STATE OF MINNESOTA

IN SUPREME COURT

A19-0732

Court of Appeals — Thissen, J.
Dissenting, Anderson, J., Gildea, C.J., and Hudson, J.

State of Minnesota,

Respondent,

vs.

Filed: May 26, 2021
Office of Appellate Courts

Roosevelt Mikell,

Appellant.

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Keith Ellison, Attorney General, Saint Paul, Minnesota; and

Michael O. Freeman, Hennepin County Attorney, Sarah J. Vokes, Assistant County Attorney, Minneapolis, Minnesota, for respondent.

Cathryn Middlebrook, Chief Appellate Public Defender, Saint Paul, Minnesota, for appellant.

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S Y L L A B U S

1. Because criminal charges against appellant were no longer pending after the State dismissed its complaint, the State did not violate appellant's right to a final disposition of those charges under the Uniform Mandatory Disposition of Detainers Act, Minn. Stat. § 629.292 (2020).

2. Appellant's right to a speedy trial, U.S. Const. amend. VI, Minn. Const. art. I, § 6, was not violated.

3. The district court did not abuse its discretion by denying appellant's motion to dismiss the State's complaint under Minn. R. Crim. P. 30.02.

Affirmed.

O P I N I O N

THISSEN, Justice.

This case requires us to interpret the proper scope of the Minnesota Uniform Mandatory Disposition of Detainers Act (UMDDA), which permits a prisoner to "request final disposition of any untried indictment or complaint pending against" him in the state. Minn. Stat. § 629.292, subd. 1 (2020). The statute requires the State to bring the untried indictment or complaint to trial within 6 months after the State receives a request; if the State fails to do so, the district court must dismiss the complaint with prejudice. *Id.*, subd. 3 (2020).

In this case, appellant Roosevelt Mikell made a proper request under the UMDDA. The State shortly thereafter dismissed the charges pending against Mikell before refiling them nearly 1 year later and then bringing Mikell to trial.

We conclude that the UMDDA provides a remedy only when an untried complaint remains pending against the prisoner. In other words, once the State dismissed the pending complaint, Mikell no longer enjoyed a right to disposition of that complaint under the statute. Consequently, the State did not violate Mikell's rights under the UMDDA.

We are also asked to determine whether Mikell received a speedy trial under both the United States Constitution and the Minnesota Constitution, *see* U.S. Const. amend. VI; Minn. Const. art. I § 6, and whether the district court abused its discretion by declining to

dismiss the State's complaint against Mikell under Minn. R. Crim. P. 30.02. We conclude that the delay between Mikell's speedy trial request and his trial did not violate his constitutional right to a speedy trial. We also conclude that the district court did not abuse its discretion by declining to dismiss the State's complaint under Minn. R. Crim. P. 30.02.

Accordingly, we affirm the decision of the court of appeals.

## FACTS

On June 6, 2017, the State charged Mikell with domestic assault under Minn. Stat. § 609.2242, subd. 4 (2020). The following day, the district court issued a Domestic Abuse No Contact Order (DANCO) prohibiting Mikell from contacting the alleged victim. On August 15, while he was in jail, Mikell arranged for another inmate to place two calls to the victim from the inmate's phone. Each time the victim picked up the call, the other inmate handed the phone to Mikell. Both times the victim immediately recognized Mikell's voice and terminated the call. On August 18, the State charged Mikell with two counts of violation of a DANCO in violation of Minn. Stat. § 629.75, subd. 2(d)(1) (2020).

On August 21, 2017, Mikell made his first speedy trial demand on the DANCO charges while appearing in advance of his jury trial on the domestic assault charge. On August 25, a jury found Mikell guilty of the domestic assault charge. At the sentencing hearing, the district court imposed a 60-month sentence. Also during that hearing, Mikell brought up his prior request for a speedy trial on the DANCO charges.

On October 27, 2017, Mikell requested final disposition of his DANCO charges under the UMDDA. *See* Minn. Stat. § 629.292, subd. 1 (2020). The district court and the State received his request on November 7. *See id.*, subd. 2. Trial on the DANCO charges

was set for November 13. On the day of trial, however, the State dismissed the pending charges "in the interests of justice."

On September 14, 2018, the court of appeals reversed Mikell's domestic assault conviction due to the district court's error in failing to procure a sufficient waiver of the right to counsel and remanded for a new trial. *State v. Mikell*, No. A18-0028, Order Op. (Minn. App. Sept. 14, 2018). On October 25, after Mikell rejected an offer to plead guilty on the assault charge, the State again charged him with two counts of violation of a DANCO. Although the State filed a new complaint with a new case file number, the new complaint asserted the same conduct from the initial complaint: Mikell's alleged violations of the DANCO in August 2017. Mikell moved to dismiss the new complaint. The district court denied the motion on November 5, 2018. On January 18, 2019, following a stipulated facts trial, the district court found Mikell guilty of the DANCO charges.[1] The court sentenced Mikell to two concurrent 30-month sentences, applying a 545-day credit toward Mikell's sentence to account for his periods of incarceration and detainment for the domestic assault charge and the DANCO charges from 2017 to 2019.

The court of appeals affirmed. *See State v. Mikell*, No. A19-0732, 2020 WL 2703709 (Minn. App. May 26, 2020). First, applying the factors laid out by the Supreme Court of the United States in *Barker v. Wingo*, 407 U.S. 514 (1972), the court of appeals held that the State did not violate Mikell's constitutional right to a speedy trial. *Mikell*, 2020 WL 2703709, at *2–4. The court concluded that although the first three *Barker*

[1] The State dismissed the domestic assault charge during a January 14, 2019 hearing in advance of the parties' agreement to a stipulated facts trial on the DANCO charges.

factors (length of delay, reason for delay, and assertion of speedy trial right) weighed against the State, the fourth factor (prejudice due to the delay) weighed against Mikell because the sentencing issue he raised was "moot" and his argument regarding witness availability was "speculative." *Id.* at *4. Second, the court held that Mikell "was not denied his right to a speedy trial under the UMDDA." *Id.* Although it stated that "the date on which Mikell was brought to trial on the DANCO charges" violated the text of the UMDDA, it nonetheless concluded that, because Mikell's right to a speedy trial was not violated under *Barker*, Mikell was "not entitled to relief" under the statute. *Id.* at *5–6. Finally, the court held that the district court did not abuse its discretion by denying Mikell's motion to dismiss under Minn. R. Crim. P. 30.02. *Id.* at *6–7. The court reached this decision by concluding that the State did not act in bad faith by dismissing and later refiling the DANCO charges and that Mikell was unable to demonstrate that the delay prejudiced him. *Id.* at *7.

We granted Mikell's petition for review.

## ANALYSIS

### I.

We begin with the question of whether the State violated Mikell's UMDDA right to a final disposition of his DANCO charges. This requires us to interpret the statute. We review such questions de novo. *Vill. Lofts at St. Anthony Falls Ass'n v. Hous. Partners III-Lofts, LLC*, 937 N.W.2d 430, 435 (Minn. 2020); *see also State v. Wilson*, 632 N.W.2d 225, 229 (Minn. 2001) (applying de novo review when interpreting the UMDDA's 6-month

disposition period). In reviewing statutes, we attempt "to ascertain and effectuate the intention of the legislature." Minn. Stat. § 645.16 (2020).

"The first step in statutory interpretation is to determine whether the statute's language is ambiguous." *State v. Stay*, 935 N.W.2d 428, 430 (Minn. 2019). When the plain language of the statute is unambiguous, we follow it. *Vill. Lofts*, 937 N.W.2d at 435. A statute is ambiguous only when subject to more than one reasonable interpretation. *Amaral v. Saint Cloud Hosp.*, 598 N.W.2d 379, 384 (Minn. 1999). "If a statute is ambiguous, then we may resort to the canons of statutory construction to determine its meaning." *500, LLC v. City of Minneapolis*, 837 N.W.2d 287, 290 (Minn. 2013).

The UMDDA permits an imprisoned person to "request final disposition of any untried indictment or complaint pending against the person in this state." Minn. Stat. § 629.292, subd. 1(a). Once the request is received, the State must bring the case to trial within 6 months unless the court grants additional time "for good cause" or the parties stipulate to a continuance.[2] *Id.*, subd. 3 (2020). If the State fails to bring the case to trial within 6 months and neither exception applies, "no court of this state shall any longer have any jurisdiction thereof . . . and the court shall dismiss it with prejudice." *Id.*

Because the UMDDA is a model statute, when interpreting its meaning and scope, we review Minnesota cases as well as those of other states that have adopted the statute. *See id.*, subd. 6 (2020) (stating that the statute "shall be so construed as to effectuate its

[2] The State concedes that neither of these exceptions applies in this case. The district court did not make a good cause finding to extend the UMDDA 6-month disposition period and the parties did not stipulate to a continuance.

general purpose to make uniform the law of those states which enact it"); *Wilson*, 632 N.W.2d at 230 ("We look to other states with [UMDDA] laws similar to those of Minnesota to provide guidance.").

