

IN THE SUPREME COURT OF THE STATE OF MONTANA  
CAUSE NO. DA 23-0618

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STATE OF MONTANA,  
Plaintiff and Appellee,  
and  
ANDREW DAVID LARSON,  
Defendant and Appellant.

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**Appellant/Defendant's Opening Brief**

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On Appeal from the District Court of the Twenty-First Judicial District  
of the State of Montana, In and For Ravali County

Before the Honorable Jennifer B. Lint  
Cause No. DC 22-0061

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## STATEMENT OF THE ISSUES

- I. **Whether the District Court erred by denying Larson’s Motion to Dismiss for lack of speedy trial, when the delay bringing Larson to trial was 479 days and Redd remained in custody throughout the delay?**

## STATEMENT OF THE CASE

Appellant Andrew Larson (“Larson”) entered no contest pleas to Driving Under the Influence, 4th or subsequent, Criminal Endangerment, and Theft, all felonies. At the time of entering his pleas, Larson reserved the right to appeal a motion to dismiss based on a violation of his right to speedy trial.

After being charged, Larson’s first trial date was set to occur 227 days later, which was delayed by 70 days due to a higher priority trial going forward. Thereafter, Larson caused a 112 day delay to consider and ultimately reject a plea agreement with the State. Then a final period of 70 days delay was again caused by a higher priority trial going forward.

At the time of Larson’s motion, his trial was set to occur 479 days after his arrest, and Larson had been incarcerated for the entirety of the case. In denying Larson’s motion, the district court calculated Larson caused 249 days of the delay and the State caused 230 days of the delay, with all delay attributable to the State as institutional delay.

## **SUMMARY OF ARGUMENT**

The district court incorrectly calculated the delay in Larson's case and incorrectly attributed a large portion to Larson because only actions which cause a delay of trial are calculated. Instead, the district court calculated and attributed delay based upon actions by Larson which did not cause a delay in trial.

Once properly recalculated and attributed, the record shows Larson continued trial on one occasion, in order to consider a plea offer, thus causing 112 day delay to his trial. The remaining 367 days are attributed to the State as institutional delay.

Further, the record shows that Larson's response to this delay supports the finding that his right to speedy trial was violated, because the only time Larson agreed to or caused a delay was to consider a plea offer from the State.

Finally, while Larson did not suffer a great deal of prejudice, Larson did suffer some prejudice and when considered along with the length of delay support a finding of prejudice.

On balance, this Court should hold Larson's right to speedy trial was violated, reverse and remand with instructions to dismiss Larson's case, with prejudice.

## **STATEMENT OF FACTS**

On March 18, 2022, Hamilton Police Officers responded to a report of a stolen vehicle. See Doc. 1, Affidavit in Support. Shortly after the report was made, a Montana Highway Trooper spotted the stolen vehicle and attempted to conduct a

traffic stop, but the vehicle fled at a high rate of speed. *Ibid.* During the chase, the vehicle's speed exceeded 100 mph, executed a series of dangerous maneuvers, and eventually ran off road and came to a stop. *Ibid.* Once stopped the driver was identified as Larson, who was clearly intoxicated and uncooperative with officers. *Ibid.* After being arrested, it was determined Larson had three prior DUI convictions, and officers sought a blood draw to confirm Larson was intoxicated. *Ibid.*

Larson was arraigned in Justice Court, and on April 7, 2022 made his initial appearance in district court. See Doc. 9. The district court set a review hearing to occur July 7, 2022. *Id.*, ¶ 17.

At the July 7 hearing, Larson's counsel requested additional time to discuss the present case and three other pending matters with Larson. See Doc. 12.10, Minute Entry. The district court continued the hearing until August 4, 2022, at which time the district court stated a trial preparation order would be issued. Doc. 12.20. On August 23, the district court issued its order which, among other things, set trial to begin October 31, 2022.

On September 22, 2022 the parties appeared and informed the district court discussions regarding plea offers were ongoing but the matter should remain on the trial calendar. Doc. 13.20.

On October 31, 2022, the district court *sua sponte* issued a new trial order resetting trial until January 9, 2023. Doc. 19.

On December 22, 2022, Larson filed a motion to vacate trial and set a change of plea hearing. Doc. 28. The hearing was set to occur January 12, 2023. Doc. 29. At the hearing, Larson indicated that a one-week continuance was needed and requested to appear in person at the hearing. Doc. 29.10.

