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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Charleston County

Honorable Bentley Price, Circuit Court Judge

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THE STATE,

APPELLANT,

V.

JUAN M. RAMIREZ SANDOVAL,

RESPONDENT

APPELLATE CASE NO. 2023-000590

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INITIAL BRIEF OF RESPONDENT

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LARA M. CAUDY  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR RESPONDENT

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## **COUNTER STATEMENT OF THE ISSUE**

Did the trial court correctly dismiss Respondent's charges based on a violation of his right to a speedy trial pursuant to the Sixth Amendment to the United States Constitution, Article 1, § 9 of the South Carolina Constitution, and S.C. Code Ann. § 17-23-90 where Respondent had been continuously incarcerated since March 2018, where his first trial in February 2020 ended in mistrial after the jury could not reach a unanimous verdict, where Respondent sufficiently asserted his right to a speedy trial on several occasions, and where his retrial had been repeatedly and indefinitely delayed given the state's inability to secure certified interpreters for trial?

## **STATEMENT OF THE CASE**

On March 22, 2018, Respondent was arrested on two counts of first degree criminal sexual conduct with a minor. R. \* (Warrants). In April 2018, Respondent posted bail, but was immediately transferred to the custody of Immigration and Customs Enforcement (ICE). Respondent was held at an ICE detention facility in Ft. Stewart, Georgia until he was extradited back to South Carolina on or about June 7, 2018 upon request of the state.

On May 28, 2018, the state obtained an additional warrant charging Respondent with contributing to the delinquency of a minor. Respondent was served with this warrant upon his return to South Carolina on June 8, 2018. R. \* (Warrant). On August 17, 2018, the state obtained an additional warrant charging Respondent with a third count of first degree criminal sexual conduct with a minor. Respondent was served with this warrant on August 20, 2018. R. \* (Warrant).

A Charleston County grand jury indicted Respondent on September 25, 2018 for two counts of first degree criminal sexual conduct with a minor and contributing to the delinquency of a minor. On December 11, 2018, Respondent was indicted for a third count of first degree criminal sexual conduct with a minor and lewd act upon a minor. R. \* (Indictments).

Respondent's case was called to trial on February 10, 2020. On February 14, 2020, the trial court declared a mistrial after the jury could not reach a unanimous verdict.

On July 21, 2022, after learning his trial would be indefinitely delayed due to the state's inability to secure interpreters for trial, Respondent filed a motion for a speedy trial. R. \* (Motion for Speedy Trial or, in the Alternative, for Release from Jail). In the motion, Respondent demanded a speedy trial pursuant to the Sixth Amendment to the United States Constitution,

Article 1, § 9 of the South Carolina Constitution, and S.C. Code Ann. § 17-23-90. R. \* (Motion for Speedy Trial or, in the Alternative, for Release from Jail).

On January 23, 2023, Respondent filed a memorandum in support of his motion for speedy trial. Respondent asserted his right to a speedy trial had been denied and requested his charges be dismissed if the state could not try him by a date certain. R. \* (Memo in Support of Motion for Speedy Trial).

On January 31, 2023, a hearing was held on Respondent's motion for a speedy trial before the Honorable Bentley Price. Assistant Solicitor Deborah Herring-Lash represented the state. Tr. 1. Karla Martinez represented Respondent. Tr. 1. The court deferred ruling on Respondent's motion until March 6, 2022, the next date Respondent's case was scheduled for trial.

By order filed April 10, 2023, the trial court found Respondent's right to a speedy trial had been violated and dismissed Respondent's charges. R. \* (Order). Respondent was released to the custody of Immigration and Customs Enforcement and, upon information and belief, was deported to Mexico in May 2023.

The state timely filed a notice of appeal. Its initial brief of appellant was filed on September 29, 2023.

This brief of respondent follows.

## **STANDARD OF REVIEW**

“A court’s decision on whether to dismiss on speedy trial grounds is reviewed for an abuse of discretion.” State v. Langford, 400 S.C. 421, 442, 735 S.E.2d 471, 482 (2012) (internal citations omitted). “An abuse of discretion occurs when the trial court’s decision is based upon an error of law or upon factual findings that are without evidentiary support.” Id. (quoting Fields v. J. Haynes Waters Builders, Inc., 376 S.C. 545, 555, 658 S.E.2d 80, 85 (2008)).

