

Plan for prompt  
disposition of  
criminal cases

Final plan pursuant to Speedy Trial  
Act of 1974 — 18 U.S.C. § 3165(e)(3)

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

*Local Rule Crim. Proc. 50.1*

UNITED STATES DISTRICT COURT

PLAN FOR PROMPT DISPOSITION OF CRIMINAL CASES

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# Section I

Introductory Material

UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF MICHIGAN

SPEEDY TRIAL ACT - FINAL PLAN

I. INTRODUCTORY MATERIAL

A. Adoption of Plan

This final plan is adopted by the court pursuant to the requirements of the Speedy Trial Act of 1974 (18 U.S.C. Chapter 208) and the Speedy Trial Act Amendments of 1979 (Pub. L. No. 96-43, 93 Stat. 327)

B. Planning Group

The members of the Speedy Trial Act Planning Group of the court are as follows:

Honorable Wendell A. Miles	Chief District Judge
Honorable Douglas W. Hillman	District Judge
Honorable Benjamin F. Gibson	District Judge
Honorable Richard A. Enslin	District Judge
Honorable Stephen W. Karr	United States Magistrate
Honorable Hugh W. Brenneman, Jr.	United States Magistrate
James S. Brady	United States Attorney
Gerald H. Liefer	Clerk of the Court
Arthur Langeveld	Chief Deputy Clerk
Ted O. Wisner	Chief Probation Officer
Bruce W. Neckers	Criminal Attorney
Robert W. Dilley	Civil Attorney

C. Availability of Plan

Copies of this plan and recommendations of the Planning Group are available for public inspection at the office of the Clerk of the Court during normal business hours, and copies may be obtained at that office.

## Section II

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

## II. STATEMENT OF TIME LIMITS AND PROCEDURES FOR ACHIEVING PROMPT DISPOSITION OF CRIMINAL CASES

Pursuant to the requirements of rule 50(b) of the Federal Rules of Criminal Procedure, the Speedy Trial Act of 1974 (18 U.S.C. chapter 208), the Speedy Trial Act Amendments Act of 1979 (Pub. L. No. 96-43, 93 Stat. 327), and the Federal Juvenile Delinquency Act (18 U.S.C. §§ 5036, 5037), the judges of the United States District Court for the Western District of Michigan have adopted the following time limits and procedures 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. § 1(3). Except as specifically provided, they are not applicable to proceedings under the Federal Juvenile Delinquency Act. [§ 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. The trial of defendants in custody solely because they are awaiting trial and of high-

risk defendants as defined in section 5 should be given preference over other criminal cases. [§3164(a)]

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 charge shall be filed within 30 days of arrest or service. [§ 3161(b)]

(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 30-day period prescribed in subsection (a), such period shall be extended an additional 30 days. [§ 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 Trial Must Commence.

(a) Time Limits. The trial of a defendant shall commence not later than 70 days after 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. [§ 3161(c)(1)]

(b) Retrial; Trial After Reinstatement of an Indictment or Information. The retrial of a defendant shall commence within 70 days from the date the order occasioning the retrial becomes final, as shall the trial of a defendant upon an indictment or information dismissed by a trial court and reinstated following an appeal. If the retrial or trial 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 70 days impractical. The extended period shall not exceed 180 days. [§§ 3161(d)(2), (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 time limit shall be determined for all counts as if the indictment or information were filed on the day the order permitting withdrawal of the plea became final. [§ 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. [§ 3161(d)(1)]

(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. [§ 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. [§ 3161(h)(6)]

If the subsequent charge is contained in a complaint, the formal time limit within which an indictment or information must be obtained on the charge shall be determined without regard to the existence of the original indictment or information, but earlier action may in fact be required if the time limit for commencement of trial is to be satisfied.

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

(1) If a defendant signs a written consent to be tried before a magistrate and no indictment or information charging the offense has been filed, the time limit shall run from the date of such consent.

(2) 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.

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

(4) 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) 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.

(2) 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 [§ 3161(a)]

(3) 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 or defense counsel will be ground for a continuance or delayed setting only if approved by the court and called to

the court's attention at the earliest practicable time.

(4) 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.

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

(6) 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.

5. Defendants in Custody and High-Risk Defendants.

(a) Time Limits. Notwithstanding any longer time periods that may be permitted under sections 3 and 4, the following time limits will also be applicable to defendants in custody and high-risk defendants as herein defined:

(1) The trial of a defendant held in custody solely for the purpose of trial on a Federal charge shall commence within 90 days following the beginning of continuous custody.

