BEFORE THE REVIEWING PANEL

OF THE FOURTH CIRCUIT

FILED

JUL 1 1980

MILLER C. FOSTER, JR., CLERK
U. S. DISTRICT COURT

In the Matter of the Review of
Final Speedy Trial Plans by
District Courts (per Speedy
Trial Act Amendments Act of 1979)

ORDER

M 80-3

The Final Plan of the United States District Court for the District of South Carolina for achieving prompt disposition of Criminal Cases in compliance with Rule 50(b) of the Federal Rules of Criminal Procedure, the Speedy Trial Act of 1974 (Chapter 208, Title 18, U.S.C.), the Speedy Trial Act Amendments Act of 1979 (Pub.L.No. 96-43, 93 Stat. 327), and the Federal Juvenile Delinquency Act as amended (18 U.S.C. § 5036, 5037) is hereby approved by the Judicial Council of the Fourth Circuit and shall become effective on the 1st day of July, 1980.

It is so ORDERED this 30th day of June, 1980.

FOR THE REVIEWING PANEL:

Clement F. Haynsworth Jr.
Chief Judge, Fourth Circuit

FILED

JUN 30 1980

U. S. COURT OF APPEALS
FOURTH CIRCUIT

FILED
JUL 1 1980
LER C. FOSTER, JR., C
U. S. DISTRICT COURT

M 80-3

PLAN

FOR PROMPT DISPOSITION OF

CRIMINAL CASES

FOR THE

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

Revised Final Plan Pursuant to Speedy Trial Act of 1974

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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 District of South Carolina, as set forth in Section II herein, developed and recommended by the Planning Group, has been approved and adopted by the Court subject to the approval as required by 18 U.S.C. 3165 (c).

2. The Planning Group for the District of South Carolina is comprised of the following individuals:

Chief Judge Charles E. Simons, Jr.
Charles W. Gambrell, United States Magistrate and Reporter
Thomas E. Lydon, Jr., United States Attorney
Miller C. Foster, Jr., Clerk, U.S. District Court
Claude H. Huguley, Jr., Chief, U.S. Probation Officer
Charles S. Porter, Jr., Private Attorney, Criminal, Columbia,S.C.
J. Elliott Williams, United States Marshal
Parks N. Small, Federal Public Defender
John W. Williams, Private Attorney, Civil, Columbia, S.C.

3. Copies of the Plan will be available for public inspection at the office of the Clerk, United States District Court for the District of South Carolina at Columbia, Greenville and Charleston, South Carolina. A copy of Section II will be made available to practicing members of the Bar.

S E C T I O N II

STATEMENT OF TIME LIMITS ADOPTED BY THE COURT AND PROCEDURES FOR IMPLEMENTING THEM

PLAN FOR THE
UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
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 District of South Carolina 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.

(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.

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.

(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.

(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 on 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.

(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.

(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.

(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.

(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.

(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.

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) At the time of arraignment, the magistrate shall enter a *pro forma* plea of "Not Guilty" for any unrepresented defendant who desires to retain counsel or who qualifies for appointed counsel.

(3) When the defendant plans to retain counsel, the arraigning officer will set a status hearing for approximately one week following the arraignment to determine if the defendant has retained counsel or if counsel needs to be appointed. The case will be monitored by the Clerk's Office to ensure that there will be no delay in scheduling the case for disposition.

(4) The court shall have the 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.

(5) 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.

(6) 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.

(7) At the time of the filing of a complaint, indictment, or information described in paragraph (6), 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.

(8) 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 high-risk.

(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) (5) and 4 (e) (6).

(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.

8. Time Within Which Defendant Should Be Sentenced.

(a) Time Limit. A defendant shall ordinarily be

sentenced with (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.

(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. 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 the 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.

S E C T I O N III

SUMMARY OF EXPERIENCE UNDER THE ACT WITHIN THE DISTRICT

SECTION III SUMMARY OF EXPERIENCE UNDER THE ACT WITHIN THE DISTRICT

The District of South Carolina elected to adopt the ultimate time limits in its Transitional Plan which went into effect in 1976 in all except Interval I. This District is meeting the 1980 standards in almost all cases as indicated by the past statistics included in Section VIII of this Plan.

