

SUPREME COURT OF NEW MEXICO

State v. Ochoa

2017-NMSC-031 · No. S-1-SC-34630 · Decided October 23, 2017

SUMMARY

The New Mexico Supreme Court reviews whether a defendant’s constitutional right to a speedy trial was violated after approximately two years of pretrial incarceration, multiple continuances, a mistrial, and retrial. Applying the four-factor balancing test from *Barker v. Wingo*, the Court concludes that the delay was not extraordinary, the reasons for delay weighed only slightly against the State, and the presumed prejudice did not outweigh the other factors. The Court reverses the Court of Appeals and holds that no speedy-trial violation occurred.

CASE DETAILS

COURT	Supreme Court of New Mexico
WRITING FOR THE COURT	Barbara J. Vigil; Judith K. Nakamura; Petra Jimenez Maes; Edward L. Chávez; Charles W. Daniels
JURISDICTION	New Mexico
DECIDED	October 23, 2017
DOCKET	S-1-SC-34630
DISPOSITION	reversed
PROCEDURAL POSTURE	The Supreme Court of New Mexico granted the State's petition for certiorari to review the Court of Appeals' reversal of Defendant's convictions on speedy-trial grounds.
STANDARD OF REVIEW	The Supreme Court defers to the district court's factual findings in a speedy-trial analysis but weighs the Barker factors de novo.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	State of New Mexico v. John Eric Ochoa

TOPICS

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QUESTIONS PRESENTED

1. Whether the Court of Appeals erred in holding that the State violated Ochoa's constitutional right to a speedy trial when the length and reasons for delay did not weigh heavily against the State.
2. Whether the Court of Appeals improperly adopted a bright-line rule that more than twenty-two months of pretrial incarceration is unduly prejudicial even without a particularized showing of prejudice.
3. How a post-mistrial delay should be evaluated under the *Barker v. Wingo* four-factor balancing test.
4. Whether continuous pretrial incarceration for approximately two years permits a presumption of some prejudice despite the defendant's failure to present affirmative proof.

HOLDINGS

1. A speedy-trial claim must be evaluated under the flexible, case-specific four-factor balancing test of *Barker v. Wingo*: length of delay, reason for delay, assertion of the right, and prejudice to the defendant.
2. The twelve-, fifteen-, and eighteen-month periods for simple, intermediate, and complex cases are guidelines that trigger speedy-trial analysis; they are not bright-line rules establishing a violation.
3. A short-term furlough affecting public-defender support staff does not constitute a systemic breakdown in the public-defender system and, under the circumstances, the resulting delay is neutral rather than attributable to the State.
4. After a mistrial, the speedy-trial clock does not reset and the defendant is not subject to an inflexible statutory deadline; instead, the retrial must occur within a reasonable time, evaluated under the particular circumstances of the case.
5. Continuous pretrial incarceration for an extended period, including the approximately two years in this case, permits a court to presume that the defendant suffered some prejudice even without affirmative proof.
6. Ochoa's constitutional right to a speedy trial was not violated because the length of delay, reasons for delay, and assertion of the right did not weigh heavily in his favor, and the presumed prejudice from his continuous incarceration did not outweigh the other *Barker* factors.

KEY QUOTATIONS

“Ordinarily the court should schedule the retrial as soon as its docket permits unless the parties justifiably require additional pre-retrial discovery or motions practice.” (¶ 37)

“Therefore, we presume that Defendant was prejudiced simply by being continuously incarcerated for two years.” (¶ 57)

“Presumptive prejudice is not dispositive of the speedy trial claim.” (¶ 63)

“We reverse the Court of Appeals and reinstate Defendant’s convictions.” (¶ 67)

FACTUAL BACKGROUND

John Eric Ochoa was arrested on May 12, 2008, and remained incarcerated throughout the approximately two-year period before his retrial. Proceedings were delayed by administrative matters, defense preparation, a judge's family emergency, a state-employee furlough affecting public-defender support staff, and a mistrial caused by an inflammatory juror comment. He was convicted at retrial on May 20, 2010, and asserted that the delay violated his constitutional right to a speedy trial.

PROCEDURAL HISTORY

Ochoa was arrested and charged with multiple offenses. After approximately two years of pretrial incarceration, a first trial ended in a mistrial and a retrial resulted in convictions for two counts of criminal sexual contact of a minor and one count of interference with communications. The Court of Appeals reversed on speedy-trial grounds. The Supreme Court of New Mexico granted certiorari, reversed the Court of Appeals, and reinstated the convictions.

DISPOSITION

reversed

CASES CITED

- Barker v. Wingo, 407 U.S. 514 (1972)
- State v. Garza, 2009-NMSC-038, 212 P.3d 387
- State v. Spearman, 2012-NMSC-023, 283 P.3d 272
- Vermont v. Brillon, 556 U.S. 81 (2009)
- State v. Serros, 2016-NMSC-008, 366 P.3d 1121
- State v. Manzanares, 1996-NMSC-028, 121 N.M. 798, 918 P.2d 714
- State v. Rojo, 1999-NMSC-001, 126 N.M. 438, 971 P.2d 829
- State v. O'Neal, 2009-NMCA-020, 145 N.M. 604, 203 P.3d 135
- State v. Castro, 2017-NMSC-027
- State v. Urban, 2004-NMSC-007, 135 N.M. 279, 87 P.3d 1061
- Doggett v. United States, 505 U.S. 647 (1992)
- Moore v. Arizona, 414 U.S. 25 (1973) (per curiam)
- State v. Moreno, 2010-NMCA-044, 148 N.M. 253, 233 P.3d 782
- State v. Laney, 2003-NMCA-144, 134 N.M. 648, 81 P.3d 591
- Reuster v. Turner, 250 So. 2d 264 (Fla. 1971)
- Kelly v. State ex rel. Morgan, 54 So. 2d 431 (Fla. 1951)
- People v. Dixon, 87 Ill. App. 3d 84, 410 N.E.2d 252 (2d Dist. 1980)
- United States v. Loud Hawk, 474 U.S. 302 (1986)
- United States v. Mendoza, 530 F.3d 758 (9th Cir. 2008)
- Jackson v. Ray, 390 F.3d 1254 (10th Cir. 2004)
- United States v. Serna-Villarreal, 352 F.3d 225 (5th Cir. 2003)

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