(2) The trial of a high-risk defendant shall commence within 90 days of the designation as a high-risk. [§ 3164(b)]

(b) Definition of "High-Risk Defendant." A high-risk defendant is one reasonably designated by the United States Attorney as posing a danger to himself or any other person or to the community.

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

(1) A defendant is deemed to be in detention awaiting trial when he is arrested on a Federal charge or otherwise held for the purpose of responding to a Federal charge. Detention is deemed to be solely because the defendant is awaiting trial unless the person exercising custodial authority has an independent basis (not including a detainer) for continuing to hold the defendant.

(2) If a case is transferred pursuant to Rule 20 of the Federal Rules of Criminal Procedure and the defendant subsequently rejects disposition under Rule 20 or the court declines to accept the plea, a new period of continuous detention awaiting trial will begin at that time.

(3) A trial shall be deemed to commence as provided in sections 4(e)(3) and 4(e)(4).

(d) Related Procedures.

(1) If a defendant is being held in custody solely for the purpose of awaiting trial, the United States Attorney shall advise the court at the earliest practicable time of the date of the beginning of such custody.

(2) The United States Attorney shall advise the court at the earliest practicable time (usually at the hearing with respect to bail) if the defendant is considered by him to be high risk.

(3) If the court finds that the filing of a "high-risk" designation as a public record may result in prejudice to the defendant, it may order the designation sealed for such period as is necessary to protect the defendant's right to a fair trial, but not beyond the time that the court's judgment in the case becomes final. During the time the designation is

under seal, it shall be made known to the defendant and his counsel but shall not be made known to other persons without the permission of the court.

6. Exclusion of Time From Computations.

(a) Applicability. In computing any time limit under section 3, 4, or 5, the periods of delay set forth in 18 U.S.C. § 3161(h) shall be excluded. Such periods of delay shall not be excluded in computing the minimum period for commencement of trial under section 7.

(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. § 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) At each appearance of counsel before the court, counsel shall examine the clerk's records of excludable time for completeness and accuracy and shall bring to the court's immediate attention any claim that the clerk's record is in any way incorrect.

(2) In the event that the court continues a 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. § 3161(h).

(3) 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. § 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. Minimum Period for Defense Preparation

Unless the defendant consents in writing to the contrary, the trial shall not commence earlier than 30 days from the date on which the indictment or information is filed or, if later, from the date on which counsel first enters an appearance or on which the defendant expressly waives counsel and elects to proceed pro se. In circumstances in which the 70-day time limit for commencing trial on a charge in an indictment or information is determined by reference to an earlier indictment or information pursuant to section 4(d), the 30-day minimum period shall also be determined by reference to the earlier indictment or information. When prosecution is resumed on an original indictment or information following a mistrial, appeal, or withdrawal of a guilty plea, a new 30-day minimum period will not begin to run. The court will in all cases schedule trials so as to permit defense counsel adequate preparation time in the light of all the circumstances. [§ 3161(c)(2)]

8. 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.

9. 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. § 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. § 5037(c).

10. Sanctions.

(a) Dismissal or Release from Custody. 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 or to release from pretrial custody. Nothing in this plan shall be construed to require that a case be dismissed or a defendant released from custody in circumstances in which such action would not be required by 18 U.S.C. §§ 3162 and 3164.

(b) High-Risk Defendants. A high-risk defendant whose trial has not commenced within the time limit set forth in 18 U.S.C. § 3164(b) shall, if the failure to commence trial was through no fault of the attorney for the government, have his release conditions automatically reviewed. A high-risk defendant who is found by the court to have intentionally delayed the trial of his case shall

be subject to an order of the court modifying his nonfinancial conditions of release under chapter 207 of title 18, U.S.C., to ensure that he shall appear at trial as required.

[§ 3164(c)]

(c) 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).

(d) 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.

11. 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).

12. Continuances for Unusual or Complex Cases.

Because of the importance of scheduling trial dates, each counsel has a duty to notify the court at any early stage of the proceedings of any motion for continuance in an unusual or complex case.

13. Computation of Time.

Notwithstanding any directions regarding the computation of time under the Speedy Trial Act in this plan, if the ending date of any time interval falls on a non-business day, that interval will be treated as ending on the next business day.

14. Effective Dates.

(a) The amendments to the Speedy Trial Act made by Public Law 96-43 became effective August 2, 1979. To the extent that this revision of the district's plan does more than merely reflect the amendments, the revised plan shall take effect upon approval of the reviewing panel designated in accordance with 18 U.S.C. § 3165(c). However, the dismissal sanction and the sanctions against attorneys authorized by 18 U.S.C. § 3162 and reflected in sections 10(a) and (c) of this plan shall apply only to defendants whose cases are commenced by arrest or summons on or after

July 1, 1980, and to indictments and informations filed on or after that date.