Sanctions have not been used under the "interim" time limits in this District. Motions were made for release from custody in less than five cases, but the motions were denied by the Court.

S E C T I O N I V

CHANGES IN PRACTICES AND PROCEDURES THAT HAVE BEEN OR WILL BE ADOPTED BY THE DISTRICT COURT TO EXPEDITE THE DISPOSITION OF CRIMINAL CASES

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

The District of South Carolina had previously instituted many administrative procedures to comply with the provisions of Rule 50(b), namely, (a) centralized Grand Jury meetings on the first Tuesday of each month, (b) reduction of places of holding court from 10 to 5, (c) filing of Informations once a month at Grand Jury Sessions.

The following innovations and procedures have been adopted by the District Court to expedite the disposition of criminal cases in accordance with the Speedy Trial Act.

(1) The U.S. Attorney is required to prepare a case survey to accompany each indictment, information or complaint, to include such data as indicated on the form to be provided by the Clerk. (See Exhibit 1)

(2) After a true bill has been returned by the Grand Jury on each defendant, the Clerk's Office consults with the Chief Judge in the District for assignment of each case. Our Sessions of court are set so that the U.S. Attorney's office can indict defendants in

any Division within the State. After the case has been assigned, the Clerk's office coordinates with the Magistrates, the time limits for (i) filing motions; (ii) pre-trial conferences; and (iii) trials. (See Exhibit 2)

At the arraignment, the defendant with or without counsel, is asked to consent to an early pre-sentence investigation report. (See Exhibit 3)

(3) The Clerk then monitors, on a continuing basis, the progress of each defendant toward trial and reviews the status of each defendant with a view toward the calendar of the Court so as to:

(a) Anticipate the problems which may be developing;

(b) Make recommendations to the Court for reassignment of cases, rescheduling of arraignment, motions, pre-trial conferences and trial dates so as to avoid exceeding the time standards.

(4) The U.S. Marshal is required to make to the Clerk of Court a written daily report to include the following:

(a) The names, and reasons for detention, of all persons taken into custody during the preceding 24 hours.

(b) Any changes of status of persons in custody. When a defendant is arrested out of the district on a warrant issued in this Court, the United States Marshal is required to report the fact of the arrest in writing to the Clerk of Court by the close of the working day on which he is made aware of the arrest.

(c) Notification of filing of any detainers. This report is in lieu of the biweekly report required by Rule 46 (g), Federal Rules of Criminal Procedure.

(5) When a defendant is to be transferred pursuant to Rule 40, the United States Marshal shall arrange to have the defendant transferred to this district as promptly as possible notwithstanding the fact that the defendant may be en route on a day on which federal offices are closed.

(6) After a defendant has been taken before a part-time magistrate, the part-time magistrate is required, as promptly as possible, to notify the Clerk by telephone of the information required by the Clerk.

CRIMINAL COVER SHEET

(TO BE COMPLETED BY THE U.S. ATTORNEY FOR EACH DEFENDANT)

NAME OF DEFENDANT _____
ADDRESS (IF KNOWN) _____
_____

DIVISION _____

INFORMATION ( ) INDICTMENT ( ) SUPERSEDING INDICTMENT/INFORMATION ( ) _____
C/R #

TYPE OF OFFENSE:

PETTY ( ) MINOR ( ) OTHER MISDEMEANOR ( ) FELONY ( )

PROCEEDING IS REPROSECUTION OF CHARGES PREVIOUSLY DISMISSED YES ( ) NO ( )
ON MOTION OF USA ( ) DEFENSE ( ) CR # _____

US TITLE/ SECTION	OFFENSE CHARGED	CHARGED IN CTS	NO. OF CTS

HAS A SEARCH WARRANT BEEN ISSUED YES ( ) NO ( )

HAS A COMPLAINT BEEN FILED IN THIS DISTRICT YES ( ) NO ( )

PLEASE CHECK FORM OF SERVICE:

