

Criminal Procedure

Speedy Trial

[*Betterman v. Montana*](#), 578 U.S. ___ (May 19, 2016). The Sixth Amendment's speedy trial guarantee does not apply to the sentencing phase of a criminal prosecution. After pleading guilty to bail-jumping, the defendant was jailed for over 14 months awaiting sentence on that conviction. The defendant argued that the 14-month gap between conviction and sentencing violated his speedy trial right. Resolving a split among the courts on the issue, the Court held:

[T]he guarantee protects the accused from arrest or indictment through trial, but does not apply once a defendant has been found guilty at trial or has pleaded guilty to criminal charges. For inordinate delay in sentencing, although the Speedy Trial Clause does not govern, a defendant may have other recourse, including, in appropriate circumstances, tailored relief under the Due Process Clauses of the Fifth and Fourteenth Amendments.

The Court reserved on the question of whether the speedy trial clause "applies to bifurcated proceedings in which, at the sentencing stage, facts that could increase the prescribed sentencing range are determined (e.g., capital cases in which eligibility for the death penalty hinges on aggravating factor findings)." Nor did it decide whether the speedy trial right "reattaches upon renewed prosecution following a defendant's successful appeal, when he again enjoys the presumption of innocence."