Mikell argues that his DANCO convictions violated the UMDDA because he requested final disposition of the charges in November 2017, the State did not try him within 6 months of his request, and neither statutory exception applies. According to Mikell, the State was not permitted to recharge and convict him over a year after his initial request because the district court lacked jurisdiction to hear the case. In contrast, the State argues that the plain language of the UMDDA establishes a right to disposition only in pending cases. Once a complaint has been dismissed, according to the State, a right to disposition cannot exist because the complaint is no longer pending.

Thus, the issue before us is narrow: Did the State violate Mikell's UMDDA right to a final disposition of his pending DANCO charges by dismissing and then later refiling those charges more than 6 months after Mikell's request?

A.

We first must determine whether the plain language of the UMDDA is ambiguous as it pertains to the question raised in this case. *See Stay*, 935 N.W.2d at 430. When interpreting the plain language of a statute, we read words and phrases in the context of the statute as a whole. *See Tapia v. Leslie*, 950 N.W.2d 59, 62 (Minn. 2020); *Vill. Lofts*, 937 N.W.2d at 435. Here, after reviewing the text of the UMDDA, we conclude that the relevant language is ambiguous as to the question of whether a request under the statute

remains effective even when the State dismisses the pending charges before the end of the 6-month disposition period.

At issue here is the interaction between subdivisions 1 and 3 of the statute. Subdivision 1 reads, in part:

> Any person who is imprisoned in a penal or correctional institution or other facility in the Department of Corrections of this state may request final disposition of *any untried indictment or complaint pending against the person in this state*. The request shall be in writing addressed to the court in which the indictment or complaint is pending and to the prosecuting attorney charged with the duty of prosecuting it, and shall set forth the place of imprisonment.

Minn. Stat. § 629.292, subd. 1(a) (emphasis added). The plain language of this subdivision suggests that the relevant "request" is for final disposition of an untried indictment or complaint pending against the person. The procedures that follow in subdivisions 2 and 3 of the statute must relate to that request. But once a complaint is dismissed—and thus no longer "pending"—there is no further "final disposition" for a prisoner to secure and there is nothing to bring to trial within 6 months. In fact, dismissal reasonably means that a disposition *has* occurred: the "untried indictment or complaint" is no longer pending against the prisoner. Further, this interpretation does not render the procedural requirements that follow in subdivisions 2 and 3 meaningless. They continue to apply when charges are not dismissed. And it is not an unreasonable reading of the statute to conclude that those procedures make little sense when a complaint is no longer pending against the person who makes the request. *See id.*, subds. 1–3. The dissent's position that once a request is made, the *only* way to finally dispose of a claim is through trial does not fully account for the language in subdivision 1(a).

Meanwhile, subdivision 3 reads:

> *Within six months after the receipt of the request* and certificate by the court and prosecuting attorney, or within such additional time as the court for good cause shown in open court may grant, the prisoner or counsel being present, *the indictment or information shall be brought to trial*; but the parties may stipulate for a continuance or a continuance may be granted on notice to the attorney of record and opportunity for the attorney to be heard. *If, after such a request, the indictment or information is not brought to trial within that period*, no court of this state shall any longer have jurisdiction thereof, nor shall the untried indictment or information be of any further force or effect, and *the court shall dismiss it with prejudice*.

*Id.*, subd. 3 (emphasis added). The language of subdivision 3 is straightforward. Barring an enumerated exception, such as a stipulated continuance or good cause finding, once the State receives a request under the UMDDA, it has 6 months to bring the untried complaint to trial. If it fails to do so, the district court no longer has jurisdiction over the untried complaint and the court "shall dismiss it with prejudice." *Id.* The key language laying out the disposition period requirement—"[w]ithin six months after the receipt of the request"—is not modified or conditioned by any other language in the provision aside from the two exceptions.[3] *Id.* Thus, the language of subdivision 3 suggests that, once the State receives

[3] We have recognized a nonstatutory exception to this strict time limit. When a defendant's actions delay the State's ability to bring the untried complaint to trial, this may, under some circumstances, toll the 6-month disposition period. *See Wilson*, 632 N.W.2d at 230 (holding that defendant's motion to dismiss for failure to timely honor his UMDDA request caused a delay in bringing the case to trial and that the 6-month period was tolled until final disposition of the motion). Courts in other UMDDA jurisdictions have held similarly. *See, e.g.*, *State v. Fulks*, 566 N.W.2d 418, 420 (N.D. 1997) ("Delays or continuances primarily resulting from the conduct of the defendant or his attorney cannot be charged against the State in a claim of failure to bring a case to trial within [the UMDDA time period]."); *People v. Shreck*, 107 P.3d 1048, 1056 (Colo. App. 2004) (UMDDA period tolled by defendant's participation in setting trial date).

a UMDDA request, it has 6 months to bring the untried complaint to trial or it loses the opportunity to do so forever unless the parties stipulate to a continuance or the district court makes a good cause finding to extend the disposition period.

In sum, on the one hand, subdivision 1 provides that the relevant "request" is for final disposition of charges pending against a prisoner. It may be reasonably read to establish a right to disposition *only* to the extent that charges are pending against the prisoner. *Id.*, subd. 1(a). A complaint, once dismissed, by definition, is no longer pending, which supports a reasonable reading of the statute as no longer providing a right to disposition following a dismissal. On the other hand, subdivision 3 imposes a strict requirement that the State must bring an untried complaint to trial within 6 months upon receipt of the UMDDA request unless a continuance is granted for good cause or by stipulation. *Id.*, subd. 3. The language of that provision supports a reasonable reading of the statute as requiring the State to adhere to the 6-month disposition period once a request is made or risk forfeiting its ability to ever bring the charges to trial.

Because the text of the UMDDA does not explicitly account for what happens when the State dismisses a pending complaint after receipt of a request, we conclude that reading both provisions in the context of the statute as a whole supports two reasonable interpretations.[4] Consequently, we conclude that the statute is ambiguous as to the question before us.

[4] The dissent argues that with this interpretation, we read an additional exception into subdivision 3 for charges that were pending when the request for trial under the UMDDA

B.

Once we have determined that a statute is ambiguous, we turn to the canons of construction to resolve the ambiguity. *500, LLC*, 837 N.W.2d at 290; *see* Minn. Stat. § 645.16. Relevant to our analysis here is the legislative purpose and "necessity for" the UMDDA. Minn. Stat. § 645.16(1). In interpreting this statute, "[w]e also look for guidance from the UMDDA's counterpart, the Interstate Agreement on Detainers (IAD)." *Wilson*, 632 N.W.2d at 230; *see* Minn. Stat. § 629.294 (2020).[5] Accordingly, to resolve the ambiguity between subdivisions 1 and 3 of the UMDDA in this case, we examine the purpose and history of both the UMDDA and the IAD.

We begin with the prefatory note to the original model statute drafted by the National Conference of Commissioners on Uniform State Laws in 1958. *See* Unif. Mandatory Disposition of Detainers Act with Prefatory Note (1958) (describing the need for and history of the model statute). The drafters identified a significant issue with the use of detainers at the time: as many as 50 percent of detainers filed against prisoners were "never intended to be prosecuted."[6] *Id.* The principal purpose of the UMDDA, then, was to ensure "that valid charges will be ripened into trials whereas detainers merely lodged on suspicion or less will be dismissed." *Id.*

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is made but are subsequently dismissed. We disagree. Subdivision 1 states explicitly that the statute applies to "pending" charges. We are not adding any language to the statute.

[5] As we noted in *Wilson*, "[t]he IAD is similar to the UMDDA but is based on federal law and applies to inmates with charges pending in another state." 632 N.W.2d at 230 n.6.

[6] The drafters defined detainers as "warrants filed against persons already in custody." *Id.*

Courts have framed the purpose of the UMDDA and the IAD in similar terms. In *United States v. Mauro*, the Supreme Court, in interpreting the IAD, discussed the history and purpose of the statute in detail, in particular the impact of detainers on those in custody. 436 U.S. 340, 349–60 (1978). The Court observed:

> The adverse effects of detainers that prompted the drafting and enactment of the [IAD] are thus for the most part the consequence of the lengthy duration of detainers. Because a detainer remains lodged against a prisoner without any action being taken on it, he is denied certain privileges within the prison, and rehabilitation efforts may be frustrated. For these reasons the stated purpose of the [IAD] is to encourage the expeditious and orderly disposition of [outstanding] charges and determination of the proper status of any and all detainers based on untried indictments, informations, or complaints.

*Id.* at 360 (citation omitted) (internal quotation marks omitted).

In *United States v. Ford*, the United States Court of Appeals for the Second Circuit also described numerous issues associated with the unregulated use of detainers prior to the passage of the IAD. 550 F.2d 732, 737–41 (2d Cir. 1977). For example, prisoners with outstanding detainers would often lose access to certain privileges, such as work programs or athletic facilities, be denied parole, or automatically be held under maximum security. *Id.* at 737–38. Detainers also inhibited prisoner attempts at rehabilitation. *Id.* at 738. Detainers imposed these "major unjustifiable hardships" without any real oversight or regulation. *Id.* Thus, the IAD was crafted and implemented largely to address the uncertainty that loomed over prisoners by creating a statutory mechanism through which detainers would be resolved on a timely basis. *Id.* at 740–41 (observing that "[t]he [IAD] provided the prisoner with a method of clearing detainers and charges outstanding against him").