On January 19, 2023, Larson appeared again and declined the State's plea offer, and the district court reset trial to occur May 1, 2023. Doc. 29.20 & 30.

On April 28, 2023, the district court *sue sponte* reset trial to begin July 10, 2023. Doc. 41.

On July 6, 2023, Larson filed his Motion to Dismiss for Violation of Speedy Trial. Doc. 47.

On July 7, 2023, Larson entered no contest pleas to DUI – fourth or subsequent; Criminal Endangerment; and Theft, all felonies. See Transcript of Proceedings, July 7, 2023, Change of Plea (“Tr. COP”), 4:15-5:8.

At the change of plea hearing, Larson reserved his right to appeal the district court's decision regarding his Motion to Dismiss for Violation of Speedy Trial. *Id.*, 6:7-19.

On July 28, 2023, the State responded to Larson's motion, and on August 2 the district court denied the motion. Doc. 55 & 56. At the time of Larson's motion his trial setting was 479 days from his arrest, and the district court attributed 230 of those days to institutional delay and the remaining 249 days to Larson. Doc. 56, § E.

The district court relied upon a spreadsheet which counted every delay in the case, not just those that caused an actual trial delay, and attributed all the time past Larson's indication that he intended to change his plea to Larson. *Id.*, § E & Exhibit A.

On August 2, 2023, the district court sentenced Larson on all three charges upon which Larson entered no contest pleas and this appeal ensued.

### **STANDARD OF REVIEW**

This Court reviews a district court's decision on a speedy trial claim de novo to determine whether the decision was correct. *State v. Brekke*, 2017 MT 81, ¶ 10, 387 Mont. 218, 392 P.3d 570, citing *State v. Velasquez*, 2016 MT 216, ¶ 6, 384 Mont. 447, 377 P.3d 1235.

### **ARGUMENT**

#### **THE DISTRICT COURT ERRED BY DENYING LARSON'S MOTION TO DISMISS FOR LACK OF SPEEDY TRIAL.**

A criminal defendant's right to a speedy trial is guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article II, § 24 of the Montana Constitution.

In *State v. Ariegwe*, 2007 MT 204, 338 Mont. 442, 167 P.3d 815, this Court established a four-factor balancing test to examine speedy trial claims. at ¶ 120. Those factors include 1. The Length of Delay, 2. The Reasons for the Delay, 3. The Defendant's Response to the Delay, and 4. Prejudice to the Defendant. *Id.*, at ¶¶ 34-

35. The Court balances all four factors by looking to the facts of each case and assigning weights to each factor, no one factor is dispositive, instead they are considered together with any other relevant circumstance. *Id.*, at ¶ 153.

The primary burden of bringing an accused to trial is on the courts and prosecutors, negligence or lack of diligence in bringing the accused to trial is an unacceptable reason for delay. *Ariegwe*, ¶¶ 69 & 72, citing *Barker v. Wingo*, 407 U.S. 514, 529, 92 S. Ct. 2182, 2191 (1972). If an accused is outside of Montana's jurisdiction, the State must act diligently to acquire jurisdiction. *State v. Lacey*, 2010 MT 6, ¶ 17, 355 Mont. 31, 224 P.3d 1247, citing *State v. Longhorn*, 2002 MT 135, ¶ 22, 310 Mont. 172, 49 P.3d 48, *overruled on other grounds*.

**A. The District Court Incorrectly Applied Delays to Larson Which did not Dely Trial or Were Institutional Delay**

This section is included only to point out the errors underlying the district court's denial of Larson's motion and application of the speedy trial factors follows. The district court calculated that Larson caused 249 days of delay and the State was responsible for 230 days of institutional delay; however, this was incorrect because the district court attributed delays to Larson which did not cause a delay in trial and delays which were the result of institutional delay.

Attached to its Opinion & Order denying Larson's motion, the district court included a spreadsheet showing its calculations regarding how it reached its final calculations. See Doc. 56, Exhibit A. This spreadsheet shows the district court

attributed 14 days of delay prior to any trial being set, and all delay in the case after Larson declined to enter a guilty plea to Larson. This was an error on the part of the district court.

