

SUPREME COURT OF WASHINGTON

State v. Kenyon

216 P.3d 1024 (Wash. 2009) · No. No. 81374-4 · Decided October 1, 2009

SUMMARY

The Supreme Court of Washington held that the trial court violated James Ryan Kenyon's speedy-trial rights under CrR 3.3 by continuing his trial beyond the deadline because one judge was presiding over another trial and the other was on vacation. The court concluded that the circumstances amounted to court congestion and that the trial court failed to document the availability of other courtrooms and judges pro tempore. The court reversed and dismissed the charges with prejudice.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Sanders, J.; Alexander, C.J.; C. Johnson, J.; Madsen, J.; Owens, J.; Fairhurst, J.; J. Johnson, J.; Stephens, J.; Chambers, J.
JURISDICTION	Washington
DECIDED	October 1, 2009
DOCKET	No. 81374-4
DISPOSITION	reversed
PROCEDURAL POSTURE	Kenyon petitioned for review after the Washington Court of Appeals affirmed his convictions, arguing that his trial was held beyond the speedy-trial deadline under Washington Superior Court Criminal Rule 3.3.
STANDARD OF REVIEW	Alleged violations of the speedy-trial rule are reviewed de novo. Decisions to grant or deny continuances are reviewed for abuse of discretion and will not be disturbed absent a clear showing that the decision was manifestly unreasonable or rested on untenable grounds or reasons.
PRECEDENTIAL VALUE	Published Washington Supreme Court en banc opinion; precedential.
PARTIES	James Ryan Kenyon v. State of Washington

TOPICS

- speedy trial
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

criminal procedure

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the unavailability of a judge because one judge was presiding over another trial and the other judge was on vacation constituted an unavoidable or unforeseen circumstance excluded from the speedy-trial calculation under CrR 3.3(e)(8).
2. Whether a trial court continuing a criminal trial beyond the speedy-trial deadline must document the availability of unoccupied courtrooms and judges pro tempore under CrR 3.3.
3. Whether Kenyon was entitled to dismissal with prejudice because the trial court failed to make the required record and the trial occurred beyond the speedy-trial deadline.

HOLDINGS

1. The unavailability of one judge because the judge was presiding over another trial and the unavailability of the other judge because of vacation amounted to court congestion, not an unavoidable or unforeseen circumstance that automatically excluded the period from the speedy-trial calculation.
2. When a continuance extends a criminal trial beyond the speedy-trial deadline because of judicial or courtroom unavailability, the trial court must document the availability of unoccupied courtrooms and judges pro tempore.
3. Because the trial court failed to document the availability of pro tempore judges and unoccupied courtrooms and Kenyon was tried beyond the applicable speedy-trial period, the charges had to be dismissed with prejudice.

KEY QUOTATIONS

“ “[C]ourtroom unavailability is synonymous with `court congestion.’ ” (216 P.3d at 1027)

“ This amounts to court congestion, and the trial court must document the available courtrooms and judges. ”
(216 P.3d at 1029)

“ Simply because the rule now allows “unavoidable or unforeseen circumstances” to be excluded in computing the time for trial does not mean judges no longer have to document the details of unavailable judges and courtrooms. ” (216 P.3d at 1029)

FACTUAL BACKGROUND

Kenyon was incarcerated before trial and was arraigned on February 22, 2006, making April 24 the initial 60-day speedy-trial deadline under CrR 3.3. Several continuances and readiness-hearing reschedulings occurred while defense counsel pursued discovery and witness interviews, including continuances to which Kenyon objected. When the case was ready for trial, one Mason County judge was presiding over another criminal trial and the other judge was on vacation; the trial court treated that circumstance as an excluded period and ultimately tried Kenyon on August 1, 2006.

PROCEDURAL HISTORY

Kenyon was charged in Mason County Superior Court with unlawful possession of firearms and was tried after the trial court excluded a period attributable to the unavailability of a judge. He moved several times to dismiss for violation of the speedy-trial rule, but the trial court denied the motions, and a jury convicted him on seven counts. The Court of Appeals affirmed in a partially published opinion. The Washington Supreme Court granted review, reversed, and ordered dismissal with prejudice.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Washington Supreme Court reversed the Court of Appeals and dismissed the charges against Kenyon with prejudice.

CASES CITED

- State v. Campbell, 103 Wash. 2d 1, 14-15, 691 P.2d 929 (1984)
- State v. Carlyle, 84 Wash. App. 33, 35-36, 925 P.2d 635 (1996)
- State v. Flinn, 154 Wash. 2d 193, 199-201, 110 P.3d 748 (2005)
- State v. Downing, 151 Wash. 2d 265, 272, 87 P.3d 1169 (2004)
- State ex rel. Carroll v. Junker, 79 Wash. 2d 12, 26, 482 P.2d 775 (1971)
- State v. Mack, 89 Wash. 2d 788, 791-94, 576 P.2d 44 (1978)
- State v. Cummings, 87 Wash. 2d 612, 615, 555 P.2d 835 (1976)
- State v. Striker, 87 Wash. 2d 870, 877, 557 P.2d 847 (1976)
- State v. Warren, 96 Wash. App. 306, 309-10, 979 P.2d 915 (1999)
- State v. Kokot, 42 Wash. App. 733, 737, 713 P.2d 1121 (1986)
- State v. Silva, 72 Wash. App. 80, 84-85, 863 P.2d 597 (1993)
- State v. Kenyon, 143 Wash. App. 304, 313-14, 177 P.3d 196 (2008)