BENCH WARRANT ( )
SUMMONS ( )
WRIT ( )
NOTICE OF ARR. ( )

_____

ATTORNEYS

ASSISTANT U.S. ATTORNEY DEFENSE COUNSEL (IF KNOWN)

_____

ANY SPECIAL NOTE TO CLERK

_____

NOTE TO CLERK, IF ANY

EXHIBIT 1

II 'H UNITED STATES DISTRICT DI '

FOR THE DISTRICT OF SOUTH CAROLINA

_____ DIVISION

CRIMINAL NO _____

UNITED STATES OF AMERICA,

-v-

NOTICE OF PRE-TRIAL CONFERENCE AND TRIAL

_____

THIS CASE IS SCHEDULED FOR TRIAL BEFORE THE HONORABLE _____, UNITED STATES DISTRICT JUDGE. THE FOLLOWING PROCEDURES WILL BE FOLLOWED IN DISPOSING OF THIS CASE.

1. THE FINAL DATE FOR FILING PRE-TRIAL MOTIONS IN ACCORDANCE WITH RULE 12 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE IS _____,

2. ATTORNEYS ARE DIRECTED TO MEET AT LEAST FIVE (5) DAYS BEFORE THE PRE-TRIAL CONFERENCE IN AN EFFORT TO DISPOSE OF BY SETTLEMENT ALL PRE-TRIAL MOTIONS. ATTORNEYS WILL BE EXPECTED TO CERTIFY TO THE COURT THAT A GOOD FAITH EFFORT HAS BEEN MADE TO DISPOSE OF ALL MOTIONS, NOT SO SETTLED.

3. A PRE-TRIAL CONFERENCE WILL BE HELD ON _____, _____, AT _____, AT THE _____, IN _____ SOUTH CAROLINA. THE FOLLOWING MATTERS WILL BE CONSIDERED AT THE PRE-TRIAL CONFERENCE.

A. MOTION FOR CHANGE OF PLEA. THE COURT ANTICIPATES THAT ALL PLEA BARGAINING WILL BE COMPLETED PRIOR TO THE PRE-TRIAL CONFERENCE.

B. MOTION FOR CONTINUANCE PURSUANT TO 18:USC, §3161(h). SUCH MOTIONS MUST BE TIMELY FILED AND ACCOMPANIED BY A MEMORANDUM AND PROPOSED ORDER SETTING OUT THE REASONS FOR THE CONTINUANCE.

C. ALL OTHER TIMELY FILED MOTIONS.

4. ALL PARTIES AND COUNSEL ARE NOTIFIED TO BE READY FOR TRIAL ON _____. THIS CASE IS SCHEDULED FOR TRIAL ON THIS DATE OR AS SOON THEREAFTER AS IT CAN BE REACHED ON THE CALENDAR.

MILLER C.FOSTER, JR., CLERK

DATE: _____

DEFENDANT	COURTROOM DEPUTY	UNITED STATES DISTRICT JUDGE
ATTORNEYS	COURT REPORTER	
U.S. ATTORNEY	SCHEDULE BOX	
U.S. MARSHAL	CASE FILE	
U.S. PROBATION OFFICE	SPEEDY TRIAL COORDINATOR	

EXHIBIT 2

UNITED STATES DISTRICT COURT

_____ DISTRICT _____

Defendant's Approval to Institute a Presentence Investigation Before Conviction or Plea of Guilty

I, _____ hereby consent
(Name of Defendant)

to a presentence investigation by the probation officers of the United States District Courts. This investigation is for the purpose of obtaining information useful to the court in the event I should hereafter plead guilty or nolo contendere or be found guilty.

By this consent I do not admit any guilt or waive any rights and I understand that any reports prepared will not be shown to the court, unless I hereafter so agree in writing, or anyone else, until after conviction or plea of guilty or nolo contendere.

I have read, or had read to me, the foregoing consent and fully understand it. No promise has been made to me as to what final disposition will be made of my case.

