STATE OF WISCONSIN

IN SUPREME COURT

Case No. 2023AP002414 – CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

CORDERO COLEMAN,

Defendant-Appellant-Petitioner.

PETITION FOR REVIEW

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ISSUES PRESENTED

1. Whether the 717 days of pre-trial delay caused by a COVID-19 shut down halting jury trials and, subsequently creating a backlog should be weighed heavily against the State when determining the defendant's constitutional right to a speedy trial was violated.

2. Whether the death of a key witness during such a significant delay should be deemed as more than just "minimal[ly]" prejudicial.

CRITERIA FOR REVIEW

This case involves a real and significant question of federal and state constitutional law that is also novel with clear statewide impact. *See* Wis. Stat. §§ 809.62(1r)(a) and (c)2. Both the federal and state constitution guarantee the right to a speedy trial. *State v. Urdahl*, 2005 WI App 191, ¶11, 286 Wis. 2d 476, 704 N.W.2d 324; *Klopfer v. State of N.C.*, 386 U.S. 213, 223 (1967). The court of appeals decision in this case is recommended for publication and will be the first published decision addressing an individual's constitutional right to a speedy trial in the context of the jury trial delays caused by the COVID-19 shutdowns.

Speedy trial claims implicate interests far beyond the protections afforded to the accused: "While it is important from a defendant's point of view that he

be tried promptly so that his future status is put to rest," the paramount interest is society's concern that all criminal cases be disposed of speedily." *See State v. Hadley*, 66 Wis. 2d 350, 365, 225 N.W.2d 461 (1975). The societal interests that justify enforcement of speedy trial rights thus dovetail, at times, with those of defendants-even though dismissal with prejudice can be a tough pill for society to swallow. As this Court put it, a "speedy trial is a constitutional right, guaranteed to the public as well as to a defendant, which the courts have the ultimate obligation to re-affirm whenever the necessity becomes apparent." *Id.* at 367. Therefore, this Court can and should weigh in on how and when COVID-19 delays to jury trials should be considered in the *Barker*[1] speedy trial analysis.

STATEMENT OF FACTS

After waiting nearly three years to have his jury trial, Mr. Coleman was forced to present a defense without a key witness—his mother who had passed away during this time. The most significant part of this delay was the result of the COVID-19 pandemic shutdowns. For 717 days, Mr. Coleman's trial was halted by a statewide initiative to prevent in-person court hearings and, subsequently, rescheduled as a result of the circuit court's backlog of jury trials. Although Mr. Coleman was lucky enough to spend those 717 days out of custody, his mother passed about

[1] *Barker v. Wingo*, 407 U.S. 514, 533 (1972).

five months before the trial causing him significant stress and hindering his defense.

On June 14, 2019, the state charged Mr. Coleman with repeated sexual assault of a child, MAJ. (1:1). In the first nine months after being charged, the proceedings were delayed and jury trial dates rescheduled due to Mr. Coleman waiting for a public defender, conflicts with the court's calendar, and state's witness unavailability. These delays, totaling approximately 312 days since Mr. Coleman's arrest, pushed Mr. Coleman's case into the unprecedented era of COVID-19 delays and the temporary suspension of jury trials. (17; 30; 38; 173; 174).

After July 2023, not a single substantive hearing took place in Mr. Coleman's case until March 8, 2021. (134; 139). At that March hearing, the court determined that Mr. Coleman no longer needed pretrial GPS tracking through the county jail in light of his compliance over the nearly two years since being charged. (139:12). Thereafter, not a single on-the-record hearing occurred in Mr. Coleman's case for almost a year after that hearing. (139; 136). Nearly three years after the charges were originally filed, Mr. Coleman went to trial on February 7-9, 2022.

At trial, MAJ's father testified that MAJ lived with him in a one-bedroom apartment in the same complex where Mr. Coleman lived in a one-bedroom apartment with his mother, Brenda Tompkins. (137:98-99; 138:77). MAJ testified that Mr. Coleman

had assaulted her on possibly four occasions in either of these two apartments because Ms. Tompkins was her regular babysitter. (137:222-230). The remainder of the state's case generally consisted of MAJ's family, friends, and law enforcement who testified that MAJ reported the incidents in June of 2019. (137; 138; 70).

In explaining the case to the jury, the state was unclear about how many incidents happened and where they took place. They argued that one assault took place at MAJ's apartment and one assault took place at Ms. Tompkins' apartment. But, given MAJ's vague testimony, the state merely referenced two incidents but did not present the jury with a theory as to where or when any other incidents may have happened. (13:305-307).

