

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 :
 v. :
 :
 :
EUGENE WADDY :

CRIMINAL NO. 00-66-1

MEMORANDUM ORDER

Presently before the court is defendant Waddy's Motion for Continuance of Trial. This case was scheduled for trial on April 3, 2000. On March 31, 2000, the court granted this defendant's request for a continuance and rescheduled the trial for May 3, 2000. Counsel was specially listed for trial at that time.

Defense counsel is now asking for yet another continuance of 30 to 45 days. The instant motion was telefaxed to the court at 2:50 p.m. on May 2, 2000. This case involves multiple defendants and attorneys, and has been specially listed for over a month. A jury panel has been ordered and witnesses have been summoned.

To further continue this case at the last minute would seriously disrupt the schedule of the court and that of the various other participants in the case. Counsel has not demonstrated why with the exercise of due diligence he could not be adequately prepared to try this case as scheduled.

Mr. Waddy, who has been detained pending trial, and the public have an interest in the prompt resolution of this case. The Motion recites that "defendant through counsel respectfully waives his Speedy Trial rights." A defendant cannot waive a Speedy Trial Act deadline. See U.S. v. Dickie, 775 F.2d 607, 610 (5th Cir. 1985) (defendant's willingness to waive speedy trial right does not remove consideration of "prompt administration of justice"); U.S. v. Cringle, 751 F.2d 419, 433-34 (1st Cir. 1984) (any waiver by defendant of speedy trial right "was inoperative" as "the statute imposes on the court the obligation to reject it" in view of Congressional determination that "delay is not in the public interest"); U.S. v. Carrasquillo, 667 F.2d 382, 389-90 & n.3 (3d Cir. 1981) (defendant's willingness to waive Speedy Trial Act rights does not justify continuance of trial beyond statutory deadline in view of important public interest in speedy trials).

The court cannot conscientiously find that a further delay in this case would serve the ends of justice.

ACCORDINGLY, this day of May, 2000, **IT IS**
HEREBY ORDERED that defendant Waddy's Motion for a Continuance is
DENIED.

BY THE COURT:

JAY C. WALDMAN, J.