(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 August 2, 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.

(d) If a defendant was in custody on August 2, 1979, solely because he was awaiting trial, the 90-day period under section 5 shall be computed from that date.

## **Section III**

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



III. SUMMARY OF EXPERIENCE UNDER THE ACT WITHIN THE DISTRICT

A. Progress Toward Meeting the Permanent Time Limits

The data in Table 1, attached, indicates the progress the district has made in complying with the Speedy Trial Act. It will be noted that during the last six months of the reporting period, there were only three defendants in whose cases there was not full compliance with the time requirements of the Act.

B. Problems Encountered

Most of the problems heretofore encountered in complying with the requirements of the Speedy Trial Act were or will be solved by the liberalizing 1979 amendments to the Act, particularly the expansion and redefinitions of the excludable time periods set forth in section 3161(h).

C. Incidence of, and Reasons for, Requests or Allowances of Extensions of Time Beyond the District's Standards (28 U.S.C. § 3166(b)(1), (4)).

None.

D. Reasons why the Exclusions Were Inadequate to Accommodate Reasonable Period of Delay (18 USC § 3167(b))

In those cases not in compliance with the time limits for indictment and commencement of trial under 18 U.S.C. § 3161(b) and (c), the primary reason for the inadequacy of the exclusions to accommodate reasonable period of delay was the narrow statutory definitions of excludable time. For example, the exclusion for motions was limited to "delay resulting from hearings on pretrial motions." This exclusion has now been expanded to cover "delay resulting from any

pretrial motion, from the filing of the motion through the conclusion of the hearing on, or any prompt disposition of, such motion." The former narrowness of the exclusion definitions is indicated by the 1979 amendments of the Act, which widened the scope and added to the number of excludable time periods.

E. The Effect on Criminal Justice Administration of the Prevailing Time Limits (18 U.S.C. § 3166(b)(5)).

Although the Act was well intended, activities directed towards compliance may have the effect of wasting time which could more profitably be spent in the preparation for trial, and the short interval time periods may have the effect of decreasing the amount of time available for the preparation for trial, thereby, perhaps, contributing to the ineffective assistance of counsel. Furthermore, if the procedures necessary for complying with the Act become too onerous for private counsel, diligent and dedicated defense attorneys may refuse to take criminal cases in the federal courts thereby decreasing the effectiveness of federal court practitioners.

F. Effect of Compliance with the Time Limits on the Civil Calendar (18 U.S.C. § 3166(b)(9))

As indicated by Table 6, attached, compliance with the time limits of the Speedy Trial Act has tended to increase the length of time civil cases have been pending.

G. Frequency of Use of Sanctions Under 18 U.S.C. § 3164 (18 U.S.C. § 3166(b)(3))

No sanctions have been applied

## 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)

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

The Court, the United States Attorney's Office, and the Office of the Clerk have made changes in their practices and procedures in order to facilitate compliance with the Act. However, no local rule changes have been made.

Over the past few years the grand jury had been called on an irregular basis, sometimes not appearing for several months. Starting January, 1978, the grand jury has met monthly. The U. S. Magistrate now takes Grand Jury Returns as permitted by Rule 6(f) of the Federal Rules of Criminal Procedure as amended. In addition, Monday has been designated as arraignment day. The Magistrate has been available every Monday to arraign any defendant.

Whenever a defendant wishes to enter a plea of guilty or nolo contendere under Rule 11 of the Federal Rules of Criminal Procedure and the judge to whom the case is assigned is not available, the judges have agreed that another judge may accept the plea. The sentence, however, still will be imposed by the judge to whom the case was originally assigned.

The United States Attorney has adopted two new procedures to aid compliance with the Act. First, a report describing the present status of all pending criminal cases is kept and is constantly updated by using a mechanized typewriter. The "target date" for the expiration of the speedy trial intervals is listed. Furthermore, each month the United

States Attorney meets with all the Assistant United States Attorneys in a group office meeting in which the status of each pending case is checked to determine whether the "target date" for the intervals will be met and to discuss remedial measures for cases which appear will exceed interval time limits.

A number of changes have been adopted by the Clerk's Office to monitor compliance with the speedy trial time limits. It has become the duty of a deputy clerk to monitor pending cases under the Act. A locally developed criminal-defendant status card is maintained on each defendant and is used as part of a warning system to provide notice if the case approaches the maximum time limits permitted under the Act. A list of all cases pending before each judge or magistrate is sent to the respective judicial officer. At least once a month a list of all cases pending before each judge is sent to the judge along with the date interval 2 will expire or has expired. In addition, defendants who are subject to the 90-day continuous-custody provisions are specially noted.