## ARGUMENT

The trial court correctly dismissed Respondent's charges based on a violation of his right to a speedy trial pursuant to the Sixth Amendment to the United States Constitution, Article 1, § 9 of the South Carolina Constitution, and S.C. Code Ann. § 17-23-90 where Respondent had been continuously incarcerated since March 2018, where his first trial in February 2020 ended in mistrial after the jury could not reach a unanimous verdict, where Respondent sufficiently asserted his right to a speedy trial on several occasions, and where his retrial had been repeatedly and indefinitely delayed given the state's inability to secure certified interpreters for trial.

### **Relevant Facts**

On March 22, 2018, Respondent was arrested on two counts of first degree criminal sexual conduct with a minor. R. \* (Warrants). In April 2018, Respondent posted bail, but was immediately transferred to the custody of Immigration and Customs Enforcement (ICE). Respondent was held at an ICE detention facility in Ft. Stewart, Georgia until he was extradited back to South Carolina on or about June 7, 2018 upon request of the state.

On May 28, 2018, the state obtained an additional warrant charging Respondent with contributing to the delinquency of a minor. Respondent was served with this warrant upon his return to South Carolina on June 8, 2018. R. \* (Warrant). On August 17, 2018, the state obtained an additional warrant charging Respondent with a third count of first degree criminal sexual conduct with a minor. Respondent was served with this warrant on August 20, 2018. R. \* (Warrant).

A Charleston County grand jury indicted Respondent on September 25, 2018 for two counts of first degree criminal sexual conduct with a minor and contributing to the delinquency

of a minor, and on December 11, 2018 for a third count of first degree criminal sexual conduct with a minor and lewd act upon a minor. R. \* (Indictments).

Respondent's case was called to trial on February 10, 2020. On February 14, 2020, the trial court declared a mistrial after the jury could not reach a unanimous verdict.

A status conference was held on February 28, 2022 where Respondent wished to formally reject the state's plea offer. At the hearing, the assistant solicitor stated the offer was set to expire on April 8, 2022, which coincided with the next pretrial hearing. Consequently, Respondent was not able to reject the state's offer on the record. The next pretrial hearing was held as scheduled on April 8, 2022. Respondent's case was scheduled for trial the week of May 6, 2022, but the trial was continued because new defense counsel was appointed due to the departure of Respondent's prior attorney.

In May 2022, Respondent's case was placed on the priority trial docket for the week of August 29, 2022. Counsel for both parties made several attempts to confirm with the Clerk of Court that interpreters for the trial had been secured. However, as of July 2022, only one of two required interpreters was available for trial.

On July 14, 2022, defense counsel wrote to the Honorable Deadra L. Jefferson, the Administrative Judge for the Ninth Judicial Circuit, seeking guidance. R. \* (Exhibit 2 of Memo in Support of Motion for Speedy Trial). Counsel advised Judge Jefferson that the trial required "the use of two Spanish/English interpreters" and that the Clerk of Court, despite considerable effort, had been unable to secure the necessary interpreters. Counsel expressed her concern that the Clerk of Court's inability to secure interpreters would further delay Respondent's trial "to some indeterminate time in the future." She asked Judge Jefferson to "provide guidance or

intervene” in the matter “so that [Respondent] can have his trial in a timely manner.” R. \* (Exhibit 2 of Memo in Support of Motion for Speedy Trial).

On July 20, 2022, a status conference hearing was held before Judge Jefferson. The judge informed the parties that the trial would not proceed as scheduled the week of August 29, 2022 due to the ongoing problem obtaining an adequate number of interpreters. At the conclusion of the hearing, no proximate or future date certain was provided for the trial.

The following day, July 21, 2022, Respondent filed a formal motion for a speedy trial. R. \* (Motion for Speedy Trial or, in the Alternative, for Release from Jail). In the motion, Respondent demanded a speedy trial pursuant to the Sixth Amendment to the United States Constitution, Article 1, Section 9 of the South Carolina Constitution, and S.C. Code Ann. § 17-23-90. In the alternative, Respondent moved to be released from incarceration. R. \* (Motion for Speedy Trial or, in the Alternative, for Release from Jail).

