

Introduction to Speedy Trial Law

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Goals

- (1) Basic overview of what “speedy trial” means in legal context.
- (2) Give background to help legislate in this area, if you so choose.

Outline

- Sources of the Right
- Purpose of the Right
- What Happens if the Right is Violated?
- How Much Delay is Too Much?
- Two Policy Takeaways

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Sources of the Right: Constitutional

- U.S. and Utah constitutions both protect right to a “speedy” trial.
 - U.S. Const. amend.VI; Utah Const., art 1, § 12:
- These provisions are identical apart from a few differences in word choice, so Utah courts treat them as protecting identical rights.
 - *State v. Trafny*, 799 P.2d 704, 708 & n.12 (Utah 1990)

Sources of the Right: Statutory (I)

- Some jurisdictions provide additional speedy trial protections by statute.
 - *E.g.*, Speedy Trial Act of 1974, 18 U.S.C. §§ 3161-3174.
- In Utah, however, largely does not.
- Utah Code § 77-1-6(1)(f) provides a right to “a speedy public trial,” but it also just duplicates constitutional provisions.

Sources of the Right: Statutory (2)

- Utah Code § 77-1-6(1)(h) provides right to “a trial within 30 days after arraignment” if the defendant is “unable to post bail,” but only “if the business of the court permits.”
- Courts treat this only as nonbinding recommendation because it only applies “if the business of the court permits.”

Sources of the Right: Statutory (3)

- Utah Code § 77-38-7 says that crime **victims** can assert speedy trial rights “under the same standards that govern” defendants.
- But in practice, has limited impact because courts generally don’t want to create constitutional errors by rushing defendants to trial.

Sources of the Right: Summary

- The constitutional right to a speedy trial provides a right:
 - (1) to permanent dismissal of criminal charges
 - (2) for unreasonable delay
 - (3) that is caused by the government, and
 - (4) occurs between filing of criminal charges and start of trial.

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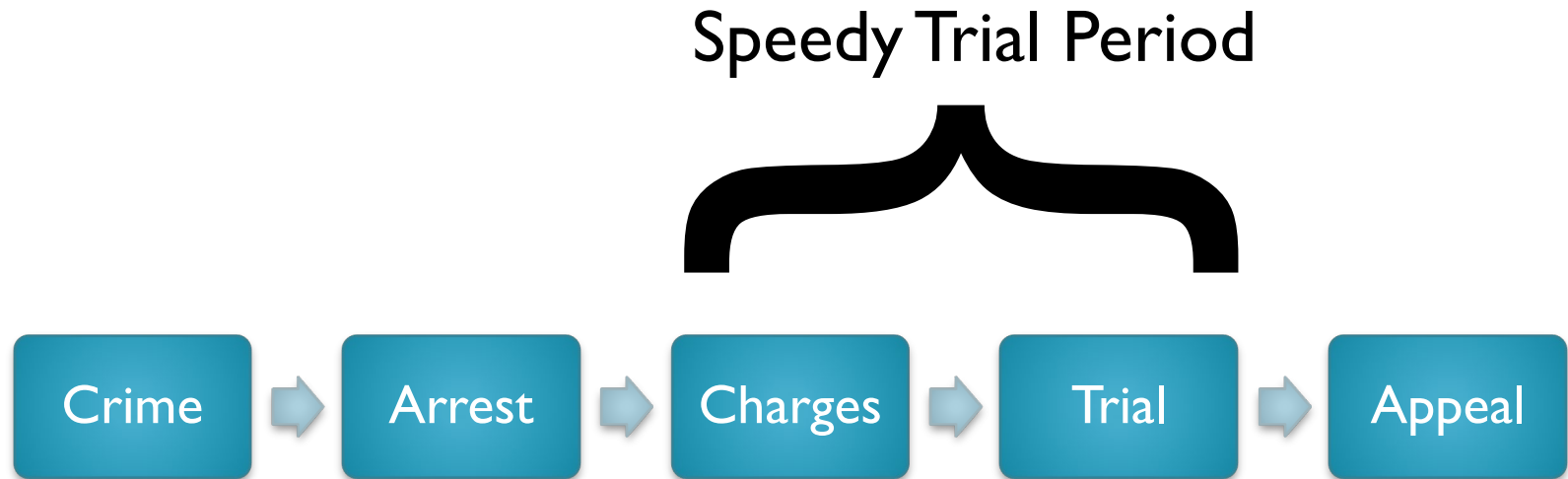
Purposes of Speedy Trial Right

- General goal: Prevent excessive delay.
- But there are lots of ways criminal cases could be delayed, and “speedy trial” is only concerned with one particular type of delay: Delays between **filing of charges** and **start of trial**.

