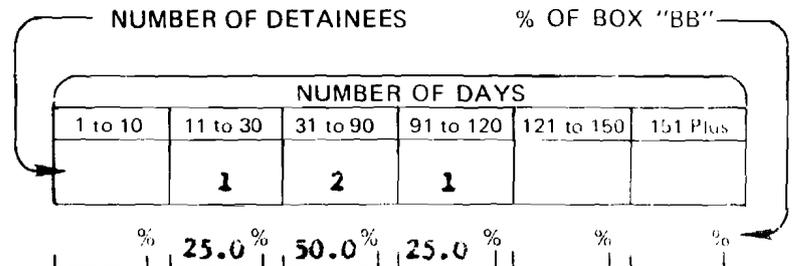
PENDING CASES



AS OF LAST DAY OF
PERIOD OF REPORT



DEFENDANTS IN DETENTION STATUS
PER LAST REPORT FROM U.S.
ATTORNEY PER RULE 46(g)



DISTRICT

EASTERN DISTRICT OF TEXAS

SPEEDY TRIAL DATA ANALYSIS 3166(c)(4) & (5)

CRIMINAL DISPOSITIONS

TABLE
4

REPORT COVERS

PERIOD OF

1 year ending June 30, 1977

A
NUMBER
OF DE-
FENDANTS
DISPOSED
OF

181

% OF A	NOT CONVICTED					
	B TOTAL NOT CON- VICTED	DISMISSED		ACQUITTED AT TRIAL		
		% OF B	TOTAL NO. DISMISSED	% OF B	COURT	JURY
14.3	26	84.62	22	15.38	0	4

% OF A	CONVICTED					
	C TOTAL CON- VICTED	CONVICTED by PLEA		CONVICTED at TRIAL		
		% OF C	PLEA of GUILTY or NOLO CON.	% OF C	COURT	JURY
85.64	155	92.26	143	7.74	3	9

NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

REPORT COVERS 01/01/77 - 12/31/77
PERIOD OF:

NAME OF AGENCY PRESENTING MATTER TO U.S. ATTORNEY FOR PROSECUTION	MATTERS								
	ON HAND & NEW		DECLINED				OTHER DISPOSI- TIONS ³	NEW PROSECU- TIONS INITIATED DURING PERIOD ⁴	MATTERS ON HAND AT END OF PERIOD ⁵
	MATTERS ¹ ON HAND AT START OF PERIOD ¹	MATTERS REC'D OR ORIGI- NATED BY U.S. ATTY DURING PERIOD	(i.e. DETERMINATIONS THAT NEW PROSECUTIONS WOULD NOT BE INITI- ATED IN THIS DISTRICT.)		PRETRIAL DIVER- SION	ALL OTHER DECLINA- TIONS ²			
			REFERRED TO OTHER FEDERAL DISTRICT	STATE/ LOCAL AU- THORITY					
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	
(032) U. S. Forest Service	0	2	0	0	0	1	0	0	1
(049) Dept. of Agriculture	9	10	0	0	0	5	0	8	6
(122) Dept. of Army	3	14	0	0	0	1	1	13	2
(129) Dept. of Defense	0	1	0	0	0	0	0	1	0
(155) Social Security	4	3	0	0	0	6	0	1	0
(230) Fish & Wildlife Ser.	0	1	0	0	0	0	0	1	0
(310) Drug Enforcement Administration	0	5	0	0	0	0	1	1	3
(312) Federal Bureau of Investigation	144	268	3	6	3	187	8	81	124
(314) Immigration and Naturalization Service	0	1	0	0	0	0	0	1	0
(319) Dept. of Justice	0	5	0	0	0	0	0	5	0
TOTALS	160	310	3	6	3	200	10	112	136

¹ "MATTER" REFERS TO DEFENDANT MATTER - I.E. IF CLAIMED OFFENSE INVOLVES 2 DEFENDANTS COUNT IT AS 2 MATTERS² COL (F) INCLUDES MATTERS DECLINED FOR WANT OF PROSECUTIVE MERIT, LACK OF EVIDENCE, JURISDICTIONAL PROBLEMS, ETC.³ COL (G) INCLUDES MATTERS DISMISSED BY MAGISTRATE, NOT ON INITIATIVE OF U.S. ATTY., AND MATTERS RESULTING IN NO TRUE BILL BY GRAND JURY⁴ COL (H) INCLUDES INDICTMENTS AND INFORMATIONS FILED AND MATTERS ADJUDICATED BEFORE U.S. MAGISTRATE⁵ COL (I) INCLUDES REFERRED MATTERS THAT ARE STILL PENDING BEFORE GRAND JURY, AND ALL OTHER MATTERS NOT YET DECLINED - PER COLS (C) THRU (F) - NOR FALLING WITHIN SCOPE OF COL (G) OR (H)

NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

REPORT COVERS 01/01/77 - 12/31/77
PERIOD OF:

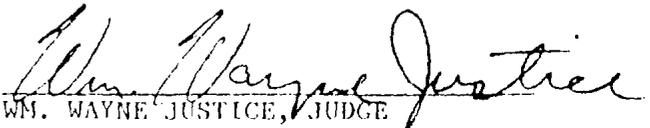
NAME OF AGENCY PRESENTING MATTER TO U.S. ATTORNEY FOR PROSECUTION	ON HAND & NEW		DECLINED				OTHER DISPOSITIONS ³	NEW PROSECUTIONS INITIATED DURING PERIOD ⁴	MATTERS ON HAND AT END OF PERIOD ⁵
	MATTERS ¹ ON HAND AT START OF PERIOD ¹	MATTERS REC'D OR ORIGINATED BY U.S. ATTY DURING PERIOD	(i.e. DETERMINATIONS THAT NEW PROSECUTIONS WOULD NOT BE INITIATED IN THIS DISTRICT.)						
			REFERRED TO		PRETRIAL	ALL			
			OTHER FEDERAL DISTRICT	STATE/LOCAL AUTHORITY	DIVERSION	OTHER DECLINATIONS ²			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	
(349) Dept of Labor	1	0	0	0	0	1	0	0	0
(360) Postal Service	21	56	0	2	4	9	1	44	17
(392) U. S. Coast Guard	0	1	0	0	0	0	0	0	1
(395) Federal Housing Adm.	0	2	0	0	0	0	2	0	0
(415) U. S. Customs Service	0	2	0	0	0	0	0	1	1
(421) Internal Revenue Ser.	3	7	0	0	0	1	0	8	1
(423) Bureau of Alcohol, Tobacco & Firearms	9	38	0	3	0	4	1	27	12
(440) U. S. Secret Service	13	20	0	0	0	9	0	14	10
(555) Environmental Protection Agency	0	1	0	0	0	0	0	0	1
(630) General Service Administration	0	5	0	0	0	0	5	0	0
TOTALS	47	132	0	5	4	24	9	94	43

¹"MATTER" REFERS TO DEFENDANT MATTER - I.E. IF CLAIMED OFFENSE INVOLVES 2 DEFENDANTS COUNT IT AS 2 MATTERS
²COL (F) INCLUDES MATTERS DECLINED FOR WANT OF PROSECUTIVE MERIT, LACK OF EVIDENCE, JURISDICTIONAL PROBLEMS, ETC.
³COL (G) INCLUDES MATTERS DISMISSED BY MAGISTRATE, NOT ON INITIATIVE OF U.S. ATTY., AND MATTERS RESULTING IN NO TRUE BILL BY GRAND JURY
⁴COL (H) INCLUDES INDICTMENTS AND INFORMATIONS FILED AND MATTERS ADJUDICATED BEFORE U.S. MAGISTRATE
⁵COL (I) INCLUDES REFERRED MATTERS THAT ARE STILL PENDING BEFORE GRAND JURY AND ALL OTHER MATTERS NOT YET

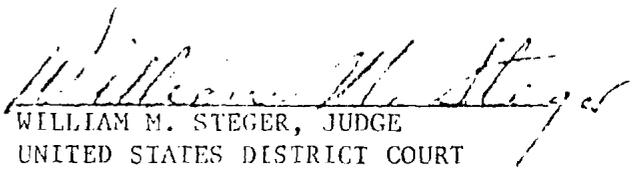
Approved and signed this 5th day of April 1976.



JOE J. FISHER, CHIEF JUDGE
UNITED STATES DISTRICT COURT



WM. WAYNE JUSTICE, JUDGE
UNITED STATES DISTRICT COURT



WILLIAM M. STEGER, JUDGE
UNITED STATES DISTRICT COURT