On January 23, 2023, Respondent filed a memorandum in support of his motion for speedy trial. Respondent asserted his right to a speedy trial had been denied and requested his charges be dismissed if the state could not try him by a certain date. R. \* (Memo in Support of Motion for Speedy Trial).

A hearing on Respondent’s motion for a speedy trial was finally held on January 31, 2023 before the Honorable Bentley Price. Assistant Solicitor Deborah Herring-Lash represented the state. Tr. 1. Karla Martinez represented Respondent. Tr. 1. At the beginning of the hearing, the assistant solicitor indicated the state had offered to allow Respondent to plead guilty in exchange for a sentence recommendation of “time served” given that Respondent had been continuously incarcerated since 2018. The solicitor told the judge the case had been scheduled to be tried in August 2022, but the trial was continued because there were no interpreters. She maintained the

case had not been put back on the docket since then “because there’s no interpreters.” The judge replied, “And we’re not going to get them.” Tr. 2, l. 15 – 3, l. 8.

The judge told Respondent he had “two options.” One was to “plead guilty, be deported.” The second was “potentially go to trial, spend 25 years in prison, and then get deported.” Respondent told the judge he would not plead guilty. The following colloquy then took place between the judge and Respondent:

Respondent: I was arrested on March 23, 2018.

The Court: Correct.

Respondent: I’ve been trying to take my case to trial from the minute I was arrested.

The Court: I understand.

Respondent: It took the Court two years to grant me my first trial, and it took place in February 2020.

The Court: Well, it also may take two more years to get you another trial.

Respondent: Once my first trial was over, I specifically mentioned to my attorney that I needed to have my second trial right away.

The Court: That’s not the way it works.

Respondent: Okay. I mentioned to my lawyer, specifically that I needed my new trial. However, my attorney, Tola Familoni, he tried to force me several times to take a plea deal.

The Court: You’re correct.

...

Respondent: So what I want now is for my case to go to trial.

The Court: And you understand that if you are convicted at trial, you will go to prison?

Respondent: I understand that perfectly.

Tr. 4, l. 15 – 5, l. 20.

Defense counsel asserted that Respondent wanted a speedy trial. She requested the judge set a bond of \$40,000 and order the case be tried within the next ninety days. Counsel argued that if the case was not tried within ninety days, Respondent's charges should be dismissed. Tr. 5, l. 21 – 6, l. 1. She asserted, "Your Honor, his [Respondent's] rights to a speedy trial have been denied. It's very clear that my client is not responsible for any of the delays, and neither is the local prosecutor. But I would say that it's the state government's responsibility to provide the access to interpretation to criminal defendants like my client so that they may be tried." Tr. 6, ll. 2-7.

The assistant solicitor told the judge that Respondent's case was scheduled for trial the week of March 6, 2023 and that a pretrial status conference was scheduled for February 3, 2023. However, she asserted that "there are no interpreters" for the week of March 6, 2023 so Respondent's case will "keep coming up on the trial docket indefinitely." Tr. 6, l. 18 – 7, l. 10. The judge agreed that the lack of interpreters was "a serious issue." Tr. 7, ll. 12-13.

The judge ruled that the case would stay on the trial docket for the week of March 6, 2023. He asserted, "I'm going to keep it on for March 6. And if there's no interpreters, we're going to call the case and we'll go from there." When defense counsel asked about the request for bond, the judge stated, "It will all happen on March 6. It may not be necessary because you don't need a bond if you don't have a case." Tr. 7, l. 13 – 8, l. 1.

By order filed April 10, 2023, the trial court found Respondent's right to a speedy trial had been violated and "given the inability to secure certified interpreters for trial," dismissed Respondent's charges.<sup>1</sup> R. \* (Order). The court applied the four part analysis set forth by the

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<sup>1</sup> In a footnote, the court took "judicial notice that securing interpretation for trial has been an ongoing" problem in Charleston County "at least since the return to court after the interruptions caused by the COVID-19 pandemic." The court stated that counsel for both parties and a

United States Supreme Court in Barker v. Wingo, 407 U.S. 514, 530 (1972), including the length of the delay, the reason for the delay, the defendant’s assertion of his right, and prejudice to the defendant.