In the middle of trial, defense counsel objected on the basis that Mr. Coleman was unfairly prejudiced by the passing of his mother, Ms. Tompkins, making her unavailable to testify for the defense. (136:110-11; 138:168-171, 235). The defense wished to present Ms. Tompkins as a witness to explain, as she stated to the police, that she never witnessed any assault despite always being present with MAJ when MAJ was in her care. (136:84-85, 110-111). In lieu of her testimony, the Mr. Coleman and Mr. Coleman's brother testified that Ms. Tompkins was in very poor health during this time, nearly bedridden, and would only leave the apartment for occasional dialysis treatments. (138:196-197, 264).

At the close of the state's case, defense counsel objected again to make a record about Dane County choosing to extended the shutdown of jury trials beyond the statewide order and that those delays had violated Mr. Coleman's speedy trial rights and prejudiced Mr. Coleman's case due to Ms. Tompkins passing. (138:157, 169-170). The state argued that it should not be held against them because defense counsel did not object to any adjournments. (138:182). Ultimately, the circuit court ruled that Mr. Coleman could not bring up Ms. Tompkins' unavailability in closing or comment on the shutdowns in front of the jury. (138:176-184).

The jury found Mr. Coleman guilty, and the circuit court sentenced him to 32 years, consisting of 25 years of initial confinement and 7 years of extended supervision. (138:364; 128:17; 122:1). In postconviction proceedings, Mr. Coleman asked the court to reverse his conviction and have the case dismissed with prejudice. In particular, Mr. Coleman argued that his constitutional right to a speedy trial was violated by the three-year delay between charging and his jury trial. (153:3-11). Alternatively, Mr. Coleman argued that his trial counsel was ineffective for failing to assert Mr. Coleman's speedy trial rights earlier in the case. (153:11-13).

At the evidentiary hearing, trial counsel made it clear that he had never contemplated or discussed raising Mr. Coleman's speedy trial rights. (166:33). Mr. Coleman also stated that the wanted to go to trial as soon as possible and that had trial counsel

discussed that right with him, Mr. Coleman would have pursued it. (166:36-37). The circuit court denied Mr. Coleman's postconviction motion holding that Mr. Coleman was not deprived of his constitutional right to a speedy trial. (179:12). The circuit court also held that trial counsel was not ineffective because it would have denied a motion for dismissal with prejudice had trial counsel filed such a motion in the case. (179:14).

On appeal, Mr. Coleman argued that the three-year delay between charging and jury trial resulting in the death of his mother, a key witness, deprived Mr. Coleman of his right to a speedy trial. (Brief-in-Chief: 6). He also argued that trial counsel's failure to assert his speedy trial right or act on such a right earlier in the case was ineffective. (Brief-in-Chief: 6).

The court of appeals affirmed holding that Mr. Coleman's right to a speedy trial was not violated, and that his trial counsel was not ineffective for failing to invoke such right. *State v. Coleman*, No. 23AP2414-CR, unpublished slip. op., (Wis. Ct. App. Dec. 27, 2024). The court of appeals recognized that the total time elapsed—nearly 32 months between Mr. Coleman's arrest and his jury trial—is presumptively prejudicial and overcomes the initial *Barker* threshold. *Coleman*, No. 23AP2414, 11-12. However, the court of appeals explained that the reasons for significant portions of the delay, including the 717 days of COVID-19 shutdown delays, were either not attributable to the state, or even it

was, not weighed that heavily *Coleman*, No. 23AP2414, 13-29. The court of appeals also explained that it did not consider Ms. Tompkins death to be prejudicial to Mr. Coleman's case because it felt there was sufficient evidence to convict Mr. Coleman, even with Ms. Tompkins' statements. *Coleman*, No. 23AP2414, 29-33. Because the court of appeals did not find a violation to Mr. Coleman's right to a speedy trial, it also did not find trial counsel ineffective for failing to invoke Mr. Coleman's right. *Coleman*, No. 23AP2414, 34-36.

This petition for review now follows.

