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Ariel Neuman Speaks with Law360 Regarding Supreme Court's Speedy Trial Ruling

Bird Marella principal Ariel Neuman spoke with Law360 regarding the U.S. Supreme Court's recent ruling that the Sixth Amendment right to a speedy trial does not extend to the sentencing phase of a criminal proceeding. The decision involves the case, *Betterman v. Montana*, in which the Supreme Court Justices ruled unanimously against Montana resident, Brandon Betterman, who pled guilty to domestic assault. Betterman claims that he was denied speedy trial rights because of a 14-month delay between his subsequent guilty plea and sentencing on a separate bail-jumping charge.

Mr. Neuman added, "The Betterman decision most obviously impacts defendants detained pending trial and sentencing. But it also impacts every case resolved via plea agreement, where the sentencing hearing is a defendant's only chance to tell the judge her side of the story. In white collar cases, the prejudice is especially acute because prosecutions are normally years removed from the conduct at issue. Being forced to wait even longer before presenting mitigating evidence means memories will further fade and evidence will disappear. Hopefully a solution lays in Justice [Sonia] Sotomayor's signal that the Due Process Clause may provide "procedural protections" to significant sentencing delay."

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