

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

United States v. Austin

492 F. Supp. 502 (N.D. Ill. 1980) · No. No. 79 CR 166 · Decided July 10, 1980

SUMMARY

The United States District Court for the Northern District of Illinois reviewed convictions for retardation of the mails under 18 U.S.C. § 1701. The court rejected challenges based on minor delay, pre-indictment delay, and speedy-trial principles, but held that the defendants were improperly denied potentially discoverable personnel records and postal regulations. The matter was remanded for review of the materials and a determination whether the discovery errors materially prejudiced the defense.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	District Judge Bua
JURISDICTION	Illinois
DECIDED	July 10, 1980
DOCKET	No. 79 CR 166
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendants appealed to the district court from convictions entered after a bench trial before United States Magistrate Carl B. Sussman for violating 18 U.S.C. § 1701.
PRECEDENTIAL VALUE	Published federal district court opinion
PARTIES	Raymond Austin, James R. Garton v. United States of America

TOPICS

- criminal procedure
- discovery criminal
- statutory interpretation
- speedy trial
- appellate procedure

PRACTICE AREAS

- criminal procedure
- criminal discovery
- evidence
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether a willful and improperly motivated obstruction of the mails violates 18 U.S.C. § 1701 even when the obstruction causes only a minor delay and does not prevent delivery.
2. Whether the approximately sixteen-month pre-indictment delay required dismissal of the Information because of actual prejudice or violated the Sixth Amendment speedy-trial guarantee.
3. Whether the defendants were entitled to discovery of government witnesses' personnel files containing potential impeachment material under Brady and of Postal Service regulations and internal guidelines relevant to their good-faith defense.
4. Whether the erroneous denial of discovery required reversal without a further determination that the undisclosed materials were material to the defense.

HOLDINGS

1. Any obstruction of the mails, however minor, may constitute retardation under 18 U.S.C. § 1701 when it is willful and undertaken with improper motives, absent outside considerations warranting the obstruction; the duration of the delay is not dispositive.
2. A defendant seeking dismissal of an otherwise timely Information for pre-indictment delay must demonstrate actual prejudice in a concrete manner; the defendants failed to make that showing.
3. The Sixth Amendment speedy-trial guarantee becomes relevant only after arrest; pre-arrest, pre-indictment delay does not establish a Sixth Amendment speedy-trial violation.
4. The defendants were entitled to production, at least for review, of Brady impeachment material in the personnel files of government witnesses who testified and of relevant Postal Service and post-office regulations, bulletins, and internal guidelines bearing on their parcel-handling duties and good-faith defense.
5. Erroneous denial of discovery does not automatically require reversal; the convictions must be vacated and a new trial ordered only if review of the withheld materials shows that they contained information material to the defendants' defense and that the defendants were impermissibly prejudiced.

KEY QUOTATIONS

“As a general rule, however, this court believes that any obstruction of the mails, no matter how minor, if done wilfully and with improper motives, can constitute retardation, and therefore be a violation of 18 U.S.C. § 1701.” (504)

“Before a criminal defendant can sustain his contention that an otherwise timely Information must be dismissed for reasons of pre-indictment delay, he first must demonstrate, in a concrete fashion, that he has suffered actual prejudice as a consequence of the delay in question.” (505)

“This court's finding that the defendants-appellants were erroneously denied the discovery under discussion, however, does not necessarily require that their convictions be set aside.” (506)

FACTUAL BACKGROUND

Austin and Garton were former employees of the Wheaton, Illinois, Postal Service Facility who were charged with willfully delaying or obstructing the passage of parcels in violation of 18 U.S.C. § 1701. Their conduct was recorded on videotape by postal inspectors, and Garton testified that the videotapes accurately depicted his parcel-handling procedures on November 4 and 5, 1977. The defendants asserted that their conduct reflected good-faith compliance with applicable Postal Service regulations and sought discovery of employee personnel files and postal regulations, bulletins, and internal guidelines.

PROCEDURAL HISTORY

The magistrate found Austin and Garton guilty beyond a reasonable doubt of retardation of the mails. The defendants challenged the convictions on grounds including statutory insufficiency, pre-indictment delay, denial of discovery, and insufficient evidence. The district court held that certain discovery rulings were erroneous, remanded for an in camera review and prejudice determination, and deferred consideration of the sufficiency challenge.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter was remanded to Magistrate Sussman. The government was directed to produce the personnel-file materials containing potential Brady impeachment material and the relevant Postal Service and Wheaton Post Office regulations, bulletins, and internal guidelines for review. If the materials contained information that would have been material to the defense, the magistrate was to vacate the convictions and order a new trial; if the defendants were not impermissibly prejudiced, the convictions were to stand as affirmed. The court did not decide the remaining sufficiency-of-the-evidence contention.

CASES CITED

- United States v. Costello, 255 F.2d 876, 881 (2d Cir. 1958)
- Lustiger v. United States, 386 F.2d 132, 139 (9th Cir. 1967)
- United States v. Beckley, 335 F.2d 86, 89-90 (6th Cir. 1964)
- United States v. King, 593 F.2d 269, 271 (7th Cir. 1979)
- United States v. Edwards, 577 F.2d 883, 890-91 (5th Cir. 1978)
- United States v. Lee, 413 F.2d 910, 913-14 (7th Cir. 1969)
- United States v. Moore, 378 F. Supp. 990, 991 (E.D. Pa. 1974)
- United States v. Lovasco, 431 U.S. 783, 788-89 (1977)
- United States v. Marion, 404 U.S. 307, 320-21 (1971)
- United States v. Berkwitt, 619 F.2d 649 (7th Cir. 1980)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Giglio v. United States, 405 U.S. 150, 154 (1972)
- United States v. Deutsch, 475 F.2d 55, 57-58 (5th Cir. 1973)

- United States v. Leichtfuss, 331 F. Supp. 723, 738-41 (N.D. Ill. 1971)
- United States v. Jepson, 53 F.R.D. 289, 290-91 (E.D. Wis. 1971)
- United States v. Faulkner, 53 F.R.D. 299, 300 (E.D. Wis. 1971)
- United States v. Hand, 472 F.2d 162, 162-63 (5th Cir. 1973)

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