

# Right to a Speedy Trial

The Menominee Indian Tribe guarantees defendants a right to a speedy and public trial. A defendant has a right to be informed of the nature and cause of the accusation(s), to be confronted with the witnesses against them, the right to subpoena witnesses, and the right to the assistance of counsel at their own expense.

If you are arrested or given a citation, the Tribe has 60 days to officially file charges. This is done by filing a Criminal Complaint.

If you plead not guilty at the arraignment, the trial must begin within 70 days of whichever happens last:

- When charges are filed
- When a citation or summons is issued
- When the person first appears in court

Certain delays don't count towards the 60- or 70-day time limits:

- Time spent determining if you are mentally or physically able to stand trial
- Delay caused by other legal cases involving you
- Delay caused by pretrial motions
- Delays caused because you are unavailable or missing
- Extra time granted by the judge when the judge decides it is fairer to delay the trial

If the above deadlines aren't met, you can and should ask the Court to dismiss the case. The Tribe must show evidence that the delay was allowed under the Menominee Tribal Court Rules of Criminal Procedure to avoid having the matter dismissed. The judge decides whether to dismiss the case permanently (with prejudice) or temporarily (without prejudice) depending on the seriousness of the alleged crime and other scheduling determinations.

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