

Court Delay Charges Stir Debate

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Exactly what constitutes a delay in the passage of a criminal case through the judicial system has become the subject of debate in the city's legal community following the inmate rebellion at D.C. jail Wednesday.

One of the principal complaints made by inmates Wednesday was that they have been held in jail for unduly long periods while awaiting court action on their cases.

Officials of the city's Public Defender System say that, at least in Superior Court, there is no problem getting defendants speedy trials, but that there is a problem getting them released on bond.

But judges and prosecutors argue that not only are cases being handled expeditiously, but reasonable bonds are being set in those cases.

"There is no problem of granting speedy trials at this time in this court," said Superior Court Chief Judge Harold H. Greene in an interview yesterday. "There never really was a speedy trial problem here," he added.

"I don't think there is a criminal justice system in the country where anyone is tried as quickly as they are here," said Greene.

A person charged with a misdemeanor in Superior Court can expect to be tried

within one month of the time he is arraigned. A person charged with a felony, that is a crime carrying a jail term of a year or more, can expect to be tried within two months of his arraignment, according to Greene.

In some metropolitan areas, a person may wait as long as 32 months to be tried on a felony charge.

In U.S. District Court in the District, the median time from arraignment to sentencing in fiscal 1971 was 7.1 months, according to the administrative office of U.S. courts.

(In some ways, attempting to compare figures in District and Superior Court is much like comparing apples and oranges. One court keeps statistics in terms of medians (the midpoint of a group of figures), while the other uses averages; one figures time from arraignment to trial, while the other bases its statistics on the time from arraignment to sentencing.)

Despite the differences in bookkeeping, there is general agreement that the Superior Court is moving its case load at two to three times the pace set by the District Court.

James Davey, clerk of the District Court, attributes much of the time difference to the fact that the District Court presently has a backlog of 1,305 cases (cases presently going through the system), while Superior Court has a

backlog of only 400 cases.

The District Court judges acted yesterday to speed up the passage of cases through their court.

In an order that must be approved by the U.S. Court of Appeals, the judges ordered that defendants must be indicted within 45 days of their arrest, and must be tried within six months if they are free on bond, or three months if they are in jail because they are unable to post bond.

On the question of bond, Norman Lefstein, director of the Public Defender Service, said "there is no doubt that anyone who is detained on a money bond he can't make is being preventively detained.

"It's a very hypocritical system," charged Lefstein. "The very reason you set bond is to see to a defendant's release. To set it knowing he can't raise it is a charade."

At an emergency hearing before Chief Judge Greene Thursday, the Public Defender Service presented the cases of 10 inmates whom it described as having "pre-trial release problems."

The PDS attorneys came up with the cases after talking to some 50 inmates in the jail late Wednesday night and early Thursday.

Of the 10, five had been in jail less than a month, and two were first jailed in October.

Of the 10, Robert Seegers, has been in jail longest, awaiting trial since June 9. Seegers is the alleged 14th Street arsonist," and sources in the U.S. attorney's office said the delay in his case has been caused by the time needed to present a complicated conspiracy and arson case to the grand jury.

Four of the 10 are charged with murder, three are charged with armed robbery, one with arson, one with writing a bad check and one with unauthorized use of an auto. Their bonds range from \$50 to \$50,000.

Following the hearing, Judge Greene ordered that:

- Bond review motions be filed within 48 hours for all 10 men.

Bond review motions be filed on behalf of all other prisoners of the jail and women's detention center presently awaiting trial.

- The D.C. Bail Agency furnish the court with a bi-weekly report on the status of all jail and detention center prisoners who fall within the court's jurisdiction.

Greene stressed to the four inmates who appeared in court for the hearing that his order applied to all, and not just the rebellious inmates, and that the review of bonds would not mean a mass exodus from the jail.