The court first considered the length of the delay. Citing to State v. Barnes, 431 S.C. 66, 83-84, 846 S.E.2d 389, 397-98 (Ct. App. 2020), the court determined it was “appropriate for the Court to start the speedy trial clock . . . from the date the trial judge declared a mistrial on the first trial.” R. \* (Order at 5). Counting from the date of the mistrial, the court found Respondent had been awaiting trial for two years and eleven months. It concluded this delay is “presumptively prejudicial and meets the threshold requirement for a speedy trial claim.” R. (Order at 5-6).

The court next analyzed the reasons for the delay. The court noted that the case was first scheduled to be tried during the week of May 6, 2022, provided there were two interpreters available. However, the trial was continued after Respondent’s attorney left the Public Defender Office and new counsel was appointed on April 25, 2022. The court found the appointment of new counsel “did not contribute to any significant delays” since the parties agreed to try the case the week of August 29, 2022. However, despite diligent efforts, the Clerk of Court was unable to obtain two interpreters for trial, which resulted in “an indefinite delay” of Respondent’s trial. The court found “these indefinite delayed” caused by a “lack of interpretation (or court resources) should be counted and weighed heavily against the State as the responsibility for bringing a case to trial ultimately falls not only on our prosecutors, but on our courts. R. \* (Order

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representative of the Clerk of Court advised the court that “interpreters are unwilling to make the time commitments required of a week long trial” in General Sessions Court in light of the low pay and limited security.” It noted, “Interpreters are independent contractors who may and do choose to turn down work from the courts in favor of more lucrative, more secure opportunities in the private section and in medical interpreting. R. \* (Order at 3).

at 7) (citing Barker, 407 U.S. at 529). The court concluded, “Despite appearing neutral in nature, I find that the State’s inability to bring the Defendant to trial due to the government’s inability to provide appropriate legal interpretation to this Defendant is a factor that weighs heavily against the State.” R. \* (Order at 7).

The court then considered Respondent’s assertion of his right to a speedy trial. The court emphasized that Respondent rejected the state’s offer to plead guilty in February 2022 and demanded a jury trial. The case was placed on the priority docket list for the week of August 29, 2022. After learning on July 20, 2022, that the trial would not proceed as scheduled on August 29, 2022 due to the state’s inability to obtain interpreters, Respondent filed a motion for a speedy trial on July 21, 2022. Respondent filed a memorandum in support of his motion for a speedy trial on January 23, 2023. When the motion was finally heard on January 31, 2023, Respondent rejected the state’s offer to plead guilty in exchange for a sentence recommendation of time served. Instead, Respondent again asserted his right to a speedy trial. Based on this evidence, the trial court found Respondent had “sufficiently asserted his right to a speedy trial throughout the pendency of this case.” R. \* (Order at 9).

Lastly, the court considered the prejudice to Respondent from the delays. The court found Respondent was prejudiced by the delay for several reasons, including Respondent’s concerns due to the seriousness of the allegations—criminal sexual conduct with a minor—and the stigma that the allegations create inside and outside of the jail. The court concluded Respondent was “most significantly” prejudiced by his “continued indefinite pretrial detention and the fact that the State is unable to bring him to trial and is unlikely to be able to bring him to trial in the near future,” which “hinders [Respondent] from presenting any defense at all.” R. \* (Order at 9).

Based on its analysis of the Barker factors, the court concluded Respondent's right to a speedy trial was violated and dismissed his charges. Respondent was then released to the custody of Immigration and Customs Enforcement (ICE) and, upon information and belief, was deported to Mexico in May 2023.

## **Discussion**

The Sixth Amendment to the United States Constitution provides, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial." U.S. Const. amend. VI. Similarly, the South Carolina Constitution provides that "Any person charged with an offense shall enjoy the right to a speedy and public trial." S.C. Const. art. I, § 14. "A speedy trial means a trial without unreasonable and unnecessary delay." State v. Hunsberger, 418 S.C. 335, 342, 794 S.E.2d 368, 371 (2016) (citing State v. Langford, 400 S.C. 421, 441, 735 S.E.2d 471, 482 (2012)); See Wheeler v. State, 247 S.C. 393, 400, 147 S.E.2d 627, 630 (1966). "The remedy for a speedy trial violation is dismissal of the charges." Id. (citing Langford, 400 S.C. at 442, 735 S.E.2d at 482).