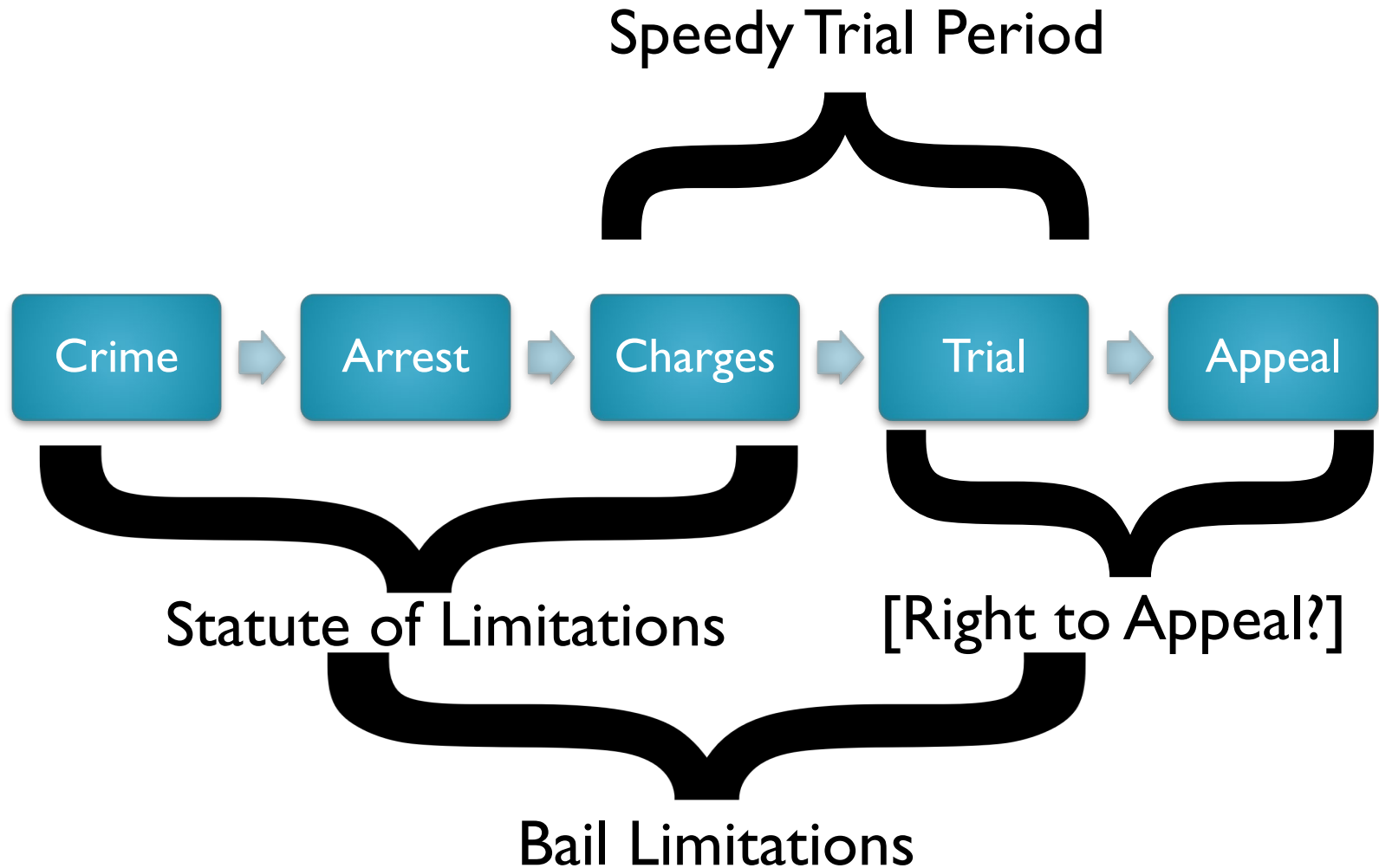
Purposes of Speedy Trial Right: Timeline of a Criminal Case



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Purposes of Speedy Trial Right: Timeline of a Criminal Case



Purposes of Speedy Trial Right: What Type of Delay?

