

1 case goes outside 175 days, the case law is clear that  
2 that constitutes a speedy trial.

3 So it -- our position is, obviously, there has been  
4 a waiver because the case has not been -- this is the  
5 first time, I believe, the case has been set for trial.  
6 And it has been set for trial for the week of February  
7 the 19th. That is -- no. I, I misspoke. I think it was  
8 set for trial in --

9 THE COURT: We had it set for trial --

10 MR. HUTCHINS: -- January.

11 THE COURT: -- at one other time.

12 MR. HUTCHINS: We had it set for trial in January.  
13 Again -- but that's going to be outside the time that --  
14 that's going to be outside of speedy. So, you know,  
15 obviously, our position is there has been a waiver of  
16 speedy, and the Court should treat this like a demand for  
17 speedy. We're -- obviously, we're looking at a 45-day  
18 time period. And that's, that's our position.

19 THE COURT: All right. Mr. Sheffield.

20 MR. SHEFFIELD: Judge, we're ready. We can try it  
21 next week. The reason this case got pushed at all is  
22 because of actions by the State. We, we had a tremendous  
23 amount of problem taking the deposition of the detective  
24 in this case, because I subpoenaed the witnesses. And  
25 first thing that I get is, is a call from the Assistant

1 United States Attorney in Arlington, Virginia telling me  
2 that the witnesses are not going to show up, because they  
3 were all sworn in as special agents with the, the  
4 Sheriff's -- the Marshals Department. So they, they  
5 would not show.

6 We set it up for another day and I, I finally got  
7 clearance from Arlington that they would let them show.  
8 They didn't show. We set it up for another day, and, and  
9 we -- ended up that the detective that's the main witness  
10 in this case was going to be up for the Chmielewski trial  
11 in front of Judge Walker, over in federal court. And she  
12 didn't show. And so I didn't get my -- I set -- my  
13 deposition, again, it didn't occur. I set it again and,  
14 and, finally, I had to end up going to Judge Walker over  
15 in the -- in US District Court in the Northern District  
16 and get him to enter an order directing this witness to  
17 show up for deposition.

18 None of that is our fault. We were ready to go.  
19 All we needed was one deposition. So the fact that this  
20 case got pushed is squarely on the feet of the State. We  
21 have never waived speedy trial. We've been pushing this  
22 case to get it to trial as quickly as we possibly can.

23 And I'm sitting here right to now -- if you recall,  
24 the last time we had case management, a whole group of my  
25 people from FDLE showed up and say, oh, Judge, we have