_____ (Date)

_____ (Signature of Defendant)

_____ (Defendant's Attorney)

Prob. 13A (1/76)

EXHIBIT 3

S E C T I O N V

ADDITIONAL RESOURCES NEEDED

SECTION V ADDITIONAL RESOURCES NEEDED

The District of South Carolina is in compliance with the Speedy Trial Act. The Planning Group for the District does not feel that any additional resources are needed.

S E C T I O N VI

RECOMMENDATIONS FOR CHANGES IN STATUTES, RULES OR ADMINISTRATIVE PROCEDURES

SECTION VI RECOMMENDATIONS FOR CHANGES IN STATUTES, RULES OR ADMINISTRATIVE PROCEDURES

A. STATUTES

1. Multicount conspiracies, antitrust, mail fraud, net worth income tax conspiracies, and all cases involving defendants who reside in different districts appear to involve delays that might suggest special treatment under the Act. Unless special treatment is afforded, motions for severance will become the rule in all such cases where delays are involved in obtaining the punctual appearances of out-of-state (district) defendants.

B. RULES

1. The planning group recommends that criminal cases be closed when a judgment is entered for study under 18 U.S.C.§4205(d). The hearing, for modification of sentence, pursuant to 18 U.S.C. § 4205(c) would then be treated as a post judgment matter.

S E C T I O N VII

INDICENCE AND LENGTH OF, REASONS FOR, AND REMEDIES FOR DETENTION PRIOR TO TRIAL

SECTION VII INCIDENCE AND LENGTH OF, REASONS FOR, AND REMEDIES FOR DETENTION PRIOR TO TRIAL

There have been very few incidences of detention prior to trial in the District of South Carolina under the "Interim" time limits. Less than 15% of all defendants charged in this district remained in custody more than thirty (30) days prior to their trials. The few incidences encountered were due to the defendant's inability to post the amount of bond specified by the judicial officer before whom he appeared.

S E C T I O N VIII

STATISTICAL TABLES

DISTRICT
SOUTH CAROLINA

SPEEDY TRIAL DATA ANALYSIS (18 U.S.C. 3166(c)(1))

PROCESSING TIME

Processing time for defendants whose cases were terminated during one year period
January 1, 1979 through December 31, 1979

TABLE 1

HOW LONG IT TOOK TO BRING INDICTMENTS ON CRIMINAL DEFENDANTS

INTERVAL ONE (ARREST TO INDICTMENT) — SUBDIVIDED BY WHEN INTERVAL BEGAN

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

	NO. OF DEFENDANTS TERMINATED	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	
		DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%
Before 1 July '79	114	37	32.5	71	62.3	3	2.6	1	0.9	–	–	–	–	–	–	2	1.8
On/After 1 July '79	13	2	15.4	11	84.6	–	–	–	–	–	–	–	–	–	–	–	–

HOW LONG IT TOOK TO BRING CRIMINAL DEFENDANTS# TO TRIAL

INTERVAL TWO (INDICTMENT TO TRIAL) — SUBDIVIDED BY WHEN INTERVAL BEGAN

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

	NO. OF DEFENDANTS TERMINATED	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	
		DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%	DEF'S REPORTED	%
Before 1 July '79	378	–	–	116	30.7	259	68.5	2	0.5	–	–	1	0.3	–	–	–	–
On/After 1 July '79	96	–	–	37	38.5	55	57.3	–	–	–	–	4	4.2	–	–	–	–

HOW LONG IT TOOK TO SENTENCE CRIMINAL DEFENDANTS

SENTENCING INTERVAL — FOR ALL PERSONS TERMINATED & SENTENCED DURING THE 12 MOS. PERIOD

NUMBER OF DAYS TO SENTENCE DATE FROM DATE OF CONVICTION

NO. OF DEFENDANTS TERMINATED	SAME DAY		1 to 30		31 to 45		46 to 60		61 & over	
	NO. DEF'S	%	No	%	No.	%	No.	%	No.	%
405	83	20.5	119	29.4	59	14.6	44	10.9	100	24.7

*NET MEANS GROSS DAYS LESS DAYS OF EXCLUDABLE TIME UNDER 18 USC 3161(h)

