

SUPREME COURT OF NORTH DAKOTA

State v. Moran, 2006 ND 62

711 N.W.2d 915 (N.D. 2006) · No. No. 20050244 · Decided March 29, 2006

SUMMARY

The Supreme Court of North Dakota affirmed William J. Moran's DUI conviction. The court held that the defendant's speedy-trial rights were not violated because the delay was partly attributable to the State's negligence and substantially attributable to Moran's failure to appear and evasion of law enforcement. The court also held that the State's closing argument did not constitute obvious error or prejudice the defendant.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Frank L. Sandstrom; Gerald W. Vande Walle; Daniel J. Crothers; Mary Muehlen Maring; Carol Ronning Kapsner
JURISDICTION	North Dakota
DECIDED	March 29, 2006
DOCKET	No. 20050244
DISPOSITION	affirmed
PROCEDURAL POSTURE	Moran appealed his jury conviction for driving under the influence after the district court denied his motion to dismiss for violation of his speedy-trial rights and entered judgment of conviction.
STANDARD OF REVIEW	Speedy-trial determinations are reviewed de novo, with the district court's factual findings reviewed under the clearly erroneous standard. Claims concerning the scope of closing argument are reviewed for clear abuse of discretion; unpreserved claims are reviewed for obvious error under N.D.R.Crim.P. 52(b).
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential.
PARTIES	William J. Moran v. State of North Dakota

TOPICS

- speedy trial
- criminal procedure
- jury instructions
- burden of proof instructions
- prosecutorial misconduct

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the delay between the filing of the criminal complaint and trial violated Moran's speedy-trial rights under the Sixth Amendment, article I, section 12 of the North Dakota Constitution, or N.D.R.Crim.P. 48(b).
2. Whether the State's closing-argument statements concerning the burden of proof and holding Moran responsible for his actions constituted obvious error requiring reversal.

HOLDINGS

1. Moran's speedy-trial rights were not violated because, after balancing the Barker factors, the delay did not warrant a presumption of prejudice and Moran failed to demonstrate actual prejudice to his defense.
2. The State did not commit reversible or obvious error by failing to restate the beyond-a-reasonable-doubt burden or by asking the jury to hold Moran responsible for his actions.

KEY QUOTATIONS

"No single factor is controlling, and all factors must be weighed." (at 919)

"Therefore, prejudice from negligent delay is not conclusive, but depends on the other factors, including the length of the delay." (at 922)

"Although clear weighing of each factor is preferred, the district court did not err in making its findings." (at 923)

FACTUAL BACKGROUND

Moran was cited for DUI in May 1996 and failed to appear in municipal court, resulting in a bench warrant. After the municipal case was dismissed, the State filed a district-court complaint and obtained an arrest warrant in October 1996, but the warrant was not served until October 1999. Moran failed to appear after being served and was not arrested again until February 2005; he was convicted by a jury in July 2005. The State had no documented efforts to serve the warrant during the three-year period, while Moran was responsible for much of the later delay through his failures to appear and evasion of law enforcement.

PROCEDURAL HISTORY

Moran was charged in state district court in 1996, was arrested in 1999, failed to appear, and was not arrested again until February 2005. The district court denied his motion to dismiss under North Dakota Rule of Criminal Procedure 48(b), the North Dakota Constitution, and the Sixth Amendment. A jury convicted him of DUI in July 2005, and the Supreme Court of North Dakota affirmed.

DISPOSITION

affirmed

CASES CITED

- Barker v. Wingo, 407 U.S. 514 (1972)
- Doggett v. United States, 505 U.S. 647 (1992)
- State v. Bergstrom, 2004 ND 48, 676 N.W.2d 83
- State v. Cham, 680 N.W.2d 121 (Minn. Ct. App. 2004)
- United States v. Cardona, 302 F.3d 494 (5th Cir. 2002)
- United States v. Titlbach, 339 F.3d 692 (8th Cir. 2003)
- United States v. Walker, 92 F.3d 714 (8th Cir. 1996)
- State v. Ochoa, 2004 ND 43, 675 N.W.2d 161
- City of Fargo v. Thompson, 520 N.W.2d 578 (N.D. 1994)
- City of Jamestown v. Erdelt, 513 N.W.2d 82 (N.D. 1994)
- State v. Knoll, 322 N.C. 535, 369 S.E.2d 558 (1988)
- United States v. Bergfeld, 280 F.3d 486 (5th Cir. 2002)
- United States v. Loud Hawk, 474 U.S. 302 (1986)
- State v. Clark, 2004 ND 85, 678 N.W.2d 765
- State v. Skorick, 2002 ND 190, 653 N.W.2d 698
- State v. Marks, 452 N.W.2d 298 (N.D. 1990)
- United States v. Smith, 934 F.2d 270 (11th Cir. 1991)