## Section V

Additional Resources Needed, If any,  
to Achieve Compliance with the Act  
by July 1, 1980 (18 U.S.C. §3166(d))

V. STATEMENT OF ADDITIONAL RESOURCES NEEDED TO ACHIEVE COMPLIANCE WITH THE ACT (18 U.S.C. § 3166(d))

None.



## Section VI

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

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

A. Statutes

1. Speedy Trial Act

- a. Suggestions, if any, as to kinds of cases which should have separate or different time limits as a matter of statutory classification.

It is believed that classification of cases by kind is too arbitrary a criteria for imposing separate or different time limits. Use of the safety-valve provisions of section 3168(h)(8) is better suited to obtaining exclusions of time beyond the statutory limits in unusual or complex cases, such as antitrust, mail fraud, conspiracy, and net worth tax cases.

b. Other

Serious consideration should be given to repeal of the Act's stringent time limitations and a return to the more flexible standards of Rule 50(b) administered in light of the constitutional guarantee of speedy trial.

2. Other Statutes

A judicial impact statement should be required for all subsequent legislation. Any legislative changes which would substantially increase civil filings or substantially broaden federal criminal jurisdiction, and thereby increase criminal filings, will necessitate additional judgeships for continued compliance with the Speedy Trial Act.

B. Rules

1. Federal Rules of Criminal Procedure: None
2. Other: None

C. Forms, reporting procedures, and reporting requirements: None

D. Other: None

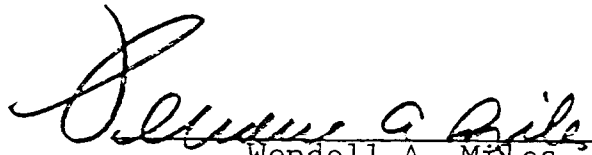
## Section VII

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

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

As indicated by Table III, attached, only one defendant was detained beyond the 90-day period referred to in section 3164 of the Act. However, the period of "151 plus" days which is shown in the table as the period of detention is wrong. The Clerk's office advises that it is the result of a clerical error, and that the correct detention figure was 119 days. The prolonged detention of this defendant, who was charged with threats against the President of the United States, was due to several psychiatric examinations and extensive plea bargaining. Hereafter, the expanded exclusions of the 1979 amendments of the Act should result in compliance with the detention provisions of the Act.

The amendments to the Speedy Trial Act made by Public Law 96-43 became effective August 2, 1979. To the extent that this revision of the district's plan does more than merely reflect the amendments, the revised plan shall take effect upon approval of the reviewing panel designated in accordance with 18 U.S.C. § 3165(c).

  
Wendell A. Miles  
Chief Judge

CERTIFICATE OF APPROVAL

This is to certify that in accordance with Section 3165(c) of the Speedy Trial Act of 1974, Title 18, U.S.C., the foregoing Final Plan for the United States District Court for the Western District of Michigan has been duly received and approved as complying with the law by those members of the Reviewing Panel consisting of the Judicial Council of the Sixth Circuit.

Dated this 10th day of June, 1980.



George Edwards, Chief Judge  
United States Court of Appeals  
for the Sixth Circuit

CERTIFICATE OF APPROVAL

This is to certify that in accordance with Section 3165(c) of the Speedy Trial Act of 1974, Title 18 U.S.C., the foregoing Final Plan has been duly received and approved as complying with the law.

This 27th day of June, 1980.



Wendell A. Miles, Chief Judge  
United States District Court for the  
Western District of Michigan

# Section VIII

## Statistical Tables



VIII. STATISTICAL TABLES

Table 1: Processing Time

Table 2: Incidence of and Reasons for Delay

Table 3: Pretrial Detention

Table 4: Criminal Dispositions

Table 5: Number of Matters Presented to U.S. Attorney

Table 6: Status of Civil Calendar

# PROCESSING TIME

SPEEDY TRIAL DATA ANALYSIS (18 U.S.C. 3166(c)(1))  
 Processing time for defendants whose cases were terminated during one year period  
 January 1, 1979 through December 31, 1979

DISTRICT  
 MICHIGAN, WESTERN

**HOW LONG IT TOOK TO BRING INDICTMENTS ON CRIMINAL DEFENDANTS #**

NUMBER OF \*NET DAYS THAT ELAPSED TO INDICTMENT OR INFORMATION FROM ARREST OR SERVICE OF SUMMONS

SUBDIVIDED BY WHEN INTERVAL BEGAN	SAME DAY		1 to 30 days		31 to 35 days		36 to 45 days		46 to 60 days		61 to 90 days		91 to 120 days		121 days & over	
	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%
NO. OF DEFENDANTS TERMINATED	44															
Before 1 July '79	34	77.3	9	20.5	-	-	-	-	-	-	-	-	1	2.3	-	-
On/After 1 July '79	5	100.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-

