

SUPREME COURT OF GEORGIA

Thomas v. State, 274 Ga. 492

555 S.E.2d 693 (2001) · No. S01A0646 · Decided November 19, 2001

SUMMARY

The Supreme Court of Georgia affirmed the denial of Christopher Thomas's motion to dismiss the indictment and request for discharge and acquittal based on an alleged violation of his Sixth Amendment right to a speedy trial. Applying the Barker v. Wingo balancing test, the court concluded that although the delay was presumptively prejudicial, Thomas contributed to the delay, asserted his right belatedly, and failed to show specific prejudice to his defense.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hines, Justice
JURISDICTION	Georgia
DECIDED	November 19, 2001
DOCKET	S01A0646
DISPOSITION	affirmed
PROCEDURAL POSTURE	Thomas appealed the denial of his motion to dismiss the indictment and request for discharge and acquittal based on an alleged violation of his federal constitutional right to a speedy trial.
STANDARD OF REVIEW	The court applied the Barker v. Wingo balancing test to the constitutional speedy-trial claim.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential within Georgia.
PARTIES	Christopher Thomas v. The State

TOPICS

- speedy trial
- sixth amendment
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the approximately 51-month delay between Thomas's arrest and the scheduled trial violated his Sixth Amendment right to a speedy trial.
2. Whether Thomas established sufficient prejudice from the delay, including oppressive pretrial incarceration, anxiety, or impairment of the defense, to obtain dismissal of the indictment and discharge and acquittal.

HOLDINGS

1. Thomas failed to establish a violation of his federal constitutional right to a speedy trial under the Barker v. Wingo balancing test.
2. A defendant asserting Sixth Amendment speedy-trial prejudice must offer specific evidence that the defense was impaired; a bare assertion that delay affected the ability to locate unnamed essential witnesses is insufficient.

KEY QUOTATIONS

“Thus, the court must consider (1) the length of the delay; (2) the reason for the delay; (3) the defendant's assertion of the right to a speedy trial; and (4) prejudice to the defendant.” (at 694)

“Balancing the foregoing factors, including the fact that Thomas failed to show any specific impairment to his defense, that he waited so long to assert his right to a speedy trial, and that he himself substantially contributed to the delay in trial, we conclude that the trial court properly denied Thomas's claim of the violation of his Sixth Amendment right to a speedy trial.” (at 696)

FACTUAL BACKGROUND

Thomas was arrested on February 22, 1995, in connection with the fatal shooting of James Lee Chambers and remained in custody for a substantial period before being released on reduced bond in August 1998. Trial was delayed by, among other things, defense continuances, repeated defense requests for leaves of absence, numerous defense motions, the death and replacement of the assigned judge, and asserted State-related delays. Thomas first raised the federal speedy-trial claim in a motion to dismiss filed approximately 42 months after his arrest, and he offered only a bare assertion that the delay impaired his ability to locate unnamed essential witnesses.

PROCEDURAL HISTORY

Thomas was arrested in February 1995, indicted for murder in September 1995, and later reindicted in October 1997. He moved to dismiss the indictment for violation of the Sixth Amendment speedy-trial right; the trial court denied the motion on May 24, 1999. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Barker v. Wingo, 407 U.S. 514, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972)
- Boseman v. State, 263 Ga. 730, 438 S.E.2d 626 (1994)
- Nelloms v. State, 274 Ga. 179, 549 S.E.2d 381 (2001)
- Jackson v. State, 272 Ga. 782, 534 S.E.2d 796 (2000)
- Doggett v. United States, 505 U.S. 647, 112 S. Ct. 2686, 120 L. Ed. 2d 520 (1992)
- Perry v. Mitchell, 253 Ga. 593, 322 S.E.2d 273 (1984)
- Brannen v. State, 274 Ga. 454, 553 S.E.2d 813 (2001)
- Mullinax v. State, 273 Ga. 756, 545 S.E.2d 891 (2001)
- Johnson v. State, 268 Ga. 416, 490 S.E.2d 91 (1997)

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