ARGUMENT

I. The 717 days of COVID-19 shutdown delays to should weigh heavily against the State.

Awaiting trial for nearly three years, where zero hearings had been held for hundreds of those days, is constitutionally unacceptable. This delay is especially concerning in Mr. Coleman's case because five months before trial, while no hearings were being held in his case, his mother passed away and could not provide key testimony to his defense. As a result, this delay—in particular, the delays caused by the COVID-19 shutdown and the backlog the Dane County courts did not properly handle—prejudiced Mr. Coleman's case and violated his right to speedy trial.

Both the state and federal constitutions guarantee individuals a speedy trial upon being accused of a crime. *See* U.S. Const. amend. VI; Wis. Const. Art. I, § 7. Whether a particular delay infringed on this guarantee turns on four factors: (1) the length of the delay, (2) the reasons for the delay, (3) whether the defendant asserted his speedy trial right, and (4) whether the delay was prejudicial to the defendant. *Urdahl*, 286 Wis. 2d 476, ¶11. While this analysis is helpful to reviewing courts, none of these factors are always necessary, or always enough, to find a speedy trial violation. *Barker*, 407 U.S. 514, at 533. Instead, courts must "engage in a difficult and sensitive balancing process," giving weight to the factors that the circumstances warrant, while staying mindful of the fundamental constitutional right at stake. *Id*.

While the first *Barker* factor considers only the length of the delay regardless of its cause, the second *Barker* factor considered the reasons for the delay and responsibility of which part for that delay. *State v. Ramirez*, 2024 WI App 28, ¶24, 412 Wis. 2d 55, 8 N.W.2d 74 (review granted). Essentially, a reviewing court is assessing whether the delay was caused by government actors (like the state) and the extent to which the reason for the delay can be weighed against the state. *Id*. It is the state's burden to advance a reason for the delay, and if not, the delay will be weighed heavily against the state *Id*.

A period of delay is attributable to the state when it is caused by the government generally, even if not directly linked to the members of the prosecution's team, but are not "required for the orderly administration of criminal justice" like preliminary hearings and arraignments. *Id.*, ¶25. When a period of delay is attributable to the state, a reviewing court will determine how heavily the delay should be weighed against the state. *Id.* It can be heavily weighted, like when government actors deliberately attempt to hamper the defense or have a cavalier disregard for a defendant's speedy trial rights. *Id.*, ¶26. It can be less heavily weighted if the reasons are "more neutral" like "overcrowded courts" or "negligence." *Id.* Or, it can be given no weight at all if the state provides a "valid" reason that is "caused by something intrinsic to the case itself" like the defendant's incompetency to stand trial. *Id.*, ¶27. Again, while these factors can assist courts, periods of delay weighted heavily against the state are not required in order for a reviewing court to find a speedy trial violation. *Barker*, 407 U.S. 514, at 533.

In this case, the cause of the delay is intertwined with the length of the delay. While a full analysis of each of the *Barker* factors has been briefed in the court of appeals, and must also be briefed upon further review of this case, the purpose of this petition is to focus on the novel analysis by the court of appeals regarding the COVID-19 delays.

From March 12, 2020 to June 1, 2021, criminal jury trials were delayed either by the Wisconsin Supreme Court or Dane County circuit court judge. (173:1, 5; 174:3). These 447 days passed without a single substantive hearing and no jury trial was rescheduled after the dates had lapsed. Mr. Coleman's attorney did not inform Mr. Coleman of his constitutional rights and he had no way of asserting his constitutional rights on his own during this time. This time cannot be attributed to Mr. Coleman.

Then, after trials had resumed in Dane County on June 1, 2021, Mr. Coleman did not have a single substantive court hearing until the date of jury selection on February 7, 2022. (139; 136). In fact, there was only one court appearance for a bail modification where the court found that Mr. Coleman did not need to be on GPS because of his compliance with conditions over the extremely long delay. (134; 139:12; 136). The backlog of jury trials created by the COVID-19 delay, especially the delay caused by Dane County's decision to extend the shutdown, also cannot be attributed to Mr. Coleman.

The 717 days are the result of the COVID-19 delays, which are entirely attributable to the state because it was the government's decision to delay, and then extend the delay, of jury trials that led to such a severe backlog. Mr. Coleman played no role in these delays, nor were those delays the responsibility of Mr. Coleman to bring himself to trial speedily during this time. *Borhegyi*, 222 Wis. 2d

at 514. In fact, it was the responsibility of the government, namely the Dane County courts, to consider the impact of the extended delays and handle the backlog it created so as to not violate defendant's constitutional rights. *Id*.