**HOW LONG IT TOOK TO BRING CRIMINAL DEFENDANTS # TO TRIAL**

Number of \*Net Days that Elapsed to Commencement of Trial (or other disposition) from Indictment or (if later) First Appearance

SUBDIVIDED BY WHEN INTERVAL BEGAN	SAME DAY		1 to 30 days		31 to 70 days		71 to 80 days		81 to 100 days		101 to 120 days		121 to 180 days		181 days & over	
	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%	NO. DEF'S REPORTED	%
NO. OF DEFENDANTS TERMINATED	175															
Before 1 July '79	3	1.7	40	22.9	43	24.6	18	10.3	17	9.7	7	4.0	21	12.0	26	14.9
On/After 1 July '79	-	-	15	53.6	10	35.7	2	7.1	-	-	1	3.6	-	-	-	-

**HOW LONG IT TOOK TO SENTENCE CRIMINAL DEFENDANTS #**

NUMBER OF DAYS TO SENTENCE DATE FROM DATE OF CONVICTION

FOR ALL PERSONS TERMINATED & SENTENCED DURING THE 12 MOS. PERIOD	SAME DAY		1 to 30		31 to 45		46 to 60		61 & over	
	NO. DEF'S	%	NO.	%	NO.	%	NO.	%	No.	%
NO. OF DEFENDANTS TERMINATED	156									
12 MOS. PERIOD	15	9.6	2	1.3	35	22.4	37	23.7	67	42.9

\*NET MEANS GROSS DAYS LESS DAYS OF EXCLUDABLE TIME BUT WHOSE CASES WERE PENDING AS OF DECEMBER 31, 1978

# THESE FIGURES DO NOT INCLUDE DEFENDANTS WHO BEGAN THE INTERVAL DURING JUVENILES, APPEALS FROM U.S. MAGISTRATE DECISIONS, RULE 20 TRANSFERS OUT OF DISTRICT, PRETRIAL DIVERSION DISPOSITIONS, AND REMOVALS FROM STATE COURTS

\*DEFENDANT FIGURES DO NOT INCLUDE PETTY OFFENDERS, AND ALSO DO NOT INCLUDE

# SPEEDY TRIAL ANALYSIS - 18 U.S.C. 3166(b)(2)

DISTRICT: MICHIGAN, WESTERN

CODE	# REASON Under 18 USC 3161	0 to 10 days	11 to 21	22 to 42	43 to 84	85 to 120	121 + days	INCIDENTS OF EXCLUDABLE TIME	96 OF "D"	INTERVAL IN WHICH EXCLUDABLE DELAY OCCURRED... ONE TWO
A	Examination or hearing for mental or physical incapacity--(h)(1)(A)	0	1	0	0	0	0	1	1.0	0 1
B	NARA examination--(h)(1)(B)	0	0	0	0	0	0	0	0	0 0
C	State or federal trials on other charges--(h)(1)(D)	1	0	0	0	0	1	2	2.1	0 2
D	Interlocutory appeals--(h)(1)(E)	0	0	0	0	0	0	1	1.0	0 1
E	Motions (from filing to hearing or prompt disposition)--(h)(1)(f)	5	11	22	11	3	1	53	54.6	0 53
F	Transfers from other districts (per FRCP rules 20, 21 & 40)--(h)(1)(G)	0	0	0	0	0	0	0	0	0 0
G	Motion is actually under advisement--(h)(1)(J)	11	10	12	3	0	0	36	37.1	0 36
H	Misc. proceedings: probation or parole revocation, deportation, extradition--(h)(1)	0	0	0	0	0	0	0	0	0 0
I	Transportation from another district or to/from examination or hospitalization in ten days or less--(h)(1)(H)	0	0	0	0	0	0	0	0	0 0
J	Consideration by court of proposed plea agreement--(h)(1)(I)	0	0	0	0	0	0	0	0	0 0
K	Prosecution deferred by mutual agreement--(h)(2)	0	0	0	0	0	0	0	0	0 0
L	Unavailability of defendant or essential witness--(h)(3)(A & B)	0	0	0	0	0	0	0	0	0 0
M	Period of mental or physical incompetence of defendant to stand trial--(h)(4)	0	0	0	1	0	0	1	1.0	0 1
N	Period of NARA commitment or treatment--(h)(1)(C) & (5)	0	0	0	0	0	0	0	0	0 0
O	Supervening indictment and/or new charges--(h)(6)	0	0	0	0	0	0	0	0	0 0
P	Defendant awaiting trial of co-defendant when no severance had been granted--(h)(7)	0	0	0	0	0	0	0	0	0 0
Q	if more than one reason or none of reasons below given in support (A & B)	0	1	0	1	1	0	3	3.1	0 3
R	T1 Failure to continue would stop further proceedings or result in miscarriage (B)(i)	0	0	0	0	0	0	0	0	0 0
S	T2 Case unusual or complex (B)(ii)	0	0	0	0	0	0	0	0	0 0
T	T3 Indictment following arrest cannot be filed in 30 days (B)(iii)	0	0	0	0	0	0	0	0	0 0
U	T4 Continuance granted in order to obtain or substitute counsel, or give major time to prepare	0	0	0	0	0	0	0	0	0 0
V	Time up to withdrawal of guilty plea--3161(i)	0	0	0	0	0	0	0	0	0 0
W	Grand jury indictment time extended 30 more days--3161(b)	0	0	0	0	0	0	0	0	0 0
X	More than 1 exclusion with days aggregated	0	0	0	0	0	0	0	0	0 0
	TOTAL	17	23	34	16	4	3	97	100.0	0 97