The Colorado Supreme Court described the purpose and objectives of the UMDDA in a similar way:

> [T]he primary purpose of the [UMDDA], as with its counterpart, the Interstate Agreement on Detainers (IAD), is to provide a mechanism for prisoners to insist upon speedy and final disposition of untried charges that are the subjects of detainers so that prison rehabilitation programs initiated for the prisoners' benefit will not be disrupted or precluded by the existence of these untried charges.

*People v. Higinbotham*, 712 P.2d 993, 997 (Colo. 1986). Prisoner speedy trial rights, the court explained, are a "subsidiary concern" under the statute. *Id.* at 998.[7] The court went on to conclude that, when the language of the UMDDA is silent on an issue, "a court should analyze [a potential violation of the statute] in the light of the purposes to be furthered by the [UMDDA] . . . in deciding whether the violation requires dismissal of the charges against the defendant." *Id.* We agree with this approach in the event the UMDDA is silent or ambiguous as to a specific issue as in this case.

With these principles in mind, we turn to the facts before us. The UMDDA's primary purpose—prompt disposition of untried charges for the benefit of prisoners so as to not inhibit their ability to secure certain privileges or participate in various rehabilitative programs—is not implicated here. Shortly after the State received Mikell's UMDDA request, it dismissed the pending DANCO charges in the interests of justice, principally because it had secured a conviction on Mikell's domestic assault charge. For the remainder of the 6-month period following the State's receipt of Mikell's request, ending on May 6,

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[7] Notably, in Section II we conclude that Mikell's constitutional right to a speedy trial was not violated in this case.

2018, Mikell no longer had the DANCO charges hanging over his head or otherwise inhibiting his access to privileges or rehabilitative or recreational interests while incarcerated on the domestic assault charge.

Further, when the State dismissed the DANCO charges in November 2017, it did not intend to refile them later. The State did so only following the reversal of Mikell's domestic assault conviction and his subsequent refusal to accept a guilty plea offer. Mikell does not and cannot realistically argue that he experienced anxiety or loss of certain privileges resulting from the DANCO charges *post*-dismissal for the remainder of the 6-month disposition period because the charges were no longer pending against him. In other words, the State's dismissal of those charges fulfilled the principal purpose of the UMDDA: ensuring that Mikell did not suffer any negative consequences from the pending charges while detained.

Moreover, we note that the UMDDA is intended to help prisoners by requiring the State to either bring charges to trial expediently or dismiss them if the State deems pursuit of the charges unnecessary. Adopting Mikell's interpretation of the statute—which *requires* the State to bring untried charges to trial within the 6-month disposition period once it receives a request or lose the ability to do so permanently, even if it first elects to dismiss those charges—could in fact injure the very population the UMDDA is designed to help. For example, such a rule would likely incentivize the State to take more cases to trial lest it otherwise lose the opportunity to do so in the future. Alternatively, it could encourage the State to request good cause findings from the district court to keep the charges pending beyond the end of the 6-month disposition period, further prolonging the

adverse effects that the UMDDA is intended to curb. Thus, adopting Mikell's interpretation of the UMDDA would contravene the statute's primary purpose and the intent of the Legislature. *See* Minn. Stat. § 645.16.

Accordingly, we hold that the UMDDA provides a right to final disposition of untried charges only when those charges remain pending. Once the State dismisses charges, a prisoner no longer has a right to disposition of those charges under the statute.[8]

C.

Before moving on to Mikell's constitutional speedy trial claim, we address the court of appeals' holding below on Mikell's UMDDA claim. After concluding that the State had violated the text of the UMDDA by not bringing Mikell's DANCO charges to trial within 6 months of his request under the statute, the court applied the Sixth Amendment *Barker* speedy trial factors to determine whether he was entitled to relief. *Mikell*, 2020 WL 2703709, at *6. The court erred by doing so.

[8] Analogizing to our decision in *Wilson*, 622 N.W.2d at 230, the State argues that the 6-month period for bringing a claim under the UMDDA is tolled following dismissal of the claim. The State's analogy is not perfect; it is one thing to recognize tolling when the defendant causes the delay, but another entirely when an act of the State causes the delay. Unlike the dissent, we do not find it "bizarre" to distinguish between a defendant whose own conduct prevents the State from bringing the case to trial after filing a UMDDA request and the State's conduct in dismissing charges pending against a person imprisoned on a separate conviction. And in any event, based on our resolution of the case, we need not address the State's argument.

The parties also disagree about whether the State's motive for a dismissal—whether the dismissal was made in good faith—affects whether the 6-month disposition period applies after a case is dismissed. Once again, based on our resolution of the case, we need not weigh in on that disagreement.

In *State v. Hamilton*, we held that, when adopting the UMDDA, "the legislature intended to go beyond constitutional minimum standards." 268 N.W.2d 56, 61 (Minn. 1978). Thus, the UMDDA creates a specific statutory right available to prisoners that extends beyond the basic speedy trial right found in our federal and state constitutions for all criminal defendants. Requiring a defendant who has requested disposition under the UMDDA to also show a constitutional violation goes against the purpose of the statute. *See State v. Carlson*, 258 N.W.2d 253, 259 (N.D. 1977) (concluding that North Dakota's UMDDA statute did "not constitute a legislative standard of time interval governing the constitutional right to a speedy trial"); *cf. Higinbotham*, 712 P.2d at 999 (noting that "a court must consider more than the general factors underlying the constitutional right to a speedy trial because the [UMDDA] effectuates other policies besides the speedy trial right"). Consequently, we hold that the *Barker* factors do not apply when determining whether a violation of the UMDDA requires dismissal of the complaint.

II.

The Sixth Amendment to the United States Constitution and Article 1, Section 6 of the Minnesota Constitution provide that, in all criminal prosecutions, "the accused shall enjoy the right to a speedy and public trial." The right to a speedy trial is a fundamental right "rooted in hard reality in the need to have charges promptly exposed." *Dickey v. Florida*, 398 U.S. 30, 37 (1970); *see Klopfer v. North Carolina*, 386 U.S. 213, 223 (1967). It acts as a "safeguard to prevent undue and oppressive incarceration prior to trial, to minimize anxiety and concern accompanying public accusation and to limit the possibilities that long delay will impair the ability of an accused to defend himself." *United*

*States v. Ewell*, 383 U.S. 116, 120 (1966). The nature of the speedy trial right "places the primary burden on the" State to bring the case to trial because the "defendant has no duty to bring himself to trial." *Barker v. Wingo*, 407 U.S. 514, 527, 529 (1972); *see Dickey*, 398 U.S. at 37–38 (explaining that "the duty of the charging authority is to provide a prompt trial"). Thus, the central question that we must answer when assessing a Sixth Amendment speedy trial claim is this: Did the State bring the accused to trial quickly enough so as not to endanger the values that the right to a speedy trial protects? *See Moore v. Arizona*, 414 U.S. 25, 26 (1973) (citing *Smith v. Hooey*, 393 U.S. 374, 383 (1969)); *Barker*, 407 U.S. at 522 (noting that granting a "continuance is not a violation of the right to a speedy trial unless the circumstances of the case are such that further delay would endanger the values the right protects").

While the speedy trial right protects the individual interests of the accused, the speed with which an accused must be brought to trial "must be considered with regard to the practical administration of justice." *Beavers v. Haubert*, 198 U.S. 77, 86 (1905). Criminal prosecutions "are designed to move at a deliberate pace" both to protect the rights of the accused and to ensure the ability of society to protect itself by allowing for thorough and prepared prosecutions; whether a trial is prompt enough must be assessed in light of both interests. *Ewell*, 383 U.S. at 120; *see Barker*, 407 U.S. at 522 (explaining that "any inquiry into a speedy trial claim necessitates a functional analysis of the right in the particular context of the case"); *State v Artz*, 191 N.W. 605, 606 (Minn. 1923) (noting that the right to a speedy trial imposes on "courts an obligation to proceed with reasonable dispatch" in criminal prosecutions).

Accordingly, "[w]hether delay in completing a prosecution . . . amounts to an unconstitutional deprivation of rights depends upon the circumstances." *Pollard v. United States*, 352 U.S. 354, 361 (1957). There is no fixed rule for all cases that defines how long is too long to wait for a trial. Rather, we must ask a series of commonsense questions in a particular case to determine whether the values embedded in the speedy trial right were protected: Who is responsible for the delay? Is the justification for the delay good or bad? Is the length of the delay consistent with, and proportionate to, the justification for the delay? Were the defendant's interests harmed by the delay itself and did that harm increase as the delay lengthened? Was the defendant serious about getting to trial promptly, which is good evidence that he perceived the delay as harmful? *See Barker*, 407 U.S. at 521, 529–30 (stating that it is "impossible to determine with precision when the right [to a speedy trial] has been denied" and adopting a balancing approach "in which the conduct of both the prosecution and the defendant are weighed"); *State v. Osorio*, 891 N.W.2d 620, 628 (Minn. 2017) (explaining that the *Barker* factors are used "together with such other circumstances as may be relevant" to determine whether the defendant's speedy trial right was violated).