Only delays that result in a delay of trial are countable, and delays such as requests for additional time to file a brief are not counted unless it results in postponement of trial. *State v. Couture*, 2010 MT 201, ¶ 71, 357 Mont. 398, 240 P.3d 987.

In Larson's case, after its initial setting trial was delayed three times, once by Larson and twice due to institutional delay.

On July 21, 2022, the district court attributed a 14 day delay to Larson after Larson requested additional time to review a plea offer; however, trial had not even been set at this time. Additionally, at the next hearing, trial was scheduled to occur October 31, 2022, there is no reason to believe this 14 day period caused an actual delay in the trial setting.

At the October 31, 2022 trial setting a higher priority case went forward, necessitating Larson's trial be continued until January 9, 2023. This district court correctly attributed this portion of delay to institutional delay.

Thereafter, Larson moved to vacate trial on the basis a plea agreement had been reached. However, Larson did not follow through with the plea agreement and trial was reset to May 1, 2023, this time was properly attributable to Larson.

However, the district court went further and attributed the all the time from Larson’s motion to vacate until the end of the case to Larson. This was an error, time is calculated from the trial setting, not the filing of a motion. Additionally, trial was reset once more due to a higher priority case going forward, yet the district court attributed this time to Larson as well.

The district court reasoned Larson would have been the highest priority trial at the time he filed his motion to vacate trial, so all delay past the motion being filed was attributed to Larson. This again was in error, because it is “each period of delay” that must be examined, and a court should not simply attribute the remainder of time to the end of the case to a party after they cause one delay. See *State v. Ariegwe*, 2007 MT 204, ¶ 109, 338 Mont. 442, 167 P.3d 815 (courts must examine “the specific cause and culpability for each period of delay”).

For these reasons, the district court’s calculations should be given no weight in this Court’s analysis.

**B. The Length of Delay Presumptively Violates Larson’s Speedy Trial rights.**

The threshold question is whether the interval between accusation and trial exceeds 200 days thereby triggering further speedy trial analysis. *Ariegwe.*, at ¶ 121.

The right to a speedy trial begins when a person has been formally accused, whether by arrest, or by filing of an information. *Ariegwe*, ¶ 42. Once the 200-day

threshold passes, a presumption of prejudice arises, and a speedy trial analysis is required. *Ariegwe*, ¶¶ 37, 41.

Here, Larson was arrested March 18, 2022, and at the time of Larson’s motion for speedy trial, his trial was set to occur on July 10, 2023, 479 days after Larson became accused.

479 days clearly exceeds the 200-day threshold triggering Larson’s right to a speedy trial.

The second Factor One consideration is how far the delay extends beyond the 200-day trigger, this consideration guides the application of the remaining factors. *Id.*, ¶ 123. For example, in *Ariegwe*, 408 days passed between accusation and trial, and the *Ariegwe* Court required the State to provide a “particularly compelling” justification for the delay under the Second Factor, and a highly persuasive showing that *Ariegwe* was not prejudiced by the delay. at ¶ 123. Additionally, *Ariegwe*’s requirement to demonstrate prejudice was correspondingly lower. *Ibid.*

Since 479 days passed between Larson’s accusation and trial, even longer than the delay in *Ariegwe*, this Court should require the State to provide a very compelling justification for the delay and a highly persuasive showing that Larson was not prejudiced. Likewise, Larson’s burden of proving prejudice is correspondingly lower.

### **C. The Reasons for Delay Show that Larson's Speedy Trial Right was Violated.**

Factor Two requires each period of delay to be identified and attributed to either the State or defendant. *Ariegwe*, at ¶ 124. Courts must assign weight to each delay based on the specific cause and motive for the delay after identifying and assigning each period of delay. *State v. Burnett*, 2022 MT 10, ¶ 21, 407 Mont. 189, 502 P.3d 703.

Delay is charged to the State unless caused by or waived by the accused for that period. *State v. Billman*, 2008 MT 326, ¶ 20, 346 Mont. 118, 194 P.3d 58, citing *Ariegwe*, ¶ 108. Institutional delay and delay for valid reasons weigh less heavily against the State, while delays caused by prosecutors' negligence or lack of diligence weigh more heavily against the State. *Billman*, at ¶ 20, citing *Ariegwe*, ¶ 108. Intentional delays by the prosecutor weigh heavily against the State. *State v. Hendershot*, 2009 MT 292, ¶ 11, 352 Mont. 271, 216 P.3d 754, citing *Ariegwe*, ¶ 68. The "specific cause and culpability for each period of delay" bears significance when the factors are balanced. *Billman*, at ¶ 20, quoting *Ariegwe*, ¶ 109.