Similar to *Ramirez*, significant portions of the pre-trial delay during which not a single hearing of any substance occurred for several months at a time can be properly explained the state, and therefore, should be weighted heavily against them. *Ramirez*, 412 Wis. 2d 28, ¶¶40-41, 49, 53-55, 66. Although the state and the court of appeals attribute the entirety of these 717 days to COVID-19 related shut downs and backlog, such an explanation does not properly account for nearly *zero* meaningful hearings in Mr. Coleman's case from March 12, 2020 until February 7, 2022, the date of jury selection. This extensive period of time is not simply the result of negligence, overcrowding, or "valid" reasons "intrinsic to the case." *Id*., ¶¶26-27. Instead, portions of this delay are unexplained at all or demonstrate a "cavalier disregard toward a defendant's speedy trial rights." *Id*., ¶26.

While the statewide and Dane County shutdowns were the response to the pandemic, these orders did not demand for court proceedings to be entirely ceased. The court of appeals writes this delay entirely off as not attributable to the state because such a response to a natural disaster should not be held against the state. *See Coleman*, No. 23AP2414, ¶¶45-57. But, many of the court of appeals' examples

of historical instances where jury trials were delayed by disasters (such as Mt. St. Helen's eruption or the September 11, 2001 terrorist attack) were for a few weeks—not over a year. *Id*. Neither the state nor the record can provide any reason for why Mr. Coleman's case was required to sit without any substantive hearings for 466 days. At least a portion of this 466-day delay is unexplained, and therefore, must be weighted heavily against the state. *Ramirez*, 412 Wis. 2d 28, ¶¶40-41, 49, 53-55, 66.

Then, an additional 251-day delay was caused by the backlog created by the statewide and Dane County's extended shutdown. While the court of appeals correctly attributes this delay to the state, they refuse to weigh the delay heavily against the state. *Coleman*, No. 23AP2414, ¶¶58-61. This delay was not the usual "overcrowding" or insufficient resources discussed in *Barker*, 407 U.S. at 531. Instead, this backlog was nearly a year long, included zero substantive hearings, and was entirely avoidable had Dane County not extended the initial lockdown after considering the irreversible damage it would have had on cases like Mr. Coleman's. The court of appeals states that "the record suggests that the court system used the resources it possessed 'as efficiently and as justly as possible.'" *Coleman*, No. 23AP2414, ¶61. But, the circuit court never actually explained this process nor did the state provide any evidence regarding this process explaining why Mr. Coleman case could not possibly have been handled sooner in the 251-day delay. It is the state's burden to prove that there is a neutral or valid reason for the delay, but the

circuit court saying "well, I remember doing my best" is not constitutionally sound here. At least some portion of this 251-day delay is not appropriately explained by the state, and therefore, must be weighted heavily against the state. *Ramirez*, 412 Wis. 2d 28, ¶¶40-41, 49, 53-55, 66.

II. The death of Mr. Coleman's mother, a key witness, prejudiced his defense and violated his right to a speedy trial.

The problematic and dismissive reasons for the 717-day delay are compounded by the prejudicial effect of such an extensive delay caused Mr. Coleman's defense. A witness died while Mr. Coleman was waiting for trial without hearings for nearly two years—this fact, regardless of the court of appeals perspective on the impact her testimony could have had on the jury, cannot be swept under the rug in just a few paragraphs. *Coleman*, No. 23AP2414, ¶¶69-77. Issues such as the "oppressive pretrial incarceration," the "anxiety and concern" experienced by defendants, and the "the possibility that the defense will be impaired" by the passage of time are all significant prejudice considerations for a reviewing court. *See Barker*, 407 U.S. at 532. But, when a case is delayed as long as Mr. Coleman's case, the prejudice is presumed, obviating the need for a "particularized" prejudice showing. *See Hadley*, 66 Wis. 2d at 364; *Doggett*, 505 U.S. at 655.

Here, in addition to this presumption, Mr. Coleman's prejudice is also clear. Mr. Coleman had nearly three years' worth anxiety and concern as he waiting for his case to actually go to trial. (166:36). Instead, Mr. Coleman was essentially forced to put his life on hold while awaiting his day in court. Courts have long recognized that a criminal defendant lives "under a cloud of anxiety, suspicion, and often hostility," regardless of whether the individual is in jail. *Barker*, 407 U.S. at 533. The buildup of anxiety and concern in such a scenario is understandable and even expected.