"An accused's speedy trial right begins when he is indicted, arrested, or otherwise officially accused." Id. (citing Langford, 400 S.C. at 442, 735 S.E.2d at 482) (internal quotation marks omitted); See United States v. MacDonald, 456 U.S. 1, 6, 102 S.Ct. 1497, 71 L.Ed.2d 696 (1982). "To trigger a speedy trial analysis, the accused must allege that the interval between accusation and trial has crossed the threshold dividing ordinary from presumptively prejudicial delay, since, by definition, he cannot complain that the government has denied him a speedy trial if it has, in fact, prosecuted his case with customary promptness." Id. at 342-43, 794 S.E.2d at 371 (citing Doggett v. U.S., 505 U.S. 647, 652 (1992)) (internal quotation marks omitted).

“Presumptively prejudicial delay exists when an accused is not prosecuted with ordinary promptness.” Id. at 343, 794 S.E.2d at 371; (citing Doggett, 505 U.S. at 651-52).

“Once the accused has met this initial burden, a court must look to four factors, among the totality of the circumstances, to decide whether the defendant's right to a speedy trial has been denied.” Id. (citing Barker v. Wingo, 407 U.S. 514, 530-31 (1972); See Langford, 400 S.C. at 441, 735 S.E.2d at 482. “These factors are: (1) length of delay; (2) the reason for the delay; (3) the accused’s assertion of his right to a speedy trial; and (4) whether the delay prejudiced the accused.” Id. (citing Barker, 407 U.S. at 531-32).

### ***Triggering Factor and Length of Delay***

While generally a defendant’s right to a speedy trial begins when he is arrested, indicted, or otherwise accused, the trial court was correct to find Respondent’s right to a speedy trial began anew from the date the trial judge declared a mistrial after the jury could not reach a unanimous verdict at the conclusion of Respondent’s first trial. See State v. Barnes, 431 S.C. 66, 83-84, 846 S.E.2d 389, 297-98 (Ct. App. 2020). Barnes concerned the attachment of speedy trial rights in a retrial following the reversal of Barnes’s conviction on direct appeal. Although this Court in Barnes did not squarely address when speedy trial rights attach after a mistrial, its holding supports the trial court’s conclusion in this case that it begins anew from the date of the mistrial.

Counting from the date of the mistrial, Respondent was incarcerated for three years and two months or thirty-eight months before the trial court found his right to a speedy trial was violated and dismissed his charges. The trial court correctly found the thirty-eight month delay was presumptively prejudicial and met the threshold requirement for a speedy trial claim. See State v. Waites, 270 S.C. 104, 240 S.E.2d 651 (1978) (holding a twenty-eight month delay

triggered speedy trial analysis); Langford, 400 S.C. at 442-43, 735 S.E.2d at 482 (holding a twenty-three month delay between arrest and trial was presumptively prejudicial and triggered the remainder of the analysis). The trial court also correctly emphasized the “unique circumstances of this case” caused by the uncertainty as to how much longer Respondent would have to wait to be brought to trial because of the ongoing difficulty securing the required interpreters.

### *Reasons for the Delay*

Turning to the second factor, the Supreme Court has stated that “different weights should be assigned to different reasons” for the delay. Langford, 400 S.C. at 443, 735 S.E.2d at 483 (quoting Barker, 407 U.S. at 531). “A deliberate attempt by the State to delay the trial as a means of impairing the accused’s ability to defend himself ‘should be weighted heavily against the government.’” Id. (quoting Barker, 407 U.S. at 531). “Neutral reasons, which could include overcrowded dockets or negligence, are ‘weighted less heavily’ but still count against the State because it bears the ultimate responsibility for these circumstances.” Id. (quoting Barker, 407 U.S. at 531); See State v. Pittman, 373 S.C. 527, 549, 647 S.E.2d 144, 155 (2007) (“The ultimate responsibility for the trial of a criminal defendant rests with the State.”). “Delays occasioned by the defendant, however, weigh against him.” Id. (citing Vermont v. Brillion, 556 U.S. 81 (2009)).

