

CAUSE NO. F-18-59780

THE STATE OF TEXAS § IN THE CDC 6
 §
V. § OF
 §
KEILA SORTO § DALLAS COUNTY, TEXAS

**MOTION TO DISMISS FOR DENIAL OF
CONSTITUTIONAL RIGHT TO SPEEDY TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above entitled and numbered cause, by and through his attorney of record, G. Donald Haslam, Jr., and requests this Honorable Court to dismiss the instant cause because of a denial of the Defendant’s constitutional right to a speedy trial; and in support thereof would show the Court as follows:

I.

This action commenced on December 8, 2018 with Defendant’s arrest. The undersigned was appointed December 10, 2018. Indictment was returned June 11, 2019.

II.

Defendant’s *first* motion for speedy trial is filemarked herein February 18, 2019. That motion generated no movement in this cause whatsoever – no communication from the State, no setting, no pleadings. Defendant presented a proposed order to this court for entry on this motion. The motion has been neither granted nor denied.

Defendant’s *second* motion for speedy trial is filemarked December 12, 2019, twelve [12] months after her right to speedy trial attached. The trial court denied this second speedy trial demand by written order entered January 22, 2020 after a hearing on the record.

This *motion to dismiss* for denial of speedy trial is filed some *fourteen [14] months after her second demand for speedy trial* and *twenty-six [26] months after the commencement of this*

action. Neither the Defendant nor defense counsel has committed any act or omission contributing to this delay. She's not moved to continue. She's not absconded. She's not been charged with jaywalking or any other violation of the terms of her bond. She has scrupulously attended to the conditions of her bond. She has held up her end of the deal.

The current state of the litigation is illustrative of the State's indolent prosecution. On September 1, 2020, the Court ordered briefs from both parties by Monday, September 28, 2020 on the Defendant's challenge of the integrity of the drug lab testing. On September 24, 2020, the State requested an extension so to have the statutory Art. 28.01 six days-notice of the defense's brief. The Court accommodated the State and passed the hearing on the Defendant's underlying motion thirty [30] more days solely to afford the State its 28.01 rights; *that is, October 27, 2020.* On October 19 and October 20, Defendant filed the Court-ordered briefing; *that is, eight [8] and seven [7] days, respectively, ante the extended hearing date of October 27, 2020.* Since then, *the State has wholly failed to submit briefing as ordered by this Court.* Ms. Sorto's motion has lingered now for the better part of a year - forget that the case has lingered for over two years since her speedy trial rights attached at arrest - because the State has failed to respond to the motion or dignify the Court's order to brief its objection.

III.

At no time during the pendency of this case has the case 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.

IV.

The above-described delay is prejudicial to the Defendant in that since the commencement of this action the Defendant has suffered much anxiety, hardship and concern regarding his

freedom pending trial, not to mention the outcome of the trial herein. She labors under the heightened scrutiny of a local criminal justice system beset by a pandemic-infested jail and suspension of certain statutory remedies by executive order: the prospect of a bond violation is chilling and consequential. As a new job-seeker, the stigma of this already-weak prosecution threatens her ability to start a life with reputable employers. She lives under the uncertainty of when the dormant menace of prosecution will again disrupt her life, leaving this 18 -year-old young woman in a two-year-plus state of chronic anxiety and concern.

V.

Therefore, Defendant's right to a speedy trial, as guaranteed by the Sixth Amendment of the *United States Constitution*; and Art. I, Sec. 10 of the *Texas Constitution* has been denied and the Defendant is entitled to a dismissal with prejudice in the above entitled and numbered cause under Art. 27.03 of the *Texas Code of Criminal Procedure*.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Honorable Court will grant this, the *Defendant's Motion to Dismiss for Denial of Constitutional Right to 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/ G. Donald Haslam, Jr.
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CERTIFICATE OF SERVICE

The undersigned certifies that on February 15, 2021 a true and exact copy of the foregoing was delivered to the office of the Dallas County District Attorney.

/s/ G. Donald Haslam, Jr.

G. Donald Haslam, Jr.