

SPEEDY TRIAL

is the constitutional and statutory right of an individual to be brought before court within a “speedy” time or be released.



THE FEDERAL BILL OF RIGHTS

The Sixth and the 14th Amendments provide a federal right to speedy trial. The federal right, interpreted in *Barker v. Wingo*, does not specify a particular time frame, but instead relies on a four-factor test for determining if the constitutional right has been violated.



STATE CONSTITUTIONAL RIGHTS

Commonly mirroring the federal Sixth Amendment, states generally have adopted the *Barker v. Wingo* ruling to interpret their own constitutional rights.



STATUTORY RIGHTS

Nearly every state has enacted a statutory speedy trial law, so long as they meet the reasonable period threshold described by *Barker v. Wingo*. Flip card for more.

***Barker v. Wingo* Factors**

1. The length of the delay.
2. The reason for the delay.
3. Whether and when the defendant asserted his or her speedy trial right.
4. Whether the defendant was prejudiced by the delay.

Case Note

During times of delay and backlogs, states can minimize prejudice to the defendant—the fourth factor—by releasing appropriate individuals while they await trial.

STATUTORY RIGHTS TO SPEEDY TRIAL

Forty states and **Washington, D.C.**, have statutory rights to a speedy trial, which vary from reciting the constitutional right to specifying the exact days or months that can occur before trial. **North Dakota** and **Tennessee** both declare the right to a speedy trial, which is likely interpreted in the same manner as the constitutional right. **Delaware, Oregon** and **Washington, D.C.**, authorize the dismissal of charges in the event of “unnecessary delay” or failure to commence trial “within a reasonable time.” **Georgia, North Carolina, South Carolina,** and **West Virginia** express time limits by terms of court. For example, a defendant who demands trial must be tried “*at the second term of the court.*” The most common approach—enacted in **32 states**—provides for express time limits in terms of days or months before trial.

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