

**FILED**

United States Court of Appeals  
Tenth Circuit

DEC 14 1972

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA  
PLAN FOR ACHIEVING  
PROMPT DISPOSITION OF CRIMINAL CASES

HOWARD K. PHILLIPS  
Clerk

Pursuant to the requirement of Rule 50(b) of the Federal Rules of Criminal Procedure (which became effective October 1, 1972) the Judges of the United States District Court for the Northern District of Oklahoma have adopted the following Plan to minimize undue delay and to further the prompt disposition of criminal cases:

1. Priorities in Scheduling Criminal Cases.

(a) Preference shall be given to criminal proceedings as far as practicable as required by Rule 50(a) of the Federal Rules of Criminal Procedure.

(b) The trial of defendants in custody and defendants whose pre-trial liberty is reasonably believed to present unusual risks should be given preference over other criminal cases.

(c) Individual calendars shall be managed so that it will be reasonably anticipated that every criminal case set for trial will be reached during the jury or non-jury docket of original setting.

2. Time Requirements.

Subject to the provision of Section 4 hereof, the Judges of this Court will observe the following time limits, which are deemed to be maximum time limits:

(a) Arraignments. If a defendant is prosecuted on an information or an indictment, he shall be arraigned and enter a plea within 20 days if in custody, or within 30 days if not in custody, calculated from the date of the filing of the information or the return of the indictment.

(b) Trial. The trial shall commence within 90 days after a plea of not guilty if the defendant is held in custody; or, within 180 days if he is not in custody.

(c) Sentencing. A defendant shall ordinarily be sentenced within 60 days of the date of his conviction or plea of guilty or nolo contendere.

(d) Where a defendant is apprehended outside of this District, the times set out above in this Section 2 shall begin to run when the defendant is returned to this District.

(e) These time requirements shall not apply to fugitives until they have been apprehended and returned to this District.

### 3. Retrials.

Where a mistrial has been declared or a new trial has been ordered by the District Court or a trial or new trial has been ordered by an Appellate Court, such trial shall commence at the earliest practicable time, but in any event not later than 120 days after the finality of any such order unless extended for good cause.

### 4. Extension of Time Limits.

Any period of time prescribed by this Plan may be extended by the Court. Any extension Order entered in a case shall set forth the reason(s) therefor.

### 5. Effect of Noncompliance with Time Limits.

Upon the expiration of a time limit, as prescribed by or extended under this Plan, a defendant who is in custody shall on application be subject to release from custody unless the Court finds that the defendant is responsible for the failure to comply with the time limits or that other valid reason accounts for the delay. Subject to the provisions of 18 U.S.C. § 3146, if the Court finds that a defendant who is not in custody is responsible for failure to comply with the time limits, such defendant may have his release revoked unless there is good cause shown for the failure to comply. Subject to the power of the Court to dismiss a case for unnecessary delay, the failure to conform with the time limits herein prescribed shall not require the dismissal of the prosecution.

6. Review of Defendants in Custody and Delinquent Cases.

The United States Attorney shall within 5 days after the close of the reporting period furnish each Judge of the Court with a copy of the biweekly DJ-130 report of persons in custody, on which shall be indicated the Judge to whose Court such person has been assigned.

7. Effective Date of Plan.

This Plan shall become effective upon approval of the Reviewing Panel designated in accordance with F.R.Cr.P. 50(b).

Dated this 15th day of November, 1972.

Cecilia E. Barrow  
Chief United States District Judge

Luther Robinson  
United States District Judge

Irene Daugherty  
United States District Judge

United States Court of Appeals

Tenth Circuit

United States Courthouse

Denver, Colorado 80202

December 14, 1972

Emory G. Hatcher  
Circuit Executive

RECEIVED

DEC 18 1972

ALLEN E. BARROW  
U. S. DISTRICT JUDGE

Hon. Allen E. Barrow  
Chief Judge  
United States District Court  
Northern District of Oklahoma  
Tulsa, Oklahoma 74103

Dear Judge Barrow:

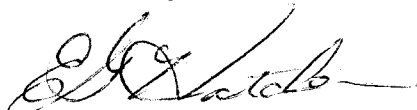
The Judicial Council for the Tenth Circuit has reviewed the Plan submitted by your district for Achieving Prompt Disposition of Criminal Cases pursuant to Rule 50(b) of the Federal Rules of Criminal Procedure.

The Plan was approved by the Council as submitted. Therefore, an appearance by you or your designate will not be necessary.

Enclosed please find a copy of the Plan showing Council approval this date.

With kind regards,

Sincerely,

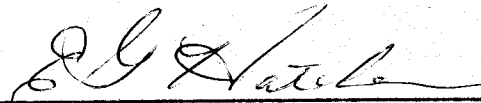


Emory G. Hatcher  
Circuit Executive

EGH:gi  
Enclosure

APPROVAL BY JUDICIAL COUNCIL

The attached Plan for Achieving Prompt Disposition of Criminal Cases submitted by the United States District Court, Northern District of Oklahoma was approved, without modification, by the reviewing panel designated in accordance with Federal Rules of Criminal Procedure 50(b) on the 14th day of December 1972.



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Emory G. Hatcher  
Circuit Executive  
Tenth Circuit