

08-88 VERMONT V. BRILLON

DECISION BELOW:2008 WL 681425

LOWER COURT CASE NUMBER: 2005-167

QUESTIONS PRESENTED:

1. Whether continuances and delays caused solely by an indigent defendant's public defender can arise to a speedy trial right violation, and be charged against the State pursuant to the test in *Barker v. Wingo*, 407 U.S. 514 (1972), on the theory that public defenders are paid by the state (with a small "s").
2. Whether the right to counsel, as established in *Gideon v. Wainwright*, 372 U.S. 335 (1963), should result in broader speedy trial rights to indigent defendants than defendants who are able to retain private counsel, such that only delays by private counsel get charged against the defendant under the *Barker v. Wingo* test.

CERT. GRANTED 10/1/2008