

DOCKET NO. CR11-0128328-S	:	SUPERIOR COURT
	:	
STATE OF CONNECTCUT	:	G.A. # 20
	:	
v.	:	AT NORWALK
	:	
DOUDEL, DUANE	:	JUNE 29, 2012

MOTION FOR SPEEDY TRIAL

Pursuant to Connecticut General Statutes § 54-82m and Connecticut Practice Book § 43-41, Defendant Duane Doudel hereby moves for a speedy trial for the reasons set forth below.

Mr. Doudel was arrested on February 16, 2011 in Norwalk on a charge of Threatening. Through counsel, Defendant entered a plea of not guilty.

A hearing was held on May 20, 2011 before Judge Hudock, at which time the undersigned moved to suspend further appearances in the present case and have the case put immediately on the jury trial list, which Motion was denied. On July 5, 2011, a substitute information was issued for Harassment. Defendant again entered a plea of not guilty.

C.G.S. § 54-82m provides that for a defendant who has pleaded not guilty, a criminal trial shall commence within 12 months of the date on which he was arrested or the date of the indictment or information, whichever is later. In the case that a trial is not commenced within 30 days of the defendant’s motion for a speedy trial following the conclusion of the 12-month period, the charge, indictment, or information shall be dismissed.

The 12-month period commenced when the information was filed charging Defendant with Threatening. See State of Connecticut v. James A. McCahill, 265 Conn. 437 (Conn. 2003). Defendant concedes that the span of two months and 26 days between February 24 and May 20, 2011 is time excludable from the 12-month period under Practice Book § 43-40(f), in that an

application for accelerated rehabilitation was pending at that time. Furthermore, pursuant to Practice Book § 43-40(e), a period of 30 days is excludable during which time the Hon. Judge Maureen Dennis took Defendant's Motion to Vacate a temporary order issued on May 20, 2012 under advisement. Excluding all possible excludable periods, 12 months and 11 days have elapsed without trial.

Moreover, Defendant has already attempted to have his case expedited through a May 7, 2012 request by the undersigned for a prompt hearing on an evidentiary question, which was denied. Defendant was advised that his case would not be heard again before September, over four months beyond the date of the request and over eighteen months beyond his first court appearance in this matter.¹

WHEREFORE, Defendant respectfully requests that a jury trial be commenced in this matter within 30 days of the date of this motion, or July 29, 2012.

DEFENDANT
DUANE DOUDEL

BY: _____
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¹ Excerpt from 5/7/2012 Transcript of Hearing before the Honorable Bruce Hudock:
"THE COURT: I am suggesting a date in September only because we have a shortage of Judges during the next – actually, during most of July and August and part of June.
ATTY BAIRD: We are asking that the motion be heard as soon as possible –
THE COURT: Well, September it'll be.
ATTY BAIRD: -- and certainly not wait till September.
THE COURT: September."

ORDER

The foregoing motion having been duly heard, it is hereby, **GRANTED/DENIED**.

BY THE COURT

Judge/Clerk of the Superior Court

CERTIFICATION

Pursuant to Practice Book § 10-14, I hereby certify that a copy of the foregoing motion above was sent via facsimile and First-Class mail on June 29, 2012, to the following counsel of record:

Office of the State's Attorney
17 Belden Ave
Norwalk CT 06850-3303

Rachel M. Baird
Commissioner of the Superior Court