In *Barker*, the Supreme Court focused on these questions and proposed a constellation of related and nonexclusive factors to determine whether a particular defendant in a particular case has been brought to trial with sufficient speed. 407 U.S. at 530. This balancing test allows the court to accommodate the sometimes competing interests between the orderly prosecution of crimes that is fair to both sides and the prompt resolution of the case by trial. *United States v. Loud Hawk*, 474 U.S. 302, 312–14 (1986)

(stating that *Barker* provides flexibility to balance sometimes opposing interests served by appellate review and the right to a speedy trial).

The nonexclusive factors we consider include the length of the delay, the reason for the delay, the defendant's assertion of the right, and the prejudice to the defendant resulting from the delay. *Barker*, 407 U.S. at 530–33; *see State v. Taylor*, 869 N.W.2d 1, 19 (Minn. 2015) (stating that we apply "the test articulated" in *Barker* for speedy trial claims). No factor is necessary to the finding of a deprivation of a speedy trial right, nor is the existence of any single factor sufficient to find that an accused's speedy trial right was violated. *Barker*, 407 U.S. at 533. This is not a check-the-box, prescriptive analysis; rather, we assess how the factors interact with each other in a "difficult and sensitive balancing process," *id.*, to answer the essential question of whether the State brought the accused to trial quickly enough to avoid endangering the values that the right to a speedy trial protects.

A.

We start by considering the length of the delay. Consideration of the delay period serves dual purposes. First, it serves as "a triggering mechanism." *Barker*, 407 U.S. at 530. Recognizing that some delay between arrest and charging and the trial is inevitable, we do not even consider whether the accused has been deprived of his right to a speedy trial until the delay becomes "presumptively prejudicial." *State v. Osorio*, 891 N.W.2d 620, 628 (Minn. 2017); *Barker*, 407 U.S. at 530 (stating that "[u]ntil there is some delay which is presumptively prejudicial, there is no necessity for inquiry into the other factors").

Second, "the extent to which the delay stretches beyond the bare minimum needed to trigger judicial examination of the claim" is also a factor we consider in assessing

whether a speedy trial violation has occurred. *Doggett v. United States*, 505 U.S. 647, 652 (1992); *State v. Helenbolt*, 334 N.W.2d 400, 405 (Minn. 1983). This inquiry is significant because "the presumption that pretrial delay has prejudiced the accused intensifies over time." *Doggett*, 505 U.S. at 652.

We first turn to the question of whether the delay in this case was presumptively prejudicial. There are two periods of time after which a delay becomes presumptively prejudicial. The first is the period that starts "when a criminal prosecution has begun," marked by the point in time when the accused is indicted or arrested and held to answer for the charge. *United States v. Marion*, 404 U.S. 307, 313–15, 320–21 (1971); *see Osorio*, 891 N.W.2d at 627 ("Because the right to a speedy trial attaches after a defendant is formally charged or arrested, whichever comes first, defendants raise speedy-trial claims at different times."). We have found that a 6-month delay after the beginning of a prosecution, without any demand made, to be presumptively prejudicial. *State v. Corarito*, 268 N.W.2d 79, 80 (Minn. 1978) (explaining that a delay of 6 months "is sufficient to trigger further inquiry").

A different point of presumptive prejudice occurs 60 days after an accused demands a speedy trial after entering a not guilty plea under Minn. R. Crim. P. 11.09, which provides, in part:

> (a) If the defendant enters a plea other than guilty, a trial date must be set.
>
> (b) A defendant must be tried as soon as possible after entry of a plea other than guilty. On demand of any party after entry of such plea, the trial must start within 60 days unless the court finds good cause for a later trial date.

"[W]e interpret the rule to mean that delays beyond the 60-day limit simply raise the presumption that a violation has occurred and require the trial court to conduct a further inquiry to determine if there has been a violation of the defendant's right to a speedy trial." *State v. Friberg*, 435 N.W.2d 509, 513 (Minn. 1989). We determine whether "good cause" exists for a later trial date under Rule 11.09 by applying the *Barker* factors. *Id.*

Mikell asserts that the delay was presumptively prejudicial under either test. He argues that over 500 days passed between August 18, 2017, when he was charged with the two DANCO violations, and January 18, 2019, when his trial on those charges took place. The State, in contrast, asserts that the 346 days between the dismissal of the charges on November 13, 2017, and the refiling of the DANCO charges on October 25, 2018, should not count.

We agree with the State that the period between dismissal and refiling should not be included in calculating the length of the delay. Two seminal Supreme Court cases, as well as our own case law, lead us to this conclusion.

In *United States v. MacDonald*, the Supreme Court held that "the Speedy Trial Clause has no application after the Government, acting in good faith, formally drops charges." 456 U.S. 1, 7 (1982). MacDonald was an Army physician. *Id.* at 3. In 1970, the Army charged him with three counts of murder in military court. *Id.* at 4–5. Later that year, the Army dismissed the charges and granted MacDonald an honorable discharge. *Id.* at 5. Investigation into the murders continued, however, and in 1975, MacDonald was indicted by a federal grand jury. *Id.*

The Supreme Court rejected MacDonald's claim that his speedy trial rights were violated based on the 4-year delay between the dismissal of his military charges and his indictment in federal court.[9] *Id.* at 10–11. The Court reasoned that, once charges are dismissed, "the formerly accused is, at most, in the same position as any other subject of a criminal investigation" and that "with no charges outstanding, personal liberty is certainly not impaired to the same degree as it is after arrest while charges are pending." *Id*. at 8–9. Consequently, the Court concluded that at least some of the major values underlying the speedy trial right—prevention of undue and oppressive incarceration prior to trial and minimization of anxiety and concern accompanying public accusation—are not implicated once a charge is dismissed. *See id.* at 10.

Four years later, the Supreme Court addressed the speedy trial right in *United States v. Loud Hawk*, 474 U.S. 302 (1986).[10] The Supreme Court held that the time the defendants

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[9] The *MacDonald* court acknowledged that an undue delay between the dismissal of charges and a later indictment on the same charges may give rise to a due process violation. 456 U.S. at 8; *see also Marion*, 404 U.S. at 324; *State v. Hurd*, 763 N.W.2d 17, 27–28 (Minn. 2009) (analyzing part of a delay claim under the Due Process Clause). Mikell does not raise a due process challenge in this case.

[10] The case has a complicated procedural history. In November 1975, the defendants, including Loud Hawk, were arrested and indicted on charges of possession of firearms and dynamite. *Loud Hawk*, 474 U.S. at 305–06. In March 1976, the district court granted the defendants' motion to suppress evidence. *Id.* at 307. The government appealed the suppression order and requested a continuance, which was denied. *Id.* When the case was called for trial, the government said it was not ready and the district court dismissed the indictment. *Id.* The defendants were released from jail. *Id*. at 308. In August 1979, the United States Court of Appeals for the Ninth Circuit reversed the suppression order and dismissal. *Id.* The defendants were re-indicted on the firearms charges. *Id.* Those charges were dismissed in August 1980 for vindictive prosecution as to one defendant, but not Loud Hawk, although he and the other defendants remained free. *Id.* at 309. The government

were not under indictment and were released without being subject to bail or any other restraint should not be considered in assessing a speedy trial violation. *Id.* at 310–11. Noting that "[t]he Speedy Trial Clause does not purport to protect a defendant from all effects flowing from a delay before trial," the court rejected the defendants' argument that the time when they were not under indictment should count because the government's desire to prosecute them was a matter of public record. *Id.* at 311–12.

What *MacDonald* and *Loud Hawk* tell us is that the time between dismissal and refiling of charges against a defendant—provided the dismissal was in good faith and no limitations are placed on a defendant's liberty due to that charge—does not count when assessing the length of the delay for the purposes of a claim under the Speedy Trial Clause.

Our own precedent supports a similar conclusion. Most recently in *State v. Hurd*, 763 N.W.2d 17 (Minn. 2009), we considered a delayed-prosecution claim. In 1981, Hurd was arrested and charged with murder. *Id.* at 20. One month later, the State dismissed the complaint due to lack of evidence and Hurd was released. *Id.* There was no record evidence that Hurd demanded to go to trial in 1981. *Id.* at 28. In 1993, after the State received new evidence, Hurd was again arrested, indicted, and convicted of murder. *Id.* at 20, 24. In a postconviction petition, Hurd argued that the delay rendered his conviction unconstitutional. *Id.* at 27.

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appealed and in July 1982, the court of appeals reversed the dismissal. *Id.* In May 1983, the district court once again dismissed the indictment, ruling that the defendants' speedy trial right was violated. *Id.* at 310. It was this last dismissal that made its way to the Supreme Court in 1985; the Court decided the case in 1986. *Id.*

Hurd's primary argument was that the delay violated his due process rights; a claim we rejected because he failed to show that the government intentionally delayed the prosecution to secure a tactical advantage. *Id*. at 27–28. To support a speedy trial claim, Hurd cited our decision in *State v. Artz*, 191 N.W. 605 (Minn. 1923), which interpreted the right to a speedy trial under the Minnesota Constitution. *Hurd*, 763 N.W.2d at 28.