REPORT PERIOD  
 X 6 Months  
 (July thru Dec '79)

TERMINATED DEFENDANTS REPORTED DURING PERIOD  
 102  
 DEFENDANTS WITHOUT EXCLUDABLE TIME  
 46  
 DEFENDANTS WITH EXCLUDABLE TIME  
 56

96 OF "A"  
 96 OF "D"

TOTALS  
 97

LENGTH OF EXCLUDABLE DELAY PERIOD (NO. OF DAYS)

INTERVAL IN WHICH EXCLUDABLE DELAY OCCURRED...  
 ONE TWO

\*An exclusion category newly created or modified by Aug. '79 amendment.  
 \*\*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 Trial

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

SPEDY TRIAL DATA ANALYSIS

# INCIDENCE OF AND REASONS FOR DELAY

During July 1, 1978 thru June 30, 1979

TOTALS FOR MICHIGAN WESTERN

\*\* TERMINATED DEFENDANTS RE-REPORTED DURING PERIOD: 202 (A)

DEFENDANTS WITHOUT EXCLUDABLE TIME: 154 (B) 76.2% OF "A"

DEFENDANTS WITH EXCLUDABLE TIME: 48 (C) 23.8%

INCIDENTS OF EXCLUDABLE TIME: 89 (D)

* REASON	LENGTH OF EXCLUDABLE DELAY PERIOD (NO. OF DAYS)							SUB. TOTALS OF "D"	% OF "D"	*** INTERVAL IN WHICH EXCLUDABLE DELAY OCCURRED		
	1 to 10 days	11 to 21	22 to 42	43 to 84	85 to 120	121 + days	ONE			TWO	THREE	
Under 18 USC 3161	2	0	0	0	0	0	2	2.2	0	0	2	
A. Examination or hearing for mental or physical incapacity—(H)(1)(A)	0	0	0	0	0	0	0	0	0	0	0	
B. NARA examination—(H)(1)(B)	0	0	0	0	0	0	0	0	0	0	0	
C. State or federal trials on other charges—(H)(1)(C)	0	0	0	0	0	0	0	0	0	0	0	
D. Interlocutory appeals—(H)(1)(D)	35	0	0	0	0	0	35	39.3	0	0	35	
E. Hearings on pretrial motions—(H)(1)(E)	0	0	0	0	0	0	0	0	0	0	0	
F. Transfers from other districts (per FRCP rules 20, 21 & 40), (H)(1)(F)	6	3	22	7	0	0	38	42.7	0	0	38	
G. Motion is actually under advisement, (H)(1)(G)	0	0	0	0	0	0	0	0	0	0	0	
H. Misc. proceedings: probation or parole revocation, deportation, extradition, (H)(1)	1	0	0	0	0	1	2	2.2	0	0	2	
I. Prosecution deferred by mutual agreement, (H)(2)	3	1	1	1	0	1	7	7.9	0	0	7	
M. Unavailability (includes fugitive) of defendant or essential witness, (H)(3)(A)(B)	0	0	0	0	0	0	0	0	0	0	0	
N. Period of mental or physical incompetence of defendant to stand trial, (H)(4)	0	0	0	0	0	0	0	0	0	0	0	
O. Period of NARA commitment or treatment, (H)(5)	0	0	0	0	0	0	0	0	0	0	0	
P. Superseding indictment and/or new charges, (H)(6)	0	0	0	0	0	0	0	0	0	0	0	
R. Defendant awaiting trial of co-defendant when no severance has been granted, (H)(7)	1	1	0	0	3	0	5	5.6	0	0	5	
T. Continuances granted in the ends of justice, (H)(8)	0	0	0	0	0	0	0	0	0	0	0	
U. Time up to withdrawal of guilty plea (i)	0	0	0	0	0	0	0	0	0	0	0	
W. Grand jury indictment time extended 30 more days, (B)	0	0	0	0	0	0	0	0	0	0	0	
<b>TOTALS</b>	48	5	23	8	3	2	89	100.0	0	0	89	

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

\*\* OF 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.

