

CAUSE NO. F1648478

THE STATE OF TEXAS	§	IN THE 363rd DISTRICT COURT
	§	
V.	§	OF
	§	
CANDICE R. BRODY	§	DALLAS COUNTY, TEXAS

DEFENDANT'S SECOND CONSTITUTIONAL AND STATUTORY MOTION FOR SPEEDY TRIAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above entitled and numbered cause, by and through her attorney of record, G. Don Haslam, Jr., and requests this Honorable Court to afford the Defendant her constitutional and statutory rights to an immediate and speedy trial; and in support thereof would show the Court as follows:

I.

This action commenced on March 11, 2016 with the arraignment of Defendant in this cause. The undersigned was appointed March 21, 2016. To the knowledge of the undersigned, an indictment has been neither presented nor returned.

II.

Defendant's first motion for speedy trial was filed herein June 30, 2017, at which point in excess of fifteen [15] months had passed from the commencement of this action to the date of the filing of that motion. That motion generated no movement in this cause whatsoever – no communication from the State, no setting, no pleadings. This second motion for speedy trial is filed some ten [weeks] later in effort to insure Defendant's statutory and constitutional rights as aforesaid. Neither the Defendant nor defense counsel has committed any act or omission contributing to this delay.

III.

Counsel has made repeated requests of the State for information about the case status. The case has been passed around among several prosecutors. While discovery was posted to the portal on July 22, 2016, there has been no movement in this case whatsoever in any regard since. Various efforts by Counsel to glean movement and information have failed. At no time has the Defendant moved for continuance.

IV.

At no time during the pendency of this case has the case been set for announcement, much less gone to trial. Each time the case has been delayed, it has been delayed through the actions and inactions of the prosecuting attorney and the courts.

V.

The above described delay is prejudicial to the Defendant in that since the commencement of this action the Defendant has suffered much anxiety and concern regarding the outcome of the trial herein. Further, due to delay caused by the State, the Defendant suffers concerns about spoliation of exculpatory evidence, the loss of exculpatory witnesses, etc.

VI.

Therefore, the Defendant's right to a speedy trial, as guaranteed by the Sixth Amendment of the *United States Constitution*; Art. I, Sec. 10 of the *Texas Constitution*; and Art. 1.05 of the *Texas Code of Criminal Procedure* has been denied and the Defendant is entitled to an immediate and speedy trial in the above entitled and numbered cause.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Honorable Court will grant this, the *Defendant's Second Constitutional and Statutory Motion for Speedy Trial* in all things; or in the alternative, that this Court schedule this matter for a hearing prior to trial on the merits and that at such hearing this Motion will be in all things granted.

Respectfully submitted,

/s/ Don Haslam
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Counsel for Defendant

FIAT

IT IS HEREBY ORDERED that the above Motion be heard on the 2 day of November, 2017 at 8:30 o'clock A.m.

CERTIFICATE OF SERVICE

The undersigned certifies that on October 23, 2017 a true and exact copy of the foregoing *DEFENDANT'S SECOND CONSTITUTIONAL AND STATUTORY MOTION FOR SPEEDY TRIAL* with Fiat entered by the Hon. Brandon Birmingham on October 19, 2017, was delivered to the office of the Dallas County District Attorney via the service tool in e-File Texas..

/s/ Don Haslam

G. Donald Haslam, Jr.