In *Artz*, the defendant was charged with two murders arising from a single incident. 191 N.W. at 605. The defendant was acquitted in the first trial of murdering one of the victims. *Id.* The defendant demanded a speedy trial on the charge of murdering the second victim and was prepared to go to trial. *Id.* But the prosecutor moved to dismiss that second murder charge because the evidence would have been the same as the first trial; the trial court granted the motion. *Id.* Ten years later, a grand jury indicted the defendant for the murder of the second victim. *Id.* at 605–06. We held that 10 years was an unreasonable delay, observing that because the defendant was pressing for a trial when the motion to dismiss was made and granted, "[t]he contention that the dismissal disposed of the charge and interrupted the period for a speedy trial from elapsing is untenable." *Id*. at 606.[11]

In *Hurd*, we distinguished *Artz* on two grounds. *Hurd*, 763 N.W.2d at 28. First, we concluded that, unlike the delay in *Artz*, the delay in Hurd's case was not "unreasonable" even though the delay in *Hurd* was longer. *Id*. In *Artz*, there was no suggestion that the State discovered new evidence to bolster its case against the second victim; it simply

[11] We acknowledge that under *MacDonald* and *Loud Hawk*, the delay between the dismissal of charges against Artz in 1912 and their reinstatement in 1922 would likely not be considered for purposes of a federal constitution speedy trial violation if the same facts occurred today.

reinstated the charges, while in *Hurd*, the State received new evidence that Hurd had confessed to the crime on the night of the murder. *Compare Hurd*, 763 N.W.2d at 27–28, *with Artz*, 191 N.W. at 605–06. Second, we found it particularly important that Artz demanded the trial proceed even in the face of a motion by the prosecution to dismiss the charges. *See Artz*, 191 N.W. at 606 ("The accused was powerless to prevent the dismissal. The only recourse left him was to resort to his constitutional right. He was entitled to a speedy trial."). No such demand was made by Hurd. *Hurd*, 763 N.W.2d at 28.

Mikell also points us to a third Minnesota case, *State v. Kasper*, 411 N.W.2d 182 (Minn. 1987). In *Kasper*, the defendant was arrested and charged with DWI in December 1985. *Id.* at 183. On January 13, 1986, he requested entry of a not guilty plea and a speedy trial within 60 days. *Id.* A trial date was set for April 14, 1986. *Id*. On March 12, the State moved for a continuance because the State's sole witness, a state trooper, would be unavailable on the scheduled trial date. *Id.* On March 20, the court denied the State's motion. *Id.* A few days later, the State dismissed the initial tab charges and, on the same day, brought a formal complaint alleging those same charges. *Id.* Trial for the newly filed complaint took place on June 2, 1986; the district court refused to dismiss the new complaint as a violation of the defendant's speedy trial right. *Id.*

The defendant appealed and we reversed. *Id.* at 185. We held that the case had to be dismissed as a violation of Minn. R. Crim. P. 6.06, which provided that, on demand by the defendant, "the defendant shall be tried within sixty (60) days from the date of the demand unless good cause is shown . . . why he should not be brought to trial within that period." *Id.* at 184. We concluded that the delay between the demand and the trial was far

longer than 60 days. *Id.* at 184–85. We further noted that, by dismissing and immediately refiling the charges, the prosecutor engaged in "legal maneuvering [and that] [t]o permit the prosecution of defendant to continue under these circumstances would be to permit the circumvention of Rule 6.06, a clear and workable rule which sets out a reasonable period of time and a simple and fair procedure to protect a defendant's right to a speedy trial." *Id.* at 185.[12]

When considered together, *MacDonald* and *Loud Hawk*, along with *Hurd*, teach us that when the State dismisses charges and later refiles those charges, we need not consider the period between dismissal and refiling when assessing whether the defendant was deprived of his right to a speedy trial. The only exception to this principle may arise in a situation where the State intentionally manipulates the system and engages in "legal maneuvering" to avoid a constitutionally prompt trial, especially when that purpose is paired with a defendant's objection to the State's dismissal of the charge. *See, e.g.*, *Kasper*, 411 N.W.2d at 185.

Indeed, because most defendants would be satisfied with dismissal of criminal charges against them, it makes sense that we do not hold a dismissal in the interests of justice against the State in the absence of evidence that the State was attempting to manipulate the system or that the defendant strongly expressed an interest in facing prompt

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[12] As we explained in *Friberg*, our decision in *Kasper* does not establish an inflexible 60-day limitation for speedy trial purposes; rather, we understand the 60-day period in Rules 6.06 and 11.09 to establish a presumptively prejudicial delay requiring further assessment of whether a speedy trial violation occurred under the *Barker* balancing test. *See Friberg*, 435 N.W.2d at 513.

trial on, rather than dismissal of, criminal charges. Consequently, we conclude that the time between the dismissal and the refiling of the DANCO charges here should not be counted when calculating the length of the delay for speedy trial purposes. The record here simply does not support the claim that the State dismissed the DANCO charges to avoid Mikell's speedy trial demand and Mikell did not object to the dismissal.

We nonetheless conclude that the delay between the initial filing of the charges in August 2017 and the trial in January 2019 was presumptively prejudicial.[13] Even if the

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[13] In *Kasper*, we stated that if charges are dismissed by the prosecutor and new charges are brought, the time period should not start over again at zero with the new criminal complaint. 411 N.W.2d at 184. Our reasoning was appropriately fact-specific to that case, where the prosecutor dismissed the charges after the State's continuance motion was denied and refiled the same charges on the same day. *Id*. at 183. We said:

> The defendant had been arrested, charges had been filed, he had not yet been tried, the charges were continuously hanging over his head and he had done nothing to delay the trial. The dismissal and refiling of the charges did not shorten his wait for trial and so should not affect the [speedy trial delay] calculations.

*Id*. at 184–85. The same rule may not apply in other circumstances—for instance, if the dismissal and the refiling of the charges are separated by a longer gap in time. As with the entire speedy trial inquiry, the question of whether the speedy trial clock starts anew with the refiling of charges following a dismissal is contextual.

In this case, we conclude that the speedy trial clock should not start over with the refiling of the charges for either the presumptively prejudicial inquiry or the *Barker* factors. While the length of time between the dismissal and refiling was nearly 1 year, the refiled DANCO charges were identical to the dismissed charges and no new information related to the DANCO charges emerged following dismissal of the case. In addition, before the dismissal, the case had proceeded through the system far enough to be set for imminent trial and it was the State's action that stopped that trial. After refiling of the charges, the only pending pretrial matter to be resolved was Mikell's motion to dismiss the complaint, which the district court heard and denied on November 5, 2018. The record does not detail any additional pretrial matters (or a new not guilty plea) following the refiling. Thus, after the November 5, 2018 hearing where the district court denied Mikell's motion to dismiss, neither side required additional time or materials to prepare for trial on the DANCO charges. Accordingly, any one of the typical reasons for pretrial delay—time needed to

time period between dismissal and refiling is not counted, the delay between the filing of the DANCO charges on August 18, 2017 and the trial on January 18, 2019 was 172 days—just shy of six months.[14]

The threshold conclusion that a delay is presumptively prejudicial does not end our consideration of the length of the delay in the weighing of the *Barker* factors. *See Doggett*, 505 U.S. at 652, 656–57. For example, the longer a delay stretches on and intensifies, the less likely we are to find a delay justified by other factors and the more

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prepare for trial, exchange discovery, and resolve pretrial motions—was largely not present once the State refiled the charges.

[14] The State also contends that we should not count toward the delay the period before the October 5, 2017 appearance that functioned as a Rule 11 omnibus hearing. The State argues that the August 21, 2017 hearing, when Mikell first asserted his speedy trial right (the impromptu hearing that took place before the trial on the domestic assault charges) functioned as a de facto Rule 5 first appearance for his DANCO charges. The State correctly observes that under Rule 5.08, "[i]n felony cases, a defendant may plead guilty as early as the Rule 8 hearing. The defendant cannot enter any other plea until the omnibus hearing under Rule 11." Minn. R. Crim. P. 5.08. Accordingly, the State asserts, because under Rule 11.09 the time for calculating the 60-day presumptively prejudicial delay period does not begin until after the accused pleads not guilty, we should not count any days before Mikell's not guilty plea on October 5, 2017.

The State is correct that we cannot count any time before a guilty plea is entered in determining whether a presumptively prejudicial delay exists under Rule 11.09. Under that rule, the 60-day presumptively prejudicial delay period runs from the assertion of a speedy trial demand either at the time of the omnibus hearing or whenever such demand is made following the omnibus hearing. In any event, 124 days passed between Mikell's assertion of his speedy trial demand at the October 5, 2017 hearing and the January 18, 2019 trial, even if the 346 days between the dismissal of the charges and the reinstatement of the charges are not counted.

