

## **AN OPEN LETTER TO CHIEF JUSTICE RABNER**

Honorable Chief Justice:

Help! Our Criminal Justice System is in crisis mode and I do not see a way out. Our detained defendants are well approaching, and some even well surpassed the intended two year maximum period of time in which they were promised would be the maximum period of incarceration without a conviction. Afterall, they are presumed innocent and some even in fact innocent. We all understand that no one anticipated covid when the Bail Reform Act was implemented, but it is here now and looks like to stay for a long time. We are in desperate need of a revamping of the Act to account for the current times we find ourselves in.

I was thrilled when word came that we were starting trials again, only to have reality deflate my enthusiasm. It was soon learned that some vicinages are only trying one trial at a time due to covid protocol. Recently I learned that the vicinages where I practice are refusing to give a trial date in multiple defendant cases due to the same protocols as well. It's bad enough that my single defendant cases have to wait in this very long line to get their day in court, but my multiple defendant cases can't even get in line at all!

We cannot operate under an archaic law that actually penalizes a defendant who files a motion to be released because he has been locked up too long by granting the State excludable time resulting in his being locked up longer! We then tell him he has the right to appeal, but forget to tell him that it will similarly put him to the back of the line.

We need a remedy, and we need one fast. They can include release on Electronic Monitoring for all who are jailed passed 2 years, revamping the jury boxes with Plexiglass between the seats like they did in federal court so more than one trial can take place at a time, and relaxing the court rule requiring the State to consent to inviting the judge into plea discussions.

I have never felt more helpless in my entire career as a defense attorney. We cannot keep these defendants detained indefinitely. While there were many omnibus orders tolling time, there has not been one issued equitably balancing this loss of time in the past and in the foreseeable future. Myself and my colleagues humbly turn to you for this desperately needed guidance.

Respectfully,

Robin Lord