THESE FIGURES DO NOT INCLUDE DEFENDANTS WHO BEGAN THE INTERVAL DURING THIS TIME BUT WHOSE CASES WERE PENDING AS OF DECEMBER 31 1979

DEFENDANT FIGURES DO NOT INCLUDE PETTY OFFENDERS, AND ALSO DO NOT INCLUDE: JUVENILES, APPEALS FROM U.S. MAGISTRATE DECISIONS, RULE 20 TRANSFERS OUT OF [illegible]

SPEEDY TRIAL DATA ANALYSIS – 18 U.S.C. 3166(b)(2)

INCIDENCE OF AND REASONS FOR DELAY

DISTRICT: SOUTH CAROLINA

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

TOTALS

			% OF "A"
**TERMINATED DEFENDANTS REPORTED DURING PERIOD	194	Ⓐ	
DEFENDANTS WITHOUT EXCLUDABLE TIME	110	Ⓑ	56.7
DEFENDANTS WITH EXCLUDABLE TIME	84	Ⓒ	43.3
INCIDENTS OF EXCLUDABLE TIME	117	Ⓓ	

TABLE 2

LENGTH OF EXCLUDABLE DEALY PERIOD (NO. OF DAYS)

CODE	#REASON Under 18 USC 3161	0 to 10 dys	11 to 21	22 to 42	43 to 84	85 to 120	121 + days	SUB-TOTALS OF "D"	% OF "D"	INTERVAL IN WHICH EXCLUDABLE DELAY OCCURRED*** ONE	TWO
A	Examination or hearing for mental or physical incapacity–(h)(1)(A)	2	0	3	3	0	0	8	6.8	2	6
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)	0	0	0	0	0	0	0	0	0	0
D	Interlocutory appeals–(h)(1)(E)	0	0	0	0	0	0	0	0	0	0
* E	Motions (from filing to hearing or prompt disposition)–(h)(1)(f)	38	7	5	3	0	0	53	45.3	1	52
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)	3	0	0	0	0	0	3	2.6	1	2
H	Misc. proceedings: probation or parole revocation, deportation, extradition–(h)(1)	0	0	0	0	0	0	0	0	0	0
* 6	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
* 7	Consideration by court of proposed plea agreement–(h)(1)(I)	0	0	0	0	0	0	0	0	0	0
I	Prosecution deferred by mutual agreement–(h)(2)	1	0	1	0	0	0	2	1.7	0	2
M	Unavailability of defendant or essential witness–(h)(3)(A & B)	2	0	0	1	0	0	3	2.6	0	3
N	Period of mental or physical incompetence of defendant to stand trial–(h)(4)	0	0	0	1	0	0	1	0.9	0	1
O	Period of NARA commitment or treatment–(h)(1)(C) & (5)	0	0	0	0	0	0	0	0	0	0
P	Superseding indictment and/or new charges–(h)(6)	2	0	0	0	0	0	2	1.7	2	0
R	Defendant awaiting trial of co-defendant when no severance had been granted–(h)(7)	1	0	3	0	0	0	4	3.4	0	4
"Ends of justice continuance, per 3161 (h)(8)	T if more than one reason or none of reasons below given in support (A & B)	13	2	6	9	7	4	41	35.0	0	41
* T	T1 Failure to continue would stop further proceedings or result in miscarriage (B)(i)	0	0	0	0	0	0	0	0	0	0
	T2 Case unusual or complex (B)(ii)	0	0	0	0	0	0	0	0	0	0
	T3 Indictment following arrest cannot be filed in 30 days (B)(iii)	0	0	0	0	0	0	0	0	0	0
	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
U	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
		62	9	18	17	7	4	117	100.0	6	111

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

*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.

