

SUPREME COURT OF MONTANA

State v. Madplume

2008 MT 37 (Mont. 2008) · No. DA 07-0266 · Decided February 5, 2008

SUMMARY

The Montana Supreme Court considered whether the District Court properly dismissed criminal charges for violation of the defendant's constitutional right to a speedy trial. Because the District Court applied an earlier speedy-trial framework and did not analyze the issue under the newly announced Ariegwe test, the Supreme Court reversed the dismissal and remanded for analysis under Ariegwe.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Patricia O. Cotter; Karla M. Gray; John Warner; W. William Leaphart; Jim Rice
JURISDICTION	Montana
DECIDED	February 5, 2008
DOCKET	DA 07-0266
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed from the District Court's order dismissing the criminal case for an alleged violation of Madplume's constitutional right to a speedy trial.
STANDARD OF REVIEW	A claimed speedy-trial violation presents a question of constitutional law reviewed for correctness; underlying factual findings are not disturbed unless clearly erroneous.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	State of Montana v. Preston A. Madplume

TOPICS

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

PRACTICE AREAS

- criminal procedure
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the District Court properly granted Madplume's motion to dismiss for violation of his constitutional right to a speedy trial.
2. Whether the case should be remanded for analysis under the Montana Supreme Court's newly announced speedy-trial framework in *State v. Ariegwe*.

HOLDINGS

1. The District Court improperly granted the motion to dismiss because it did not analyze the speedy-trial claim under the controlling framework announced in *State v. Ariegwe*.
2. The dismissal is reversed, and the case is remanded without prejudice to a timely appeal by either party after the District Court applies the Ariegwe analysis.

KEY QUOTATIONS

“we announced a comprehensively-revised speedy trial test that “more closely tracks the balancing approach envisioned by the [U.S.] Supreme Court in Barker, Doggett, and other post-Barker cases.”” (¶ 9)

“we deem it appropriate to remand this matter to the District Court without prejudice to a timely appeal thereafter by either party, with instruction that the District Court apply the Ariegwe analysis in resolving the speedy trial issues herein presented.” (¶ 10)

FACTUAL BACKGROUND

Madplume was charged with sexual intercourse without consent after DNA evidence indicated that the accuser's DNA was present on his finger. Eight hundred ninety-four days elapsed between the charge and his motion to dismiss, during which the omnibus hearing was continued seventeen times at Madplume's request and he signed a speedy-trial waiver.

PROCEDURAL HISTORY

Madplume was charged in October 2004, and his omnibus hearing was continued seventeen times at his request while he signed a speedy-trial waiver. After the District Court initially suppressed DNA evidence, the Montana Supreme Court reversed and remanded in *State v. Madplume*, 2007 MT 11. Following the omnibus hearing in March 2007, Madplume moved to Dismiss for lack of a speedy trial, and the District Court granted the motion without a hearing. The Montana Supreme Court reversed and remanded for application of the newly announced Ariegwe speedy-trial framework.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The District Court must analyze and resolve the speedy-trial issues under the framework announced in *State v. Ariegwe*. The remand is without prejudice to a timely appeal by either party.

CASES CITED

- State v. Madplume, 2007 MT 11, 335 Mont. 290, 150 P.3d 956
- State v. Spang, 2007 MT 54, 336 Mont. 184, 153 P.3d 646
- State v. Ariegwe, 2007 MT 204, 338 Mont. 442, 167 P.3d 815
- City of Billings v. Bruce, 1998 MT 186, 290 Mont. 148, 965 P.2d 866
- State v. Smith, 2008 MT 7, 341 Mont. 82
- Barker v. Wingo, 407 U.S. 514, 92 S. Ct. 2182 (1972)
- Doggett v. United States, 505 U.S. 647, 112 S. Ct. 2686 (1992)

OPINION

PER CURIAM.

DA 07-0266 IN THE SUPREME COURT OF THE STATE OF MONTANA 2008 MT 37 STATE OF MONTANA, Plaintiff and Appellant, v. PRESTON A. MADPLUME, Defendant and Appellee. APPEAL FROM: District Court of the Twentieth Judicial District, In and For the County of Lake, Cause No. DC-2004-108 Honorable C. B. McNeil, Presiding Judge COUNSEL OF RECORD: For Appellant: Hon. Mike McGrath, Montana Attorney General, John Paulson, Assistant Attorney General, Helena, Montana Mitchell A. Young, Lake County Attorney, Polson, Montana For Appellee: Jim Wheelis, Chief Appellate Defender, David Avery, Assistant Appellate Defender, Helena, Montana Submitted on Briefs: January 4, 2008 Decided: February 5, 2008 Filed: _____ Clerk Justice Patricia O. Cotter delivered the Opinion of the Court. ¶1 In October 2004 Preston A. Madplume (Madplume) was charged with the offense of sexual intercourse without consent after DNA evidence revealed the presence of the accuser's DNA on Madplume's finger.