Mr. Coleman also suffered prejudice in the long delay prior to trial in a very obvious way. Mr. Coleman's mother, Brenda Tompkins, passed away in September 2021. (138:253). Her statements were not allowed at trial. (138:176-77). Ms. Tompkins' statements would have undoubtedly helped Mr. Coleman's case in one of two ways: either as a story of alibi or as a path to refute the charges that made up the state's "repeated" allegations, which subjected Mr. Coleman to a mandatory minimum of 25 years in prison. *See* Wis. Stat. § 939.616(1r).

Regarding an alibi defense, Ms. Tompkins would have stated that, during the timeline for the allegations, she was virtually always present in the one-bedroom apartment where two of the incidents were alleged to have occurred. (139:196-97, 264). Ms. Tompkins would have testified that there is no way Mr. Coleman could have committed the offense given the layout of the apartment and her presence

therein. When told about the allegations, Ms. Tompkins could not believe it and immediately asked where it occurred. (177:3). Ms. Tompkins was in disbelief that some of the events could have taken place her apartment because she was always present with MAJ and in the same room with her when MAJ was at her apartment. (177:3). She advised law enforcement that "she is always there whenever MAJ is there and does not believe she would have fallen asleep [if MAJ] was in her care." (177:3).

Instead of being able to call an actual witness, the defense could only present tangential testimony about Ms. Tompkins being around. (138:196-97, 264). Had trials not been halted, and then further extended by the circuit court, and then rescheduled due to the backlogs caused by those delays, Ms. Tompkins could have testified as a firsthand witness. Her testimony would have challenged the credibility of the complainant by casting doubt on the veracity of MAJ's testimony about where these assaults happened. It would have served not only as an alibi, but as impeachment testimony of MAJ's description of the events.

Additionally, Ms. Tompkins' testimony was important because of the charge Mr. Coleman was facing. Under § 948.025(1)(b), the state was required to prove at least three sexual assaults here. *See* Wis. Stat. §§ 948.025(1)(b), 948.02(1)(am), (b), (c), (d). MAJ's testimony at trial was at least somewhat unclear about how many incidents occurred and where they occurred. (136:222-30). The criminal complaint

listed four allegations with two occurring at Ms. Tompkins' apartment and two at MAJ's father's brother's apartment. (1:5). The state was unclear in their argument to the jury about how many incidents and where they took place, stating that one occurred at each apartment and then vaguely mentioning two other incidents without giving a theory as to where they happened. (138:305-07). In short, Ms. Tompkins' testimony that she was always around and had not seen any such assaults would have cast substantial doubt as to the state's ability to prove three separate incidents.

III. Mr. Coleman was denied the effective assistance of counsel.

Because Mr. Coleman's constitutional speedy trial right was violated, he is entitled to have this case dismissed with prejudice; that is the sole and mandatory remedy. *See Strunk v. United States*, 412 U.S. 434, 439-440 (1973).

If this court, however, finds that the lack of an assertion of a right to a speedy trial is decisive here, Mr. Coleman asserts that Attorney Gonzalez was ineffective for failing to move for a speedy trial and that this failure prejudiced him.

Attorney Gonzalez never filed a speedy trial demand and never filed a motion to dismiss on speedy trial grounds. Additionally, Attorney Gonzalez made it clear that he had never contemplated or discussed raising a claim regarding the violation of Mr. Coleman's constitutional speedy trial rights.

(166:33). Mr. Coleman also stated that he wanted to go to trial as soon as possible and that had Attorney Gonzalez discussed that right with him, Mr. Coleman would have wanted to pursue it. (166:36-37). Therefore, Mr. Coleman's second constitutional right was deprived here: the right to effective assistance of counsel.

A. Standard of review and applicable legal standards

Criminal defendants are guaranteed the right to effective assistance of counsel under both the United States Constitution and the Wisconsin Constitution. U.S. Const. amend. VI and XIV; Wis. Const. Art. 1, § 7. Wisconsin courts utilize the two-part test set forth in *Strickland v. Washington*, 466 U.S. 668 (1984), to determine whether a defendant was denied his constitutional right to effective counsel. *State v. Pitsch*, 124 Wis. 2d 628, 633, 369 N.W.2d 711 (1985). A defendant must show that (1) his attorney performed deficiently and (2) the defendant was prejudiced. *Strickland*, 466 U.S. at 687.

