

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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JOSE A. AGRON,

1:15-cv-2835 (NLH)

Petitioner,

MEMORANDUM OPINION & ORDER

v.

STEPHEN D'ILIO, et al.,

Respondents.

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**APPEARANCES:**

Linda A. Shashoua, Esq.  
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Appeals Unit  
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Attorneys for Respondent

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Petitioner pro se

**HILLMAN, District Judge**

WHEREAS, Petitioner Jose A. Agron filed an amended petition for writ of habeas corpus under 28 U.S.C. § 2254 arguing, among other claims, that his speedy trial rights under the Sixth Amendment were violated, see ECF No. 3 at 8; and

WHEREAS, Respondent's answer to the speedy trial claim cursorily asserted that Petitioner had not exhausted this claim

in the state courts and was not prejudiced by any delay in bringing his case to trial, see ECF No. 14 at 89; and

WHEREAS, to determine whether a petitioner's Sixth Amendment right to a speedy trial has been violated, a court must consider both the defendant's and the prosecution's conduct and consider four factors specific to the given case, namely: (1) the length of delay; (2) the reason for the delay; (3) whether, when, and how the defendant asserted his right to a speedy trial; and (4) prejudice to the defendant by the delay. Barker v. Wingo, 407 U.S. 514, 530 (1972); and

WHEREAS, the Court concludes that further briefing on the speedy trial issue from Respondent is warranted. Respondent shall file a supplemental brief and any additional exhibits addressing the Barker test within 30 days of this order. Petitioner may respond within 30 days of the supplemental brief;

THEREFORE, IT IS on this 23rd day of January, 2020

ORDERED that Respondent shall file a supplemental brief and any additional exhibits addressing the Barker v. Wingo, 407 U.S. 514 (1972) test within 30 days of this order. Petitioner may respond within 30 days of the supplemental brief; and it is finally

ORDERED that the Clerk shall serve a copy of this Order upon Petitioner by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.