#### **1. First Period of Delay, Arrest, March 18, 2022 to First Trial Date October 31, 2022, 227 days.**

This initial 227-days is institutional delay attributable to the State. The district court did not initially set a trial date, instead it set a review hearing date to occur July

21, 2022, and then a status hearing on August 4, 2022, at which time the district court set the first trial date to occur October 31, 2022. See Doc. 9, 12.10, & 13.

All of this delay was caused by the routine operation of the court system and not impacted by Larson's actions, as such it is attributable to the State as institutional delay. Although the district court found fault with Larson's request for a one week continuance at the July 21, 2022 hearing, it is not relevant to a speedy trial analysis as no trial had been set, and speedy trial only examines those delays that impact the trial setting. *State v. Couture*, 2010 MT 201, ¶ 71, 357 Mont. 398, 240 P.3d 987.

The one week continuance caused no delay to the October 31, 2022 trial setting and is therefore part and parcel to the overall delay to the first trial setting.

**2. Second Period of Delay: October 31, 2022, to January 09, 2023, 70 days.**

This is attributed to the State as institutional delay because trial was reset due to other trials having a higher priority than Larson's trial at the October 31, 2022 trial date. See Order Denying Motion to Dismiss, page 5; Doc. 19.

**3. Third Period of Delay: January 9, 2023 to May 1, 2023, 112 days.**

This period of delay is attributable to Larson. On December 22, 2022, Larson filed a motion asking the district court to vacate the scheduled jury trial and allow Larson to change his plea pursuant to a plea agreement. Doc. 28.

However, at a January 19, 2023 change of plea hearing, Larson declined to enter a guilty plea, and the district court reset trial to occur May 1, 2023.

#### **4. Fourth Period of Delay, May 1, 2023 to July 10, 2023, 70 days.**

This 70-day period is attributable to institutional delay and weighs against the State.

The May 1, 2023 trial date was reset to July 10, 2023, due to a higher priority case going forward to trial. See Doc. 32.

Of the 479 total days, 367 are attributable to the State as institutional delay, and the remaining 112 days are attributable to Larson.

On balance, the majority of the delay is attributable to the State and this factor weighs in favor of Larson.

#### **D. The Defendant's Response to the Delay Weighs in Larson's Favor.**

Whether the defendant actually wanted to be brought to trial promptly is an "important" consideration in ascertaining whether his right to a speedy trial has been violated. *Ariegwe*, at ¶ 76, citing *Barker*, 407 U.S. at 534, 92 S. Ct. at 2194. While the defendant's desire to be brought to trial is not always apparent, the frequency and force of the defendant's objections to pretrial delay and the reasons for acquiescence to any delays are strong indicators. *Ariegwe*, at ¶ 76. Importantly, "a defendant does not abandon his right to a speedy trial when he engages in plea negotiations." *State v. Kurtz*, 2019 MT 127, ¶ 27, 396 Mont. 80, 443 P.3d 479.

In *Kurtz*, this Court rejected the argument that Kurtz failed to demonstrate a desire to enforce his right to speedy trial when he asked the district court to vacate

trial and set a change of plea hearing, but did not follow through with the plea agreement. ¶¶ 27-29. Further, like here, Kurtz did not complain about the delay in trial, until he filed his speedy trial motion, again this Court rejected the State's argument that Kurtz failed to demonstrate his desire for a speedy trial. *Id.*, ¶ 26.

In the present case, Larson caused a portion of delay, only to consider and ultimately reject a plea offer from the State. Otherwise, Larson stood ready to go to trial multiple times, only to have his trial reset due to the district court's calendar.

This factor weighs in Larson's favor.

#### **E. Larson was Slightly Prejudiced by the Speedy Trial Delay**

Under the fourth speedy trial factor, a court must examine whether the pretrial delay has prejudiced the defendant in light of the interests that the speedy trial right protects: (1) preventing oppressive pretrial incarceration; (2) minimizing the defendant's anxiety and concern; and (3) limiting the possibility that pretrial delay will impair the defendant's defense. *Ariegwe*, ¶ 111. The defendant must present evidence establishing prejudice and the State must present evidence showing a lack of prejudice. *Ariegwe*, ¶ 56. As a result of the extended delay in this case, the State must make a persuasive showing that the pretrial delay did not prejudice Larson, and the quantum of proof required from Larson is correspondingly lower. See *Billman*, at ¶ 36.