Respondent conceded the local solicitor did not attempt to deliberately delay Respondent’s trial or impinge on his ability to exercise his right to a speedy trial. The case was scheduled for retrial the week of May 6, 2022. It is unclear from the record whether certified interpreters were available for this date. Nonetheless, the trial was continued because Respondent’s counsel departed the local public defender’s office and new counsel was appointed on April 15, 2022. The trial court correctly found the appointment of new counsel for

Respondent did not contribute to any significant delay given that the parties agreed to try the case the week of August 29, 2022, a date certain. The Clerk of Court was notified of the date and the number of interpreters needed for trial. Ultimately, despite diligent efforts by the Clerk of Court, efforts to obtain interpreters were not successful and resulted in an indefinite delay of Respondent's trial. The case was not tried as scheduled on August 29, 2022 or subsequently on March 6, 2023. The trial court correctly found this indefinite delay caused by a lack of certified interpreters (court recourses) should be counted and weighed heavily against the state since the responsibility for bringing a case to trial falls not only on the prosecutors, but on the courts. See Barker, 407 U.S. at 529. Because the "primary burden" to "assure that cases are brought to trial" is "on the courts and the prosecutors," the trial court correctly found the state's inability to bring Respondent to trial due to the government's failure to secure interpreters is a factor that weighs heavily against the state. Barker, 407 U.S. at 529.

#### ***Assertion of Right to a Speedy Trial***

A defendant has "some responsibility to assert a speedy trial claim" and his assertion of the right is one of the factors that courts consider in determining whether the right has been denied. Barker, 407 U.S. at 529. However, a defendant who fails to make a demand for a speedy trial is not automatically deemed to have waived the right forever. Id. at 528-30. The trial court correctly found Respondent "sufficiently asserted his right to a speedy trial throughout the pendency of this case." R. \* (Order at 9).

On February 28, 2022, Respondent rejected the state's offer to plead guilty, asserted his innocence, and made known that he wanted a jury trial. After this then counsel departed the public defender office and new counsel was appointed on April 25, 2022, Respondent welcomed a trial date of August 29, 2022. When it became apparent that Respondent's case would not be

tried as scheduled the week of August 29, 2022, Respondent’s counsel sought guidance from the Administrative Judge and filed a written motion for a speedy trial on July 21, 2022. When Respondent’s motion had not been heard and a new trial date had not been scheduled, Respondent filed a memorandum in support of his motion for a speedy trial on January 23, 2023, again asserting his right to a speedy trial. At the hearing on Respondent’s motion on January 31, 2023, Respondent rejected the state’s offer to plead guilty in exchange for a sentence recommendation of time served and again demanded a speedy trial. This evidence supports the trial court’s conclusion that Respondent repeatedly and sufficiently asserted his right.

### ***Prejudice to the Accused***

Prejudice to the accused should be “assessed in the light of the interests of defendants which the speed trial right was intended to protect.” Barker, 407 U.S. at 532. “The Supreme Court has identified three different types of prejudice the right to a speedy trial seeks to prevent: (1) oppressive pretrial incarceration; (2) anxiety stemming from being publicly accused of a crime; and (3) the possibility that the accused's defense will be impaired due to the death or disappearance of witnesses or the loss of memory with the passage of time.” Langford, 400 S.C. at 445, 735 S.E.2d at 484 (citing Barker, 407 U.S. at 532). The trial court correctly found Respondent was prejudiced by the length of the delay. Respondent was continuously incarcerated from March 23, 2018, which included more than three years after his first trial ended in a mistrial because the jury could not reach a unanimous verdict. While Respondent was incarcerated, he was affected by concerns related to the seriousness of the allegations—criminal sexual conduct of a minor—and the stigma that the allegations create inside and outside of jail. Inside the jail, Respondent feared other inmates or staff would discover the details of the accusations resulting in repercussions to Respondent. Mostly significantly, as the trial court

correctly found, Respondent was prejudiced by his continued indefinite pretrial detention and the fact that the state was unable to bring him to trial and was likely to be able to bring him to trial in the near future due to its inability to secure interpreters. This prevented Respondent, who consistently maintained his innocence, from presenting any defense at all.

Respectfully, this Court should hold the trial court correctly found Respondent's right to a speedy trial was violated and affirm the court's decision to dismiss Respondent's charges.

**CONCLUSION**

Based on the foregoing argument, this Court should affirm the decision of the trial court finding Respondent's right to a speedy trial was violated and dismissing Respondent's charges accordingly.

Respectfully submitted,

s/ Lara M. Caudy \_\_\_\_\_  
Lara M. Caudy  
Appellate Defender

ATTORNEY FOR RESPONDENT

This 18th day of March, 2024.