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## LAWYER QUESTIONS 3 STRIKES \ DEFENDER WARNS OF JUDICIAL OVERLOAD

WARREN BOLTON, *Staff Writer*

South Carolina's crowded courts will be backed up even more if the Legislature adopts a "three strikes, you're out" crime proposal without expanding the judicial system, a defense attorney said.

If money isn't approved for more judges, solicitors and public defenders the court system will suffer, **Jack Swerling** said. "We can see the court system grinding to a halt."

**Swerling** said statistics he and other attorneys have reviewed suggest it could cost millions of dollars to expand the court system to handle the increased caseload the three strikes proposal could bring. When criminals face the prospect of life in prison on conviction of three felonies, there will be more trials and fewer plea bargains, he said. South Carolina's proposal also would put criminals who commit violent crimes behind bars after the second felony conviction.

"It's going to affect the South Carolina judicial system probably more than any single piece of legislation that's ever been passed," he said.

While a state budget analyst predicts it would cost about \$1 billion for prison construction and operation by 2010 to handle the swelled inmate ranks, the Legislature isn't talking about the cost to the judicial system, **Swerling** said.

The S.C. Bar is expected to present a letter to the Senate today outlining concerns about the legislation.

**Swerling** said he couldn't speak officially for the Bar, but said the letter would probably list a number of concerns, including a fear that plea bargains would decrease and jury trials increase.

He said a review of what has happened in California, a state that Gov. David Beasley and some senators have held up as a model, shows what the possible affect could be on plea bargains.

Before California instituted three strikes in May 1994, 94 percent of its felony cases were disposed of through plea bargains, he said. Since then, 14 percent of cases involving second felony offenses and 6 percent of third felony offenses have been resolved through plea bargains, he said.