2A

SPEEDY TRIAL DATA ANALYSIS

INCIDENCE OF AND REASONS FOR DELAY

During July 1, 1978 thru June 30, 1979

TOTALS FOR SOUTH CAROLINA

			% OF "A"
**TERMINATED DEFENDANTS REPORTED DURING PERIOD	441	(A)	
DEFENDANTS WITHOUT EXCLUDABLE TIME	207	(B)	46.9
DEFENDANTS WITH EXCLUDABLE TIME	234	(C)	53.1
INCIDENTS OF EXCLUDABLE TIME	371	(D)	

*REASON Under 18 USC 3161	LENGTH OF EXCLUDABLE DELAY PERIOD (NO. OF DAYS) 1 to 10 days	11 to 21	22 to 42	43 to 84	85 to 120	121 + days	SUB-TOTALS OF "D"	% OF "D"	***INTERVAL IN WHICH EXCLUDABLE DELAY OCCURRED ONE	TWO	THREE
A. Examination or hearing for mental or physical incapacity—(H)(1)(A)	5	5	4	8	1	0	23	6.2	5	4	14
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)	1	0	0	0	0	0	1	0.3	0	0	1
D. Interlocutory appeals—(H)(1)(D)	0	0	0	0	0	0	0	0	0	0	0
E. Hearings on pretrial motions—(H)(1)(E)	93	0	0	0	0	0	93	25.1	0	0	93
F. Transfers from other districts (per FRCP rules 20, 21 & 40). (H)(1)(F)	0	0	0	0	0	0	0	0	0	0	0
G. Motion is actually under advisement. (H)(1)(G)	13	2	6	0	0	0	21	5.7	0	0	21
H. Misc. proceedings: probation or parole revocation, deportation, extradition. (H)(1)	0	0	0	0	0	0	0	0	0	0	0
I. Prosecution deferred by mutual agreement. (H)(2)	6	7	1	6	4	12	36	9.7	0	1	35
M. Unavailability (includes fugitive) of defendant or essential witness. (H)(3)(A)(B)	4	0	4	0	0	0	8	2.2	0	0	8
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)	0	0	4	2	7	0	13	3.5	0	0	13
T. Continuances granted in the ends of justice. (H)(8)	52	16	21	58	11	10	168	45.3	0	22	146
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)	8	0	0	0	0	0	8	2.2	8	0	0
TOTALS	182	30	40	74	23	22	371	100.0	13	27	331

*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.

Prepared by: Administrative Office of U.S. Courts

DISTRICT

SOUTH CAROLINA

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

PRETRIAL DETENTION

TABLE 3

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

CASES CLOSED DURING REPORT PERIOD

	A	% OF A
NUMBER OF DEFENDANTS	194	
TOTAL NO. OF DEFENDANTS DISPOSED OF DURING PERIOD OF REPORT		
DETAINEES	B 63	32.5
DEFENDANTS DETAINED AFTER INITIAL APPEARANCE BEFORE A JUDGE OR MAGISTRATE FOR PERIODS OF CUSTODY TIME NOT SUBJECT TO EXCLUSIONS PER 3161(h)		

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
23	14	25	0	0	1
36.5%	22.2 %	39.7 %	.0%	.0%	1.6%

*"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

SOUTH CAROLINA

REPORT PERIOD { ONE YEAR PERIOD
1 JAN 1979 THROUGH 31 DECEMBER 1979

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

CRIMINAL DISPOSITIONS

TABLE 4

A NUMBER OF DEFENDANTS DISPOSED OF
378

NOT CONVICTED						
	B	DISMISSED		ACQUITTED AT TRIAL		
% OF A	TOTAL NOT CONVICTED	% OF B	TOTAL NO. DISMISSED	% OF B	COURT	JURY
10.8	41	41.5	17	58.5	-	24

CONVICTED						
	C	CONVICTED by PLEA		CONVICTED at TRIAL		
% OF A	TOTAL CONVICTED	% OF C	PLEA of GUILTY or NOLO CON.	% OF C	COURT	JURY
89.2	337	83.4	281	16.6	4	52

TABLE 5, NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

January 1, 1979 - December 31, 1979

AGENCY	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
AGRICULTURE:									
Commodity Credit Corporation	1	2				1			2
Farmers Home Administration	4	10		1		2		6	5
Federal Crop Insurance Corp.	1					1			
Forest Service		1					1		
Marketing & Consumer Service	1	16				3		10	4
All other Agriculture	13	19				11		13	8
COMMERCE		2				2			
DEFENSE - Army		11					3	8	
HEALTH, EDUCATION AND WELFARE:									
Social Security Administration	2	3					2	3	
All other HEW		2						2	
SUBTOTALS	22	66		1		20	6	42	19

