

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SPEEDY TRIAL ACT PLAN
(Rescinding the Speedy Trial Act Plan of August 11, 1980)

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

I. Time Limits and Procedures Adopted.

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

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

II. Intent and Expectations of the Court.

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

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

- A. All participants in the criminal justice process will promote the just and speedy disposition of criminal cases within the duties of their office.
- B. The court will schedule cases for trial within the speedy trial period and will give criminal cases preference in setting trials, as far as practicable.
- C. Reasonable discovery, motion, and pleading deadlines will be set at arraignment or as soon thereafter as practicable.
- D. Counsel will comply with all local rules, with particular attention to:
 - 1. Meeting motion deadline and response times;
 - 2. Complying with the requirements for providing disclosure and discovery;
 - 3. Complying with the requirement to confer in person or by telephone in a good faith effort to resolve discovery disputes before filing a discovery-related motion;
 - 4. Complying with the requirements for requesting continuances; and
 - 5. Complying with the deadlines for the delivery of subpoenas and writs to the U.S. Marshals Service.
- E. Pretrial hearings will be conducted as soon after arraignment as possible, consistent with the priorities of other matters on the court's criminal docket.

- F. The clerk's office will track excludable time periods for each criminal defendant in CM/ECF to assist judges with the management of their calendars.
- G. The United States Attorney's office must monitor, on a continuing basis, the progress of each defendant toward trial and provide the court with a Speedy Trial Report every two weeks.
- H. The United States Attorney's Office will familiarize itself with the scheduling procedures of each judge and will assign or reassign cases to ensure that the government will be ready for trial, consistent with the provisions of this plan.
- I. The judge and the magistrate judge to whom the case is assigned are responsible for setting cases for trial. Each case will be set for trial on a date certain or listed for trial on a weekly or other short-term calendar or as soon thereafter as is practicable.
- J. The chief judge may reassign any or all of the criminal cases of an assigned judge to other judges if the assigned judge cannot comply with Speedy Trial Act time limits because of incapacity, unavailability, or a congested criminal docket.
- K. The court will schedule cases for sentencing at the earliest practicable time upon completion of the presentence report, subject to reasonable notice to the parties and sufficient opportunity to file objections pursuant to the local rules and the Federal Rules of Criminal Procedure.

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

III. Statistics

Information and statistics concerning the administration of criminal justice are dynamic in nature. Most data can be easily captured either by using the reporting functions of the district's CM/ECF or PACTS systems or by reviewing the federal court management statistics on the Web site of the Administrative Office of the United States Courts. Other data, however, are available only to the United States Attorney's Office, the Federal Public Defender's Office, or the district's Pretrial Services or Probation Offices. The clerk's office will consult with these agencies when compiling requests for statistics concerning the administration of criminal justice made pursuant to 18 U.S.C. § 3166(b) and (c).

IV. Effective Date

This plan rescinds the Speedy Trial Act Plan approved by the Eighth Circuit Judicial Council on August 11, 1980, and will become effective upon its approval by the review panel of the Eighth Circuit Judicial Council.

DATED this 24th day of April, 2009.

BY THE COURT:

Joseph F. Bataillon, Chief Judge
United States District Judge

United States Courts
Judicial Council of the Eighth Circuit
Thomas F. Eagleton United States Courthouse
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Millie B. Adams
Circuit Executive

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EIGHTH CIRCUIT JUDICIAL COUNCIL

ORDER

I hereby certify that the Eighth Circuit Judicial Council has approved the new Speedy Trial Act Plan for the United States District Court, District of Nebraska, as adopted by the court on April 24, 2009.



Millie B. Adams
Circuit Executive

St. Louis, Missouri
May 12, 2009

cc: Judicial Council Members
Chief Judge Joseph F. Bataillon
Denise M. Lucks, Clerk of Court
Administrative Office

Approval was given by the District Court Committee.

JCO 2112