The State's argument is misplaced, however, when assessing the other measure of presumptively prejudicial delay between the initiation of the criminal prosecution and the trial. In this case, that period started on August 18, 2017, when Mikell was first charged with violating the DANCO order. *See State v. Jones*, 392 N.W.2d 224, 235 (Minn. 1986).

likely we are to find a speedy trial violation. A longer delay may be justified if there are good reasons for the delay, while the same delay may not be justified if the government acts in bad faith or even negligently. Consequently, we consider whether the 346-day delay between the initial dismissal of the DANCO charges and the State's refiling of the charges stretched beyond what was justified by the reasons for, and intensified the harm Mikell faced as a result of, the delay when carefully balancing all of the *Barker* factors below.

B.

We also consider whether the State or the defendant is responsible for the delay. *Barker*, 407 U.S. at 531; *Osorio*, 891 N.W.2d at 628–29. "When the overall delay in bringing a case to trial is the result of the defendant's actions, there is no speedy trial violation." *State v. DeRosier*, 695 N.W.2d 97, 109 (Minn. 2005); *Vermont v. Brillon*, 556 U.S. 81, 90 (2009) (noting that the use of delay as a defense tactic by the defendant must be taken into account in the *Barker* balancing).

When the State (considering the conduct of both the prosecution and the courts) is responsible for the delay, we must also assess the reasons offered to justify the delay. *Barker*, 407 U.S. at 531; *Osorio*, 891 N.W.2d at 628. This is necessarily a relative inquiry. Notably:

> A deliberate attempt to delay the trial in order to hamper the defense should be weighted heavily against the government. A more neutral reason such as negligence should be weighted less heavily but nevertheless should be considered since the ultimate responsibility for such circumstances must rest with the government rather than the defendant.

*Barker*, 407 U.S. at 531. And if there is good cause for the delay—for instance, a key witness of the State is unavoidably unavailable or the government takes a good faith, well-

supported appeal from a pretrial ruling—the delay will not be held against the State. *Taylor*, 869 N.W.2d at 20; *Corarito*, 268 N.W.2d at 79–80; *Loud Hawk*, 474 U.S. at 315–16.

Any delay in bringing the case to trial during the 87 days between the initial filing of the DANCO charges against Mikell on August 18, 2017, and the dismissal of those charges on November 13, 2017, was the result of routine court scheduling and the fact that Mikell's domestic assault trial and later sentencing occurred during that period. This period of delay is the State's responsibility, with the possible exception of 13 days of the delay attributable to Mikell, who sought a continuance of his domestic assault sentencing from September 22 to October 5. By and large, however, the reasons for the delay are routine; they certainly do not suggest a deliberate attempt by the State to hamper the defense in any way. We also note that trial on the DANCO charges was scheduled for November 13, 2017; less than 60 days after Mikell's demand for speedy trial after pleading not guilty.

Our conclusion is the same as to the 85 days between the refiling of the DANCO charges on October 25, 2018, and the stipulated facts trial on January 18, 2019. Following the court of appeals' reversal of his domestic assault conviction on September 14, 2018, a new trial for that charge was scheduled for November 13, 2018. Because the State at first prioritized prosecution of the older charged crime—domestic assault—it concedes that the 19 days between the refiling of the DANCO charges on October 25, 2018, and the November 13, 2018, trial date weigh against it. On November 13, however, Mikell requested a continuance on the domestic assault charge, which the State joined and the

district court granted. Trials for the domestic assault and DANCO charges were ultimately set for the week of January 14, 2019, at which time the State agreed to drop the domestic assault charge in exchange for a stipulated facts trial on the DANCO charges. We do not agree with the State's position that, given the interrelated facts of the domestic assault and DANCO charges and Mikell's request for a continuance on the former, the period after Mikell's request for a continuance on the domestic assault charge should be held against him. However, it is difficult to see how the State could have brought the DANCO charges to trial much more quickly following the refiling of those charges. Consequently, we consider the delay following the request for a continuance to be neutral.

Mikell argues that we should view the State's conduct much more harshly. He asserts that the State refiled the DANCO charges after the court of appeals reversed his domestic assault conviction for the sole purpose of increasing the pressure on him to plead guilty to the domestic assault charges, a tactic he characterizes as "vindictive conduct." We disagree. For better or worse, the State's filing of multiple charges reflects routine criminal prosecution tactics, and the general legitimacy of those tactics is not challenged here. Moreover, by all accounts, the State dismissed the DANCO charges in November 2017 because it had secured the domestic assault conviction and saw no need to prosecute the DANCO charges, which would result in no additional prison time for Mikell. The State refiled the DANCO charges only after circumstances changed because the court of appeals reversed Mikell's domestic assault conviction. On this record, we cannot conclude that the State's conduct was vindictive.

C.

We next consider whether and how Mikell asserted his right to a speedy trial. *See Barker*, 407 U.S. at 531. A "defendant's assertion of his speedy trial right . . . is entitled to strong evidentiary weight in determining whether the defendant" was deprived of the right. *Id.* at 531–32. But this inquiry too is necessarily contextual. A defendant's demand for a speedy trial is evidence that he believes that he will be harmed if the trial is delayed. Stated another way, the strength of an accused's efforts to secure a speedy trial is a signal of the personal prejudice the accused may suffer from delay since "[t]he more serious the deprivation, the more likely the defendant is to complain." *Id.* at 531; *see Friberg*, 435 N.W.2d at 515 (stating that "the frequency and force of a demand must be considered [because] the strength of the demand is likely to reflect the seriousness and extent of the prejudice which has resulted"). Accordingly, we will consider other signals in the case to assess whether a demand for a speedy trial is serious. *Loud Hawk*, 474 U.S. at 314 (stating that a defendant who filed frivolous petitions asserting other claims for relief while demanding a speedy trial undermined the seriousness and weight given to his speedy trial demands); *State v. Widell*, 258 N.W.2d 795, 796 (Minn. 1977) (stating that based on the defendant's actions in the case, "the conclusion [was] inescapable that" defendant's filing of a motion to dismiss based on deprivation of speedy trial did not indicate a desire for a speedy trial on the charges but rather a desire to escape trial on the charges altogether).

In this case, Mikell asserted his demand for a speedy trial on August 21, 2017, three days after he was charged with the DANCO violations. He reasserted his demand on October 5, 2017, at the omnibus hearing. And on October 27, 2017, he filed his UMDDA

request, demanding a prompt trial, which the State received on November 7, 2017. *See Windish*, 590 N.W.2d at 318 (stating that because we should consider any action whatever as an assertion of a speedy trial right, a lawyer's statement to court that accused "has the right to have his case finished" even though not accompanied by a formal motion was a sufficient assertion of that right). Soon thereafter, the State dismissed the DANCO charges in the interests of justice, and Mikell did not object to the dismissal. In short, before the initial dismissal of the DANCO charges, Mikell made insistent and persistent efforts to secure a prompt trial. According to suggestions in his briefs, he was motivated at least in part by a desire to serve a shorter DANCO sentence concurrently with a longer domestic assault sentence he was facing.

After the charges were dismissed in November 2017, Mikell did not (perhaps understandably) demand trial of the dismissed DANCO claims.

Finally, Mikell moved to dismiss the refiled charges on speedy trial grounds on November 2, 2018—a mere 8 days after the new complaint was filed. Significantly, he did not alternatively make a speedy trial request. *See Barker*, 407 U.S. at 534–35 (noting that despite moving to dismiss, there was "no alternative motion made for an immediate trial"). The record does not disclose that he reasserted his right to a speedy trial after the district court denied his motion to dismiss.[15] In context, however, Mikell's motion to dismiss

[15] Mikell sought once again to have the case dismissed for a speedy trial violation in a pro se supplemental brief filed immediately before trial in January 2019. As with his earlier motion, the motion to dismiss was not an expression of a desire to proceed to trial but a request to avoid trial altogether. This is a particularly relevant distinction because when Mikell brought his January 2019 motion to dismiss, trial was scheduled and imminent; his demand for trial had already been fulfilled.

suggests more of a desire to avoid trial altogether rather than a serious interest in proceeding to trial promptly. *See Widell*, 258 N.W.2d at 796.

In summary, Mikell pushed hard for a speedy trial between the initial filing of the DANCO charges and the dismissal of those charges in November 2017. He was motivated in part by his desire to serve any sentence imposed upon conviction for the DANCO violations concurrently with the domestic assault sentence. He did not object to dismissal of the charges. After the charges were refiled, Mikell asked that the case be dismissed on speedy trial grounds but did not affirmatively demand a speedy trial. All in all, this set of facts after the refiling of the DANCO charges dilutes the impact of Mikell's initial strong demand for a speedy trial in our overall balancing.

D.

Finally, we consider whether Mikell was prejudiced by the delay. *See Osorio*, 891 N.W.2d at 631. We consider three interests when determining whether a defendant has suffered prejudice: "(1) preventing oppressive pretrial incarceration; (2) minimizing the anxiety and concern of the accused; and (3) preventing the possibility that the defense will be impaired." *Windish*, 590 N.W.2d at 318. The last form of prejudice is typically "suggested by memory loss by witnesses or witness unavailability." *Taylor*, 869 N.W.2d at 20.

