

# Few Get Jury Trials For Misdemeanors

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Fewer than 1 per cent of the 5,346 defendants scheduled for jury trials in Superior Court on criminal misdemeanors actually went before a jury in a recent three-month period.

Statistics released last week by court executive Arnold M. Malech showed: Of 1,749 trials scheduled for September, 32 were held; or 2,134 set in August, 30 were held; of 1,465 set in July, 36 were held.

The figures indicate that conditions that existed in the old Court of General Sessions, which was replaced by Superior Court in a reorganization that went into effect Feb. 1, continue despite court reforms.

These include:

- The constitutional guarantee of the right to a jury trial is often used as a delaying tactic by defendants and their attorneys.

- The courts still are unable

to provide the jury trials the many who demand.

Police, doctors and witnesses are wasting money and time showing up for trials that seldom take place.

Here's what happened to the bulk of the cases in the three months surveyed:

- 2,143 cases (40 per cent)

were postponed to another month.

- 1,872 charges (35 per cent) were dropped, either by failure of the prosecution to take it to trial or by dismissal by judges for lack of prosecution.

- 958 defendants (18 per cent) changed their request for a jury trial, by either pleading guilty, forfeiting collateral of going to trial before a judge only.

- Of the 98 defendants who went to trial as scheduled, 28 were found guilty, 26 were found innocent, 39 got directed verdicts, and 5 cases were declared mistrials.

Court sources said the relatively small number of misdemeanor jury trials may be related to the number of cases now being tried as felonies as the result of court reorganization.

In the past, hundreds of charges were reduced from felonies to misdemeanors, because the Court of General

Sessions lacked authority to try felonies and the U.S. District Court was so overloaded that it could not take additional felony cases.

Superior Court is expected to show a 20 to 30 per cent drop in the number of misdemeanor defendants from last year's total of 15,000. The new court, which handles some felonies and will handle even more in the future, also is expected to have handled about 1,800 felonies by the end of this year.

The statistics cover two months, July and August, when many judges were on vacation, although court sources could not agree on how much that affected the totals. Those sources said the number of trials held in nonvacation months have been averaging between 60 and 100, but no figures were available to support that.

The number of trials being held appeared to be fewer than before court reorganization, even though the new court has 10 additional judges.

The total of 98 trials in three months averages less than one misdemeanor trial per month for each of the court's 37 judges. Those judges, however, also preside over Family Court (divorces and juvenile matters), Traffic Court, a civil division and felony trials.

Malech said his office has no reports for the months prior to July. He took over the new post of court executive on April 1.

Malech said information on judges' vacations is not made public, but he noted that "the criminal branch of the court is fully staffed during vacation periods, so judges' absences should not affect the number of jury trials."

"Lawyers take vacations as well as judges. In addition, witnesses and police are unavailable in those months because they are on vacation too," Malech said.

Malech said he "presumed"

that the number of trials held in October was more than in the previous three months. He said those figures would be released as part of a report being compiled by Chief Judge Harold H. Greene.

"The speed with which a defendant can get a jury trial in Washington is excellent," Malech added.

Persons charged with misdemeanors can now go to trial within three weeks of arraignment, he said, and the time for felony suspects is four to six weeks.

"Over the years in the District of Columbia, the number of cases entering the system and the number disposed of show that the total ended with a jury trial is substantially higher than in other jurisdictions."

Records showing the number of jury trials per month in misdemeanor cases at Superior Court have not been made public in the past.

Judge Greene was asked to comment on the figures released by Malech. At first he said he doubted the figures were accurate. Later he said they were meaningless without explanation, but he declined to provide an explanation.

Judge Greene said he would release a comprehensive report on court operations this week.

In his year-end report last year, Judge Greene reported that the number of criminal defendants given jury trials in the Court of General Sessions from Jan. 1, 1970, through Jan. 31, 1971, was 937. He listed the number of requests for jury trials in the 13-month period as 19,859.

That averages to 72 trials a month, or just less than 5 per cent of those sought. Greene did not provide a monthly breakdown, nor did he list how many cases were dismissed, postponed or withdrawn.

The chief judge, however,

praised the court for conducting "more than 10 times as many jury trials as the comparable misdemeanor court in Detroit."

He also said that, "While the relative number of trials is not conclusive evidence of the quality of a court's operations, it does tend to indicate . . . whether pressures and inducements are avoided as an integral part of the system; and whether fair and proper procedures are generally expected by the participants and followed by the courts."

	July	Aug.	Sept.
Jury Trials	36	30	32
Postponed	644	599	900
Dropped by prosecutor	259	217	266
Dismissed by judge	150	860	110
Defendant failed to show	90	94	77
Forfeited collateral	5		5
Plead guilty	203	233	254
Tried before judge	72	81	105
Unaccounted	6		
Total	1,465	2,134	1,749