##### **1. Oppressive Pretrial Incarceration**

"The first interest—preventing oppressive pretrial incarceration—reflects the 'core concern' of the speedy trial guarantee: 'impairment of liberty.'" *Kurtz*, ¶ 32, quoting *Ariegwe*, ¶ 89 (internal citations and quotations omitted). As the length of incarceration increases so does the likelihood of prejudice against the defendant. *Kurtz*, at ¶ 32, citing *Ariegwe*, ¶ 90. This Court considers the duration of incarceration, complexity of the charged offenses, whether the defendant engaged in any misconduct while incarcerated, and the conditions of the incarceration to determine if pretrial incarceration was oppressive. *Ariegwe*, ¶ 113.

Larson remained incarcerated for the entirety of his case, 479 days, which is longer than the 420 days found offensive in *Kurtz*. ¶ 32. The number of days alone is not determinative of whether the pretrial incarceration was oppressive. *Id.*, ¶ 33.

For example, in *Couture*, the Court outlined various factors for consideration regarding the length of pretrial incarceration. *State v. Couture*, 2010 MT 201, ¶ 57-61, 357 Mont. 398, 240 P.3d 987. Among them are the defendant's request for bail, the complexity of the case, and examining if the State caused the incarceration to be extended. *Id.*, at ¶¶ 59-61.

The length of pretrial incarceration may be oppressive for a relatively simple offense but not so for a complex charge. *Id.*, at ¶ 59 (comparing pretrial incarceration for a DUI vs. deliberate homicide).

Here, like the defendants in *Billman* and *Kurtz*, Larson's case involved a DUI charge and relatively straightforward facts, which supports a finding that his pretrial incarceration was oppressive. However, complicating analysis of this factor is the fact that Larson became a DOC inmate during his incarceration period.

On November 2, 2022, Larson was transferred to DOC as a result of a separate matter, and any incarceration past this point cannot be fairly considered in this case. This leaves 229 days of incarceration for consideration in the present case.

Additionally, the *Couture* Court also looked at the defendant's attempt to seek bail, although not determinative, the defendant's inability to post bail is relevant. Larson, like *Couture*, was unable to post bail throughout the relevant portion of his case, but unlike *Couture*, Larson repeatedly sought bail reductions and was denied. This weighs in favor of a finding that Larson's pretrial incarceration was oppressive.

Weighing against Larson is the multitude of pending and previous recent felony charges in separate matters, which the district court pointed to in its decision not to reduce Larson's bond.

On balance, these considerations weigh against Larson's incarceration being oppressive in the present case.

Aside from the duration and reason for incarceration, the other considerations related to oppressive incarceration are whether the accused engaged in misconduct while incarcerated and the conditions of incarceration. *Couture*, ¶ 62. This requires

looking at the condition of the facility and how they impact the accused. *Id.*, at ¶ 62, citing *Billman*, ¶ 41. Considerations for this might focus on whether a facility lacks recreational opportunity, appropriate medical care, adequate food, and legal research capabilities.

While there is no evidence in the record that Larson committed any additional misconduct while incarcerated, there is also no evidence in the record to suggest the facility where Larson was incarcerated lacked adequate medical care, food, or legal research capabilities.

As a whole, it cannot reasonably be argued Larson's incarceration was oppressive under a speedy trial analysis.

## **2. Minimizing the Defendant's Anxiety and Concern.**

The defendant's interest in minimizing anxiety and concern caused by the presence of unresolved criminal charges—"is subjective, not to mention difficult to demonstrate." *Ariegwe*, at ¶ 95. Nonetheless, it is an interest protected by the right to a speedy trial. *Ibid.*

When evaluating anxiety and concern, the focus is on the ways in which the presence of unresolved criminal charges disrupted the defendant's life. *Ariegwe*, at ¶ 97. A certain amount of anxiety and concern is inherent in being accused of a crime. *Ibid.* Courts may infer from evidence that the defendant suffered anxiety and concern, which in turn suggests that he has been prejudiced. *Id.*

The speedy trial guarantee is designed "to shorten the disruption of life caused by arrest and the presence of unresolved criminal charges," *Id.*, quoting *United States v. MacDonald*, 456 U.S. 1, 8, 102 S. Ct. 1497, 1502 (1982). The crucial question is whether the delay in bringing the defendant to trial has unduly prolonged the disruption of his or her life or aggravated the anxiety and concern inherent in being accused of a crime. *Ariegwe*, at ¶ 97 (internal citations omitted).