Prepared by: Administrative Office of U.S. Courts

DISTRICT

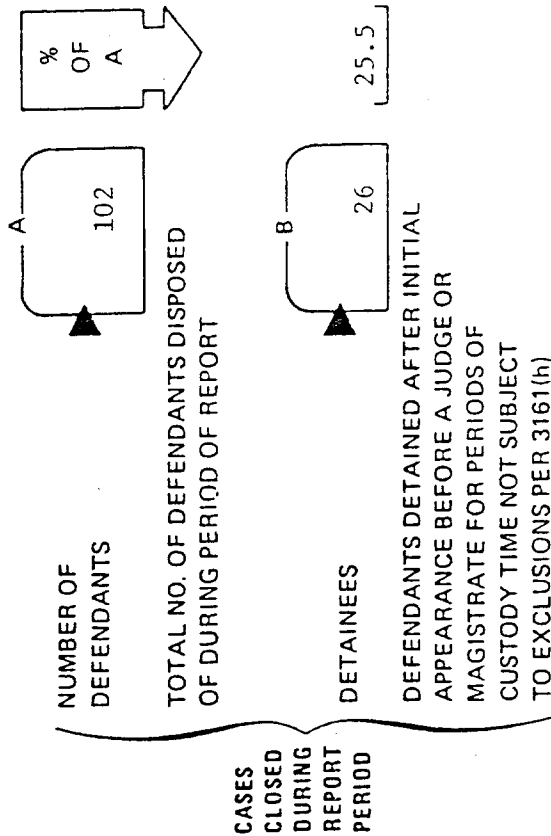
MICHIGAN, WESTERN

SPEEDY TRIAL DATA ANALYSIS 3166(b)(6) & (c)(6)

### PRETRIAL DETENTION

TABLE  
3

REPORT PERIOD { 6 MONTHS - 1 JULY '79  
THRU 31 DECEMBER '79



DEFENDANTS GROUPED BY LENGTH OF NET\* TIME IN CONTINUOUS DETENTION STATUS

NUMBER OF DETAINEES		% OF BOX B			
NUMBER OF NET DAYS					
1 to 10	11 to 30	31 to 90	91 to 120	121 to 150	151 Plus
12	6	7	0	0	1
46.2 % 23.1 %		26.9 % .0 %		.0 % 3.8 %	

\*"NET" IS GROSS TIME LESS EXCLUSIONS PER 3161(h). REPORT SHOULD INCLUDE ONLY DEFENDANTS HAVING NON-EXCLUDABLE ("NET") DETENTION TIME. WHEN DEFENDANT HAS MORE THAN ONE SUCH DETENTION PERIOD, INTERSPERSED WITH RELEASE TIME OR EXCLUDABLE TIME, DO NOT AGGREGATE THE SEPARATE DETENTION PERIODS. TAKE THE DEFENDANTS LONGEST SINGLE PERIOD OF "NON EXCLUDABLE" DETENTION AS THE BASIS FOR DETERMINING WHICH ONE OF THE ABOVE COLUMNS TO PUT HIM IN.

DISTRICT

MICHIGAN, WESTERN

REPORT { ONE YEAR PERIOD

PERIOD { 1 JAN 1979 THROUGH 31 DECEMBER 1979

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

### CRIMINAL DISPOSITIONS

TABLE  
4

A  
NUMBER  
OF DE-  
FENDANTS  
DISPOSED  
OF

192

	B		NOT CONVICTED		ACQUITTED AT TRIAL	
	% OF A	TOTAL NOT CON-VICTED	DISMISSED % OF B	TOTAL NO. DIS-MISSED	% OF B	COURT JURY
	17.2	33	45.5	15	54.5	- 18

	C		CONVICTED		CONVICTED AT TRIAL	
	% OF A	TOTAL CON-VICTED	CONVICTED by PLEA % OF C	PLEA of GUILTY or NOLO CON. % OF C	COURT JURY	JURY
	82.8	159	73.6	117	26.4	4 38