(a) Matters on hand at beginning of 1979
(b) Matters received or originated by U.S. Attorney during 1979
(c) Matters referred to other federal district
(d) Matters referred to State/Local authority
(e) Placed on pretrial diversion
(f) All other declinations
(g) Other dispositions
(h) New prosecutions initiated during 1979
(i) Matters on hand at end of 1979

TABLE 5, NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

January 1, 1979 - December 31, 1979

AGENCY	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
HOUSING AND URBAN DEVELOPMENT:									
Federal Housing Administration	1	5				2		2	2
All other HUD	1	4				5			
INTERIOR:									
Fish and Wildlife Service	6	46				1	18	6	27
National Park Service		28					27		1
JUSTICE:									
Drug Enforcement Administration	10	70				1		78	1
Federal Bureau of Investigation	240	350	3	5	3	167	32	210	170
All other Justice	8	59				9		56	2
LABOR	1					1			
POST OFFICE	40	128			9	12	15	92	40
SUBTOTALS	329	756	3	6	12	218	98	486	262

(a) Matters on hand at beginning of 1979
(b) Matters received or originated by U.S. Attorney during 1979
(c) Matters referred to other federal district
(d) Matters referred to State/Local authority
(e) Placed on pretrial diversion
(f) All other declinations
(g) Other dispositions
(h) New prosecutions initiated during 1979
(i) Matters on hand at end of 1979

TABLE 5, NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

January 1, 1979 - December 31, 1979

AGENCY	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
STATE	1							1	
TRANSPORTATION:									
Coast Guard		1					1		
Federal Highway Administration	1	1						2	
TREASURY:									
Customs	6	11				4	2	8	3
Internal Revenue Service:									
Income Tax Unit	9	40				8	1	35	5
Alcohol Tax Unit	2	34		1		4	1	21	9
Other IRS	4	14				1		10	7
Secret Service	29	80			4	7	8	76	14
INDEPENDENT AGENCIES:									
General Services Administration		2					2		
SUBTOTALS	381	939	3	7	16	242	113	639	300

(a) Matters on hand at beginning of 1979
(b) Matters received or originated by U.S. Attorney during 1979
(c) Matters referred to other federal district
(d) Matters referred to State/Local authority
(e) Placed on pretrial diversion
(f) All other declinations
(g) Other dispositions
(h) New prosecutions initiated during 1979
(i) Matters on hand at end of 1979

TABLE 5, NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

January 1, 1979 - December 31, 1979

AGENCY	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
INDEPENDENT AGENCIES, CONTINUED:									
Public Building Service	1						1		
Interstate Commerce Commission		1						1	
Railroad Retirement Board		1						1	
Securities and Exchange Comm.	3								3
Small Business Administration		1						1	
Veterans Administration	2	5				1			6
TOTALS	387	947	3	7	16	243	114	642	309

(a) Matters on hand at beginning of 1979
(b) Matters received or originated by U.S. Attorney during 1979
(c) Matters referred to other federal district
(d) Matters referred to State/Local authority
(e) Placed on pretrial diversion
(f) All other declinations
(g) Other dispositions
(h) New prosecutions initiated during 1979
(i) Matters on hand at end of 1979

DISTRICT

SOUTH CAROLINA

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

SPEEDY TRIAL DATA ANALYSIS 3167(b)(6)

STATUS OF CIVIL CALENDAR

TABLE 6

	NUMBER OF CIVIL CASES			PERCENTAGE INCREASE OR DECREASE
	PENDING AT START OF REPORT PERIOD	FILED DURING REPORT PERIOD	PENDING AT END OF REPORT PERIOD	
	(1)	(2)	(3)	(4)
1978	2,162	2,249	2,405	11.2
1979	2,405	2,590	2,706	12.5

	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	459	443	598	410	193	302
1979	500	582	640	346	231	407