In his motion, Larson pointed out that he had “lost his housing and any opportunity for employment,” and “the effect of sitting in county jail so long has had an effect on his mental and physical health.”

This does show Larson suffered some prejudice from extended incarceration, even before being transferred to DOC custody and should be considered by the Court.

### **3. Impairment of the Defendant’s Defense**

Limiting the possibility that pretrial delay will impair the accused's defense is considered one of the most important interests the speedy trial right protects because an accused's inability to present an effective defense undermines the fairness of the system. *Billman*, ¶ 47, citing *Ariegwe*, ¶ 98. An accused’s inability to submit affirmative proof of impairment is not fatal to a speedy trial claim, and in those cases, this Court has focused on the other speedy trial factors to determine whether the

pretrial delay has prejudiced the accused's defense. *Billman*, ¶ 48, citing *Ariegwe*, ¶¶ 99-100.

In this regard, Larson presented no argument at the district court that his defense was impaired, and none appears in the record.

#### **F. On Balance the Speedy Trial Factors Favor Larson**

After reviewing each of the four factors, courts determine whether the defendant has been deprived of the right to a speedy trial by balancing each of the factors. *Ariegwe*, at ¶ 112.

The first factor, length of delay easily weighs in favor of Larson, 479 days of delay is longer than the threshold limit of 200 days. This gives rise to an obligation by the State to show a “particularly compelling” justification for the delay and a highly persuasive showing that Larson was not prejudiced by the delay. Further, as the delay was exceptionally long, Larson's burden of proof is greatly reduced to show he suffered prejudice.

The Second Factor favors Larson, of the 479 total days, 367 are attributable to the State as institutional delay, and the remaining 112 days are attributable to Larson. Additionally, the 112 days attributable to Larson were all to consider and reject plea offers from the State, which this Court weighs lightly against Defendants.

Factor Three, the defendant's response to the delay, weighs in favor of Larson. Larson did not affirmatively agree to any delay, outside what was necessary to

consider the State's offers. Further, Larson affirmatively asserted his right to a speedy trial when he filed his motion to dismiss.

Factor Four, prejudice to the defendant, does not weigh heavily in favor of Larson. However, Larson did suffer some prejudice in the loss of housing and employment, and increased mental health distress due to his lengthy incarceration.

The Court should, on balance, find that Larson's right to a speedy trial was violated, and reverse his conviction with instructions to dismiss with prejudice.

### **CONCLUSION**

For the foregoing reasons, Larson's conviction should be reversed and the Court should remand with instructions to dismiss Larson's case with prejudice.

DATED this 6th day of June 2025.

PEACE LAW GROUP, LLC

/s/Scotti Ramberg  
Scotti Ramberg  
*Attorney for Appellant/Defendant*

## **CERTIFICATE OF COMPLIANCE**

Pursuant to Rule 11(4)(e) of the Montana Rules of Appellate Procedure, I certify that this Appellant's Opening Brief is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double spaced except for footnotes, quoted, and indented material; and that the word count calculated by Microsoft Word Professional Edition is 4,401 words, excluding the Table of Contents, Table of Authorities, Certificate of Service, and Certificate of Compliance.

DATED this 6th day of June 2025.

PEACE LAW GROUP, LLC

*/s/Scotti Ramberg*  
Scotti Ramberg  
*Attorney for Appellant/Defendant*

**APPENDIX**

Judgment Appealed From .....Appendix A

Motion to Dismiss for Violation of Speedy Trial ..... Appendix B

State’s Response to Motion to Dismiss ..... Appendix C

Order Denying Motion to Dismiss.....Appendix D

## **CERTIFICATE OF SERVICE**

I, Scotti Ramberg, hereby certify that I have served true and accurate copies of the foregoing Brief - Appellant's Opening to the following on 06-04-2025:

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