

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)

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