- Takeaway: Speedy trial only regulates delays from filing of charges to start of trial.
- Other types of delays may be regulated in other ways or by other legal principles.

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What Happens if the Right is Violated?

- **Permanent dismissal of the criminal charges** is the **only** legal remedy for speedy trial violation
- Once dismissed, crime can never be charged again—regardless of the defendant's guilt or of potential harm to victims.

What Happens if the Right is Violated?: Takeaways

- Courts generally see this as a “severe” remedy, *State v. Hintze*, 2025 UT 3, ¶40, and are therefore reluctant to dismiss for speedy trial violations unless they are truly extreme.
- Judges don’t want to be seen as dismissing serious criminal charges on mere “technicalities” or because policymakers haven’t allocated funding to make the system run faster.

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How Much Delay is Too Much?

- It depends. Constitution provides no hard rules about how “speedy” a trial must be.
- Instead, courts apply four-factor test from *Barker v. Wingo*, 407 U.S. 514 (1972).
- This gives courts flexibility, but also makes it hard to predict when, precisely, a speedy trial violation will occur.

How Much Delay is Too Much?:

(I) Length of Delay

- Generally speaking, any delay under 1 year is reasonable and delays over 1 year are less reasonable.
- **But** delays of many years can still be permissible if there's good reasons for it.

How Much Delay is Too Much?: (2) Reason for Delay

- **This is the most important factor.**
- Sometimes delays are unavoidable.
- Sometimes delay **benefits the defense** because defense lawyer needs time to prepare defense, investigate evidence, or locate witnesses.

How Much Delay is Too Much?:

(2) Reason for Delay

- Courts therefore sort delays into 3 categories.
- (1) “Deliberate” delays—such as prosecutor’s desire to intentionally harass defendant—weigh heavily in favor of dismissal.
- (2) “Neutral delays” weigh less heavily in favor of dismissal.
 - *Ex:* Court delays, negligence by prosecutors.
- (3) “Valid delays” are permissible.
 - *Ex:* Time needed to find witnesses, respond to defense motions, or time requested by defendants themselves.

How Much Delay is Too Much?:

(3) Defendant's Assertion of Right

- Generally speaking, defendants must give courts and prosecutors notice that they want a speedy trial before they can move to dismiss the case.
- Defendants shouldn't be able to game the system by performing a bait and switch.

How Much Delay is Too Much?:

(4) Harm to Defendant

- (1) Was the defendant kept in jail during delay?
- (2) Anxiety from delay?
- (3) Was the defense's case harmed because witnesses were lost or evidence was destroyed?

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Two Policy Takeaways:

(I) Which Delays Concern You?

- Speedy trial only regulates delays between **charging** and **trial** that are **attributable to the government**.
- If you're concerned about other types of delays, then other types of legislation might make more sense.

Two Policy Takeaways:

(I) Which Delays Concern You?

- Speedy trial legislation won't be very good at addressing:
 - Delays in police investigations prior to charging.
 - Court system and laboratory delays (b/c these are largely “neutral” reasons for delay).
 - Delays from overworked defense attorneys.
 - *See Vermont v. Brillon*, 556 U.S. 81, 91 (2009)).
- Post-trial delays in appeals.

Two Policy Takeaways:

(2) What Solutions Address Your Concerns?

- Courts and prosecutors can certainly be held accountable to move cases quickly. But they should also be given the tools needed to meet those quicker deadlines.
- Remember: the only remedy for speedy trial violation is permanent dismissal of charges.
- If courts and prosecutors lack resources or if laws don't account for legitimate reasons for delay, the result will be criminals going free, not faster trials.

Questions