An omnibus hearing was scheduled but was continued seventeen times at Madplume's request. During this time Madplume signed a waiver of his right to a speedy trial. In September 2005 Madplume moved to suppress the DNA evidence on the ground that it was obtained without a warrant and therefore resulted from an unlawful search of his person.

The District Court granted his motion. The State appealed and in January 2007 we reversed and remanded for further proceedings. Madplume's omnibus hearing was ultimately held on March 14, 2007. On that date, he filed a motion to dismiss for violation of the right to a speedy trial.

The District Court granted the motion without a hearing and the State appeals. We reverse and remand. ISSUE ¶2 The question presented is whether the District Court properly granted Madplume's motion to dismiss for violation of the right to a speedy trial. FACTUAL AND PROCEDURAL BACKGROUND ¶3 The factual background of this case was presented in State v. Madplume, 2007 MT 11, 335 Mont.

290, 150 P.3d 956, and is not relevant to the issue before us; therefore, it will not be repeated here. This appeal concerns the procedural background of Madplume's case only. 2 ¶4 It is undisputed that 894 days had elapsed from the time Madplume was charged and the date on which he filed his motion to dismiss. Madplume argued to the District Court and to this Court on appeal that this passage of time resulted in a violation of his constitutional right to a speedy trial. ¶5 The District Court granted Madplume's motion to dismiss.

The State appeals. STANDARD OF REVIEW ¶6 A criminal defendant's claimed violation of the right to a speedy trial presents a question of constitutional law. We review a trial court's resolution of such questions for correctness and will not disturb findings underlying a district court's speedy trial ruling unless the findings are clearly erroneous. *State v. Spang*, 2007 MT 54, ¶ 7, 336 Mont.

184, ¶ 7, 153 P.3d 646, ¶ 7 (citation omitted). DISCUSSION ¶7 Issue: Did the District Court properly grant Madplume's motion to dismiss for violation of the right to a speedy trial? ¶8 Madplume moved the District Court to dismiss the charges against him, asserting the State had violated his right to a speedy trial.

The District Court granted his motion finding that he had been prejudiced by the lengthy delay and that the State had not met its burden of disproving prejudice. The State contends the District Court's conclusion is erroneous. ¶9 We note that this case proceeded through the District Court and to this Court on appeal before we issued our decision in *State v. Ariegwe*, 2007 MT 204, 338 Mont.

442, 167 P.3d 815, in which we announced a comprehensively-revised speedy trial test that 3 "more closely tracks the balancing approach envisioned by the [U.S.] Supreme Court in *Barker 1*, *Doggett 2*, and other post-Barker cases." *Ariegwe*, ¶ 106.

As a result, the parties argued to the District Court and that court ruled based on analysis of the standards set forth in *City of Billings v. Bruce*, 1998 MT 186, 290 Mont. 148, 965 P.2d 866, overruled in part by *Ariegwe*.

Thus, the District Court did not have the opportunity to analyze the speedy trial issue under the new *Ariegwe* framework. ¶10 On appeal, the State filed its opening brief before *Ariegwe* was issued; however, *Ariegwe*'s new test was published before Madplume responded or the State replied. Neither party, however, analyzed the speedy trial issue under the newly-announced test but continued to rely upon a *Bruce* analysis.

Since the timing of *Ariegwe*'s publication precluded the court and the parties from analyzing the speedy trial issue under this new framework, and as we recently did in *State v. Smith*, 2008 MT 7, ¶¶ 23-24, 341 Mont. 82, ¶¶ 23-24, ___ P.3d ___, ¶¶ 23-24, we deem it appropriate to remand this matter to the District Court without prejudice to a timely appeal thereafter by either party, with

instruction that the District Court apply the Ariegwe analysis in resolving the speedy trial issues herein presented.

CONCLUSION ¶11 We reverse the District Court's dismissal of Madplume's case and remand for analysis under Ariegwe. 1 *Barker v. Wingo*, 407 U.S. 514, 92 S. Ct. 2182 (1972). 2 *Doggett v. United States*, 505 U.S. 647, 112 S. Ct. 2686 (1992). 4 /S/ PATRICIA COTTER We Concur: /S/ KARLA M. GRAY /S/ JOHN WARNER /S/ W. WILLIAM LEAPHART /S/ JIM RICE 5