We have held that, "[i]f a defendant is already in custody for another offense . . . the first two interests are not implicated." *Id.* Here, Mikell was in custody for domestic assault from the time the DANCO charges were first filed in August 2017 until his conviction was reversed on September 14, 2018. But Mikell claims that he experienced "extensive anxiety

and concern" after the State refiled the DANCO charges in October 2018. In particular, he feared the possibility that he would receive consecutive sentences for both the domestic assault charge and the DANCO violations. The risk that a court will impose consecutive sentences, however, exists in every case where a party faces multiple charges. It is not a risk related to trial delay.

Mikell also argues that delay in getting his case to trial hampered his ability to put on a defense. He claims that the associate in jail who placed the calls to the victim on his behalf was a material witness for trial who might be unavailable to testify. Mikell did not provide information about what that witness would say at trial. Nor did he provide proof that he made an effort and could not locate the witness. Rather, he asserted that it was possible the witness would be much more difficult to find because Mikell knew him only from jail and the witness was no longer in custody. This is a thin branch on which to hang a claim of hampered defense.

Mikell correctly points out that his inability to demonstrate that the witness was in fact unavailable is not fatal to his claim of prejudice. On this point, the court of appeals erred when it suggested that it would not consider "speculative" harm to Mikell. *Mikell*, 2020 WL 2703709, at *4. The Supreme Court in *Doggett* stated that "consideration of prejudice is not limited to the specifically demonstrable" and "excessive delay presumptively compromises the reliability of a trial in ways that neither party can prove or, for that matter, identify." 505 U.S. at 655. The Court further explained that, "[w]hile such presumptive prejudice cannot alone carry a Sixth Amendment claim without regard to the

other *Barker* criteria, it is part of the mix of relevant facts, and its importance increases with the length of delay." *Id*. at 655–56 (internal citations omitted).

On the other hand, Mikell's claim of prejudice here is not compelling because it is not clear that Mikell's witness would have been helpful to his defense. According to facts stipulated to at Mikell's trial, the domestic assault victim whom Mikell could not contact under the DANCO recognized his voice each time Mikell called her and immediately terminated the calls. That fact alone is sufficient evidence to convict him of the DANCO that prohibited Mikell from contacting the victim by telephone. It is hard to imagine how the testimony of the person who allegedly placed the calls on Mikell's behalf would change that result. Mikell certainly offers no such explanation.[16] It is also telling that Mikell did not identify the inmate who placed the call or any witnesses on a witness list in November 2017 even though the case was initially scheduled to go to trial on November 13, 2017, the same day that the State dismissed the case.

[16] Mikell asserted at oral argument that the Supreme Court's decision in *Holmes v. South Carolina*, 547 U.S. 319 (2006), prohibits us from considering the relative strength or weakness of the State's case or Mikell's defense to the DANCO charges in weighing whether Mikell suffered any prejudice under the *Barker* analysis. We disagree. *Holmes* did not concern a constitutional speedy trial claim; rather, it invalidated a state-court-created rule of evidence that barred introduction alternative perpetrator evidence where strong forensic evidence of the defendant's guilt existed. *Id.* at 323–24, 330–31. The Supreme Court held that the rule of evidence exclusion impermissibly interfered with the defendant's constitutional right to a present a complete defense. In the speedy trial context, where one inquiry is precisely prejudice to the defendant, the same constitutional considerations do not apply.

Further, "[w]e have previously stated that the prejudice a defendant suffers must be 'due to the delay.' " *See Osorio*, 891 N.W.2d at 631 (quoting *Jones*, 392 N.W.2d at 235). There is nothing in the record to suggest that the potential witness was not released *before* the November 2017 dismissal of the DANCO charges. Accordingly, there is no evidence that the witness's unavailability was due to any improper delay.[17]

Finally, citing *Smith v. Hooey*, 393 U.S. 374 (1969), Mikell argues that a delay in trying the DANCO charges raised the possibility that the sentence imposed for a DANCO conviction would not be served concurrently with his longer domestic assault sentence, resulting in more time in prison. We find this prejudice remote at best. To begin, before the DANCO charges were initially dismissed, Mikell had a November 13, 2017 trial date. Had the trial proceeded at that time, sentencing on a DANCO conviction would have occurred with plenty of time to start and end (if imposed concurrently) before the domestic

[17] As we stated earlier, the 346-day period between the dismissal and the refiling of the charges is not part of the speedy trial analysis. We are also convinced that the 346-day delay did not intensify the potential harm to Mikell resulting from the possible unavailability of the inmate who placed the jailhouse calls to the victim. Further, the possibility that a witness may be unavailable—through death or disappearance or other reasons—exists even in cases where no delay occurs. Both the Supreme Court and our court have recognized other important tools to protect defendants in circumstances where the State's delay in bringing a claim or dismissal of a claim makes it more difficult for an accused to put on a defense as the result of fading memories and missing witnesses, including constitutional due process limitations on criminal prosecutions and statutes of limitations adopted by the Legislature. *See* Minn. Stat. § 628.26(k) (2020) (stating that 3-year limitation period exists for charges involving violations of statutes not otherwise identified).

assault sentence expired.[18] Further, during the period between the dismissal and the refiling of the DANCO charges between November 2017 and October 2018, Mikell faced no DANCO charges whatsoever. Accordingly, any concern that Mikell may have had about a concurrent sentence based on a conviction for the dismissed DANCO violations would end before the sentence for domestic assault was unrealistic. Finally, at the time the DANCO charges were refiled, the domestic assault conviction had been reversed and a new trial ordered. Consequently, no domestic assault sentence existed with which a sentence on the DANCO conviction could run concurrently. And, as it turns out, the State never retried the domestic assault case.

E.

Having examined the various *Barker* factors, we turn to the delicate and sensitive balancing required to answer whether the State brought Mikell to trial quickly enough so as not to endanger the values that the speedy trial right protects. We conclude that the State did so.

There were two discrete periods when Mikell stood accused of the DANCO violations: (1) from August 18, 2017, when the charges were initially filed, until November 13, 2017, when the State dismissed the charges after Mikell was convicted of domestic

[18] Mikell was sentenced to 60 months on the domestic assault charge in October 2017. Assuming credit for time served since June 2017, Mikell's sentence would have ended in June 2023 and he would have been eligible for supervised release in the fall of 2021. *See* Minn. Stat. § 244.05, subd. 1 (2020). Mikell received two concurrent 30-month sentences when ultimately convicted on the DANCO charges in accordance with the sentencing guidelines. *See* Minn. Sent. Guidelines VI. Had he gone to trial in November 2017 and been convicted, two 30-month DANCO sentences (if imposed concurrently) would have expired in May 2020.

assault and sentenced to 60 months in prison; and (2) from October 25, 2018, when the DANCO charges were refiled after the court of appeals reversed the domestic assault conviction, until the stipulated facts trial on the DANCO charges on January 18, 2019. Neither period considered together—the first 87 days or second 85 days—was particularly protracted in comparison to recent speedy trial cases we have decided. *See, e.g.*, *Osorio*, 891 N.W.2d at 632–33 (holding that 21-month delay between the State charging defendant and the date of his arrest did not violate defendant's speedy trial right under *Barker*); *Taylor*, 869 N.W.2d at 19–21 (holding that a 15-month delay between indictment and trial did not violate defendant's speedy trial right).

Indeed, trial was initially set for November 13, 2017, just a few weeks after Mikell pleaded not guilty. More importantly, nothing suggests that these time periods were unnecessarily long due to deliberate efforts by the State to either hamper the defense or delay the trial. Sentencing in the domestic assault case remained pending for a good portion of the initial period before dismissal of the DANCO charges and trial was set for November 13. Because there is no record that Mikell identified any witnesses before the November 13, 2017 trial date, he cannot claim prejudice based on the unavailability of a witness. And, as noted above, his primary concern, that he would not gain the benefit of concurrent sentences if his trial were delayed, was eliminated once the DANCO charges were dismissed. Finally, Mikell did not object when the State dismissed the DANCO charges in the interests of justice.

In the second period after refiling, both the remanded domestic assault case and the refiled DANCO charges were pending. The trial on the domestic assault case was

scheduled to go first—just weeks after refiling—but on the day of trial, Mikell and the State agreed to continue the domestic assault case and proceed first with the trial on the DANCO charges. The trial on those charges (accompanied by dismissal of the domestic assault charge) occurred just over 60 days after the agreed-upon continuance was granted. Mikell did not affirmatively demand a speedy trial during this period, instead seeking to avoid trial by having the charges dismissed on speedy trial grounds. And finally, the prejudice alleged by Mikell (during this period, the potential unavailability of a witness) is insubstantial on this record and we are not convinced that the harm was intensified by the delay. On balance, we hold that Mikell was not deprived of his right to a speedy trial.

III.