DISTRICT

Western Michigan

REPORT COVERS

PERIOD OF: 1/1/79 - 12/31/79

SPEDY TRIAL DATA ANALYSIS - 3166(c)(2)(3) & (5)

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

TABLE 5

NAME OF AGENCY PRESENTING MATTER TO U.S. ATTORNEY FOR PROSECUTION	ON HAND & NEW		DECLINED				MATTERS		NEW PROSECUTIONS INITIATED DURING PERIOD <sup>4</sup>	MATTERS ON HAND AT END OF PERIOD <sup>1</sup>
	MATTERS ON HAND AT START OF PERIOD <sup>1</sup>	MATTERS REC'D OR ORIGINATED BY U.S. ATTY DURING PERIOD	(I.E. DETERMINATIONS THAT NEW PROSECUTIONS WOULD NOT BE INITIATED IN THIS DISTRICT.)				OTHER DISPOSITIONS <sup>7</sup>	(h)		
			REFERRED TO OTHER FEDERAL DISTRICT	STATE/LOCAL AUTHORITY	PRETRIAL DIVERSION	ALL OTHER DECLINATIONS <sup>1</sup>				
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)		
Farmers Home Adm.	0	4	0	0	0	0	0	4	0	
D/Agriculture other	1	1	0	0	0	0	0	1	1	
D/Defense	0	1	0	0	0	1	0	0	0	
Social Security Adm.	1	1	0	0	0	1	0	0	1	
D/Health, Ed. & Welf.	1	2	0	0	0	0	0	1	2	
Fish & Wildlife Ser.	1	1	0	0	0	0	0	1	1	
National Park Serv.	0	1	0	0	0	0	1	0	0	
Drug Enforcement Adm.	7	58	0	0	0	16	1	60	4	
FBI	63	114	0	0	3	0	31	69	61	
Immigration Service	1	4	0	0	0	0	0	3	2	
D/Labor	1	4	0	0	0	0	0	1	4	
US Postal Service	19	46	0	0	7	4	0	35	26	
D/State	1	1	0	0	0	0	0	1	0	
Customs Bureau	1	4	0	0	0	1	2	0	2	
Coast Guard	0	1	0	0	0	0	0	0	1	
IRS	6	8	0	0	0	2	0	6	6	
Fed. Highway Adm.	0	2	0	0	0	0	0	2	0	
Bur. of Alcohol, T&F	3	9	0	0	0	0	1	6	3	
Secret Service	15	27	0	0	3	2	3	24	13	
General Services Adm.	1	0	0	0	0	0	0	0	1	
TOTALS	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	

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

SPEEDY TRIAL DATA ANALYSIS - 3166(e)(2)(3) & (5)  
 NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

Western Michigan

REPORT COVERS PERIOD OF: 1/1/79 - 12/31/79

NAME OF AGENCY PRESENTING MATTER TO U.S. ATTORNEY FOR PROSECUTION	ON HAND & NEW		DECLINED				OTHER DISPOSITIONS <sup>3</sup>	NEW PROSECUTIONS INITIATED DURING PERIOD <sup>4</sup>	MATTERS ON HAND AT END OF PERIOD <sup>1</sup>
	MATTERS ON HAND AT START OF PERIOD <sup>1</sup>	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 OTHER FEDERAL DISTRICT	STATE/LOCAL AUTHORITY	PRETRIAL DIVERSION	ALL OTHER DECLINATIONS <sup>2</sup>			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	
Interstate Commerce Com.	2	0	0	0	0	0	0	2	
D.C. Metro Police	0	1	0	0	0	1	0	0	
TOTALS	123	290	0	0	15	29	40	214	130

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



MICHIGAN, WESTERN

REPORT PERIOD { COMPARISON OF TWO CALENDAR YEARS: 1 JAN THROUGH 31 DEC 1978, AND 1 JAN THROUGH 31 DEC 1979.

STATUS OF CIVIL CALENDAR

	NUMBER OF CIVIL CASES			PERCENTAGE INCREASE OR DECREASE
	PENDING AT START OF REPORT PERIOD	FILED DURING REPORT PERIOD	PENDING AT END OF REPORT PERIOD	
1978	(1) 1,631	(2) 987	(3) 1,982	(4) 21.5
1979	1,982	900	2,294	15.7

	LENGTH OF TIME CASES IN COLUMN 3 ABOVE HAVE BEEN PENDING					
	Under 3 Mos	3 to 6 Mos	6 to 12 Mos	12 to 18 Mos	18 to 24 Mos	24 Mos & Over
1978	176	203	401	275	273	654
1979	172	179	367	312	318	946