

Rule 600: Ensuring the Speedy Trial Guarantee Has Bite



Notes

- ¹ *Commonwealth v. Mills*, 162 A.3d 323 (Pa. 2017).
- ² U.S. CONST. AMEND. VI; PA. CONST. art. 1, § 9.
- ³ *Commonwealth v. DeBlase*, 665 A.2d 427, 431 (Pa. 1995).
- ⁴ *Barker v. Wingo*, 407 U.S. 514, 530 (1972) (articulating the constitutional test); *Commonwealth v. Preston*, 904 A.2d 1, 10 (Pa. Super. Ct. 2006) (the *Barker* test is an entirely separate analysis from Rule 600 and therefore needs to be raised separately).
- ⁵ Pa.R.Crim.P. Rule 600(2)(a); see also *Commonwealth v. Kears*, 890 A.2d 388, 395 (Pa. Super. Ct. 2005) (no “prejudice” need be shown to obtain Rule 600 dismissal). While Rule 600 has a more definitive time period, the sole focus of Rule 600 is on the action of the Commonwealth. Thus, a constitutional argument should be forwarded when a delay prejudices a defendant and that delay was primarily caused by the courts.
- ⁶ Pa.R.Crim.P. Rule 600(D)(1).
- ⁷ All prior case law continues in effect to the extent that it is consistent with the new wording of the Rule. *Commonwealth v. Mills*, 162 A.3d 323 (Pa. 2017) is the only Pennsylvania Supreme Court case which has addressed the amendment.
- ⁸ Pa.R.Crim.P. Rule 600(C)(1).
- ⁹ See Prior Pa.R.Crim.P. 600(C)(1)-(3). Even though the Rule stated this, Court decisions prior to the 2013 amendments held that defense continuances occasioned by the Commonwealth’s lack of diligence should be held against the Commonwealth. See, e.g., *Commonwealth v. Stille*, 689 A.2d 242, 249 (Pa. Super. Ct. 1997) (if the Commonwealth hands over discovery at the last minute and the defendant needs a continuance to review that discovery, the time runs against the Commonwealth).
- ¹⁰ Pa.R.Crim.P. 600(C)(3)(a)(ii).
- ¹¹ *Commonwealth v. Mills*, 162 A.3d 323 (Pa. 2017).
- ¹² *Id.*
- ¹³ *Id.*
- ¹⁴ See, e.g., *Commonwealth v. Hunt*, 858 A.2d 1234, 1241 (Pa. Super. Ct. 2004).
- ¹⁵ Even though the Commonwealth bears the burden of proof regarding its own diligence, the Superior Court has been known to point out the failure of defense counsel to object to continuances being placed on the defendant. See, e.g., *Commonwealth v. Andrews*, 213 A.3d 1004 (Pa. Super. Ct. 2019) (time excludable because at the time the continuance was requested, the defense attorney did not object to the time being placed on his client).
- ¹⁶ *Commonwealth v. Selenski*, 994 A.2d 1083, 1089 (Pa. 2010).
- ¹⁷ *Commonwealth v. Kears*, 890 A.2d 388, 393 (Pa. Super. Ct. 2005).
- ¹⁸ *Commonwealth v. Bradford*, 46 A.3d 693, 703 (Pa. 2012).
- ¹⁹ *Commonwealth v. Mitchell*, 372 A.2d 826, 829 (Pa. 1977).
- ²⁰ *Commonwealth v. Carter*, 204 A.3d 945, 949 (Pa. Super. Ct. 2019).
- ²¹ *Commonwealth v. Thompson*, 93 A.3d 478, 488 (Pa. Super. Ct. 2014).
- ²² See, e.g., *Commonwealth v. Stille*, 689 A.2d 242, 249 (Pa. Super. Ct. 1997) (citing *Commonwealth v. Edwards*, 595 A.2d 52 (Pa. 1991)); see also *Commonwealth v. Taylor*, 598 A.2d 1000, 1002 (Pa. Super. Ct. 1991).
- ²³ *Commonwealth v. Smith*, 383 A.2d 1280, 1282 (Pa. 1978).
- ²⁴ *Commonwealth v. Mills*, 162 A.3d 323, 326 (Pa. 2017) (Wecht, J. concurring); see also *Commonwealth v. Brown*, 875 A.2d 1128, 1134 (Pa. Super. Ct. 2005) (“A defendant has no duty to object when his trial is scheduled beyond the Rule 600 time period so long as he does not indicate that he approves of or accepts the delay.”); see also, *Commonwealth v. Johnson*, 852 A.2d 315, 317 (Pa. Super. Ct. 2004).
- ²⁵ *Commonwealth v. Hunt*, 858 A.2d 1234, 1241 (Pa. Super. Ct. 2004).
- ²⁶ See, e.g., *Commonwealth v. Hawk*, 597 A.2d 1141, 1145 (Pa. 1991).
- ²⁷ See, e.g., *Commonwealth v. Colon*, 87 A.3d 352, 359 (Pa. Super. Ct. 2014).
- ²⁸ *Commonwealth v. Johnson*, 852 A.2d 315, 318 (Pa. Super. Ct. 2004).
- ²⁹ *Id.*
- ³⁰ *Commonwealth v. Brown*, 875 A.2d 1128, 1135 (Pa. Super. Ct. 2005) (provides a good discussion of what constitutes a valid waiver of Rule 600).
- ³¹ Pa.R.Crim.P. Rule 600(D); see also *Commonwealth v. Brock*, 61 A.3d 1015, 1020 (Pa. 2013).