

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

United States v. Roman Lloyd

No. 22-1126, United States Court of Appeals for the Seventh Circuit (October 7, 2022)

SUMMARY

The Seventh Circuit affirmed the district court's dismissal of an indictment without prejudice after a Speedy Trial Act violation caused by delays in transporting the defendant to a mental competency evaluation. The court held that the district court properly exercised its discretion under 18 U.S.C. § 3162(a)(2) by weighing the seriousness of the unarmed bank robbery and high-speed chase, the government's inadvertent conduct (not bad faith), and the lack of significant prejudice to the defendant. The opinion clarifies that the Transportation Exception (§ 3161(h)(1)(F)) presumptively caps excludable transport time at ten days, but dismissal without prejudice is appropriate where the government did not intentionally delay and the defendant waited passively before objecting.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the Seventh Circuit                                                                                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | FLAUM; BRENNAN; SCUDDER                                                                                                                                                                                                                                                                                                                                 |
| JURISDICTION          | Federal                                                                                                                                                                                                                                                                                                                                                 |
| DECIDED               | October 7, 2022                                                                                                                                                                                                                                                                                                                                         |
| DOCKET                | 22-1126                                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Appeal from the United States District Court for the Central District of Illinois, No. 21-cr-40030, Sara Darrow, Chief Judge. The district court dismissed the indictment without prejudice for a Speedy Trial Act violation, and the government re-indicted. Lloyd pleaded guilty but reserved the right to challenge the dismissal without prejudice. |
| STANDARD OF REVIEW    | Abuse of discretion                                                                                                                                                                                                                                                                                                                                     |
| PRECEDENTIAL VALUE    | Published                                                                                                                                                                                                                                                                                                                                               |
| PARTIES               | Roman T. Lloyd v. United States of America                                                                                                                                                                                                                                                                                                              |

TOPICS

- criminal procedure
- standard of review
- statutory interpretation
- appellate procedure

## PRACTICE AREAS

Criminal Law

Speedy Trial

## QUESTIONS PRESENTED

1. Whether the district court abused its discretion in dismissing the indictment without prejudice rather than with prejudice under the Speedy Trial Act.

## HOLDINGS

1. The district court did not abuse its discretion in dismissing the indictment without prejudice because it properly considered the three statutory factors and its decision was supported by the record.

## KEY QUOTATIONS

“We review the district court's decision to dismiss without prejudice for abuse of discretion.” (at 7)

“Dismissal without prejudice is not a toothless sanction.” (at 18)

“For the foregoing reasons, we **AFFIRM** the decision of the district court.” (at 21)

## FACTUAL BACKGROUND

On March 27, 2019, Lloyd robbed a credit union in Moline, Illinois, taking \$16,878. He led police on a high-speed chase through Illinois and Iowa, reaching speeds of 100 mph, driving through school zones and residential areas. He was eventually stopped. He was indicted on one count of credit union robbery and one count of transporting stolen money interstate. He was arraigned on July 11, 2019, and pleaded not guilty. The district court set trial for September 9, 2019, but continuances were granted. On November 19, 2019, Lloyd's counsel moved for a competency evaluation. The court granted the motion and ordered transportation. Lloyd did not arrive at the evaluation facility until February 27, 2020. The evaluation was completed on May 8, 2020, and Lloyd was returned to jail on July 1, 2020. The court found him competent on September 23, 2020. After further continuances, Lloyd moved to dismiss for Speedy Trial Act violation on April 26, 2021. The district court found a violation of 106 nonexcludable days and dismissed without prejudice. The government re-indicted, and Lloyd pleaded guilty, reserving the right to appeal the dismissal without prejudice.

## PROCEDURAL HISTORY

Lloyd was indicted for credit union robbery and transporting stolen money. He was arraigned on July 11, 2019. Competency evaluation was ordered, and transportation delays led to a Speedy Trial Act violation. The district court dismissed without prejudice, and the government re-indicted. Lloyd pleaded guilty and appealed the dismissal without prejudice.

## DISPOSITION

affirmed

## CASES CITED

- United States v. Taylor, 487 U.S. 326 (1988)
- United States v. Sykes, 614 F.3d 303 (7th Cir. 2010)
- United States v. Smith, 576 F.3d 681 (7th Cir. 2009)
- United States v. Fountain, 840 F.2d 509 (7th Cir. 1988)
- United States v. Killingsworth, 507 F.3d 1087 (7th Cir. 2007)
- Zedner v. United States, 547 U.S. 489 (2006)
- United States v. Carreon, 626 F.2d 528 (7th Cir. 1980)
- United States v. Schreane, 331 F.3d 548 (6th Cir. 2003)
- Doggett v. United States, 505 U.S. 647 (1992)

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