Counsel's performance is deficient when it falls "below an objective standard of reasonableness." *Strickland*, 466 U.S. at 687-688. Counsel's deficient performance prejudices the defendant when "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694. In this context, "reasonable probability" is not the same as "more

likely than not" or preponderance of the evidence; it is a qualitatively lesser standard. *Kyles v. Whitley*, 514 U.S. 419, 434 (1995). *See Porter v. McCollum*, 558 U.S. 30, 44 (2009) ("We do not require a defendant to show that counsel's deficient conduct more likely than not altered the outcome of his penalty proceeding, but rather that he establish "a probability sufficient to undermine confidence in that outcome." (Citation omitted)).

In reviewing Mr. Coleman's ineffectiveness claim, this court will uphold the circuit court's findings of fact absent clear error but will decide de novo whether the facts demonstrate that defense counsel was ineffective. *State v. Dillard*, 2014 WI 123, ¶86, 358 Wis. 2d 543, 859 N.W.2d 44.

B. Deficient Performance

Despite Mr. Coleman's nearly three-year wait for his trial, Attorney Gonzalez made no attempt to assert Mr. Coleman's right to a speedy trial. Attorney Gonzalez never contemplated or discussed with Mr. Coleman whether to raise a claim regarding the violation of Mr. Coleman's constitutional speedy trial rights, which Mr. Coleman would have clearly wanted to pursue. (166:33, 36-37). Furthermore, Attorney Gonzalez acknowledged at trial that the long delay in proceeding to trial had prejudiced Mr. Coleman. (138:169-170). Given the exceedingly-long delay before the jury trial, it defies a reasonable strategy that Attorney Gonzalez would not at least question

Mr. Coleman about whether a speedy trial demand should be made.

Additionally, Attorney Gonzalez's first mention of the issue was in the midst of the jury trial when the state had already rested its case. (138:157). Waiting to address the violation of Mr. Coleman's speedy trial right when it could not have impacted when Mr. Coleman would proceed to trial negates any possible strategy behind the decision. With no risk to filing a speedy trial demand, especially when it was what his client wanted, Attorney Gonzalez performed deficiently.

C. Prejudice to Mr. Coleman

As noted above, Mr. Coleman was prejudiced by the failure of his attorney to assert his right to a speedy trial. Specifically, because the case lingered for nearly three years, Mr. Coleman was unable to present the jury with exculpatory evidence. Had his trial proceeded even six months earlier, it is likely that Ms. Tompkins—an extremely important alibi witness—could have testified. (138:253). Her statements would have cast doubt upon allegations of incidents that took place within her own apartment. (177:3). Her testimony would have also called into question the state's evidence about all alleged incidents in a "he-said, she-said" case. At the very least, Ms. Tompkins' testimony would have served to rebut the elements of the statute under which Mr. Coleman was charged, which required "repeated"

or at least three incidents to be proven. *See* § 948.025(1)(b).

Attorney Gonzalez's failure to assert Mr. Coleman's speedy trial right prejudiced Mr. Coleman given that the remedy for a violation of a constitutional right to a speedy trial is dismissal. If this Court finds that the lack of speedy trial demand is dispositive to the Barker balancing test to determine whether Mr. Coleman's constitutional right to a speedy trial was violated, this Court should then find that the failure to assert such a demand was the result of ineffective assistance of counsel.

Thus, along with his constitutional right to a speedy trial, Mr. Coleman's constitutional right to effective assistance of counsel was violated.

CONCLUSION

For these reasons, the Court should grant review of this case and decide that Mr. Coleman's right to a speedy trial was violated and that his trial counsel was ineffective for failing to inform him and invoke his right to a speedy trial during the significant pre-trial delay.

Dated this 27th day of January, 2025.

Respectfully submitted,

Electronically signed by Megan Lyneis
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CERTIFICATIONS

I hereby certify that this brief conforms to the rules contained in S. 809.19(8)(b), (bm), and (c) for a brief. The length of this brief is 4,637 words.

I hereby certify that filed with this brief is an appendix that complies with s. 809.19(2)(a) and that contains, at a minimum: (1) a table of contents; (2) the findings or opinion of the circuit court; (3) a copy of any unpublished opinion cited under s. 809.23(3)(a) or (b); and (4) portions of the record essential to an understanding of the issues raised, including oral or written rules or decisions showing the circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review or an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using one or more initials or other appropriate pseudonym or designation instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

Dated this 27th day of January, 2025.

Signed:

Electronically signed by
Megan Lyneis
MEGAN LYNEIS
Assistant State Public Defender