Mikell's final argument is that the district court erred by denying his request for a dismissal under Minn. R. Crim. P. 30.02. A district court is permitted to "dismiss [a] complaint . . . if the prosecutor has unnecessarily delayed bringing the defendant to trial." Minn. R. Crim. P. 30.02. We review a denial of a request for a Rule 30.02 dismissal for an abuse of discretion. *State v. Olson*, 884 N.W.2d 395, 397 (Minn. 2016). "A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record." *State v. Guzman*, 892 N.W.2d 801, 810 (Minn. 2017). In determining whether a district court abused its discretion by denying a request for a Rule 30.02 dismissal, we assess whether (1) the record supports the district court's factual findings and (2) the district court "applied the legal standard correctly." *Olson*, 884 N.W.2d at 399.

Mikell argues that the district court abused its discretion because the State "unnecessarily" delayed bringing him to trial, requiring the court to dismiss the case. He argues further that we have held that "being imprisoned on one offense does not make acceptable a delay in prosecution for other alleged offenses" and that the State's rationale for dismissing and later refiling the DANCO charges (apparent satisfaction with the conviction on the domestic assault charge) did not make the delay necessary. *See generally State v. McTague*, 216 N.W. 787, 788 (Minn. 1927); *State v. Borough*, 178 N.W.2d 897, 899 (Minn. 1970). Finally, Mikell claims that the district court failed to consider whether the State acted in bad faith.

Here, we conclude that the district court did not abuse its discretion by denying Mikell's Rule 30.02 request. The court did not misstate any facts in the November 5, 2018 hearing at which it denied Mikell's motion to dismiss. And although the court did not expressly address whether the State acted in bad faith by dismissing and refiling the DANCO charges, it concluded that penalizing the State for failing to prosecute the DANCO charges in 2017 after securing a conviction on the domestic assault charge would amount to "an absurd result."[19] The court explained: "Clearly we're here because of the Court of Appeals reversing me for my errors about dismissing counsel." It also stated that it would not punish the State for "just doing what felt right" for dismissing the charges in the interests of justice in 2017. The court also noted that the dismissal "actually benefited

[19] At any rate, as the State notes, in *Olson* we previously concluded that the bad faith standard we apply to prosecutorial actions under Minn. R. Crim. P. 30.01 does not apply to district court actions under Rule 30.02. *See* 884 N.W.2d at 400.

the defendant at the time," which is a reasonable interpretation of the facts. Further, the court did not misstate any applicable law in its analysis. Nor did its conclusions go "against logic" or the facts in the record. *See Guzman*, 892 N.W.2d at 810.

Finally, the two cases Mikell principally relies on—*McTague* and *Borough*—do not support a holding that the district court abused its discretion. While those cases stand for the proposition that the State cannot delay prosecution of a pending charge simply because a defendant is incarcerated, *McTague* and *Borough* are distinguishable from Mikell's case. In those cases, the charges against incarcerated defendants remained pending throughout the entirety of the alleged delays, unlike here, where Mikell had no pending charges against him for the longest portion of the period between the initial filing of the DANCO charges and his stipulated facts trial. *See McTague*, 216 N.W. at 788; *Borough*, 178 N.W.2d at 898. The district court here did not find that the State delayed prosecution of the DANCO charges despite Mikell's incarceration; it found that the State deemed prosecution of those charges unnecessary following Mikell's domestic assault conviction.

Accordingly, because the district court did not make any misstatements of fact or law when denying Mikell's motion to dismiss the State's complaint, we conclude that the court did not abuse its discretion.

## CONCLUSION

For the foregoing reasons, we affirm the decision of the court of appeals.

Affirmed.

D I S S E N T

ANDERSON, Justice (dissenting).

This case requires us to interpret the plain language of the Uniform Mandatory Disposition of Detainers Act (UMDDA), Minn. Stat. § 629.292 (2020). The court concludes that the statute is ambiguous as to the question presented here: namely, whether the State violated appellant Roosevelt Mikell's right to a final disposition of his untried charges by dismissing those charges and later refiling those charges after the 6-month disposition period prescribed by the statute had elapsed. *See id.*, subd. 3. The court then asserts that the best reading of the UMDDA would limit a prisoner's right to a final disposition to cases in which untried charges remain pending. Because I conclude that the plain language of the UMDDA unambiguously requires the State to bring untried charges to trial within 6 months following receipt of a request under the statute unless an enumerated exception applies, I respectfully dissent.[1]

A.

The UMDDA permits prisoners to request final disposition of any untried indictment or complaint pending against them. Minn. Stat. § 629.292, subd. 1(a). Once the State receives the request, it must bring the complaint to trial within 6 months, barring an enumerated exception. *Id.*, subd. 3. If the State fails to do so, "no court of this state

[1] Because I would decide this case based on the proper interpretation of the statute, I would also conclude that it is unnecessary to address Mikell's constitutional claim for a violation of the speedy trial right guaranteed by the federal and state constitutions. *See State v. Hoyt*, 304 N.W.2d 884, 888 (Minn. 1981) (concluding that when appeal could be resolved on other grounds, it was "unnecessary to reach the constitutional claim").

shall any longer have jurisdiction thereof, nor shall the untried indictment or information be of any further force or effect, and the court *shall* dismiss it with prejudice." *Id.* (emphasis added). In other words, if the State does not pursue one of the statutory exceptions to the 6-month disposition period—good cause or stipulated continuance—it *must* bring an untried complaint to trial within that period or else forfeit its ability to do so in the future.

On October 27, 2017, while imprisoned on his domestic assault conviction, Mikell made a proper request under the UMDDA for final disposition of his outstanding DANCO charges. *See* Minn. Stat. § 629.292, subd. 1(a). The State received Mikell's request on November 7, 2017, triggering the commencement of the 6-month disposition period. That period ended on May 6, 2018. *See State v. Hamilton*, 268 N.W.2d 56, 61 (Minn. 1978) (observing that "the 6-month period begins with receipt of the [UMDDA] request and certificate"); *see also* Minn. Stat. § 629.292, subd. 2. The State, meanwhile, dismissed Mikell's pending DANCO charges on November 13, 2017, before refiling those charges nearly a year later, on October 25, 2018, well beyond the end of the 6-month period. Mikell's trial on these charges did not occur until January 18, 2019.

The issue is whether the State was permitted to refile, and pursue, the DANCO charges against Mikell despite violating the plain text of subdivision 3 of the UMDDA. The court concludes that, when read in its entirety, the text of the statute is ambiguous as to this issue and that the more reasonable interpretation would provide a prisoner a right to final disposition of untried charges only for as long as the charges remain pending. In effect, the court's interpretation means that the State's dismissal of any pending charges

voids a prisoner's right to final disposition of those charges, releasing the State from its obligation to bring the charges to trial within 6 months and permitting it to refile the dismissed charges at a later date even if beyond the end of the disposition period. For the reasons outlined below, the plain language of the statute does not support this conclusion.

B.

When interpreting statutes, we attempt "to ascertain and effectuate the intention of the legislature." Minn. Stat. § 645.16 (2020); *see State v. Ortega-Rodriguez*, 920 N.W.2d 642, 645 (Minn. 2018). In ascertaining the Legislature's intent, we first look to the plain meaning of the text. *State v. Jones*, 848 N.W.2d 528, 535 (Minn. 2014). When "the legislature's intent is clearly discernable from plain and unambiguous language, . . . [we] apply the statute's plain meaning." *Am. Tower, L.P. v. City of Grant*, 636 N.W.2d 309, 312 (Minn. 2001).

The plain language of the UMDDA is direct: if an untried charge is not brought to trial within 6 months after receipt of a prisoner's request, "no court of this state shall any longer have jurisdiction thereof . . . and the court shall dismiss it with prejudice." Minn. Stat. § 629.292, subd. 3. Although the text of the statute does not address what happens if the State dismisses pending charges after it receives a request, it *does* expressly provide for certain scenarios in which the strict 6-month limit may not apply. For example, subdivision 3 permits extensions of the disposition period "for good cause" as granted by the district court or via a stipulated continuance by the parties. *Id.* And subdivision 4 provides that a prisoner's UMDDA request voids automatically if the prisoner escapes from custody. *Id.*, subd. 4. These statutory exceptions account for situations in which the Legislature intended

the 6-month disposition period not to apply.[2] Presumably, if the Legislature had also intended for a request under the statute to void automatically if the prisoner's untried complaint was dismissed, as the court interprets the statute, it would have included language to that effect, creating an appropriate exception. In the absence of such an exception, I disagree with the court's decision to read one into the statute. *See Carlton v. State*, 816 N.W.2d 590, 609 (Minn. 2012) (refusing to create a judicial exception to a statute " 'under the guise of statutory interpretation' " (quoting *Laase v. 2007 Chevrolet Tahoe*, 776 N.W.2d 431, 438–40 (Minn. 2009))). The Legislature already signaled its willingness to depart from the text of the model UMDDA statute when it adopted its own version in 1967.[3] It could have done so to cover scenarios such as the one before us in this case, but it did not.

The court relies principally on subdivision 1(a) in concluding that the language of the UMDDA is ambiguous as to the question before us. Subdivision 1(a) lays out the

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[2] As the court notes, we have read an exception into the UMDDA's 6-month disposition period to allow for tolling of that period when the defendant's actions inhibit the State's ability to bring the untried complaint to trial. *See State v. Wilson*, 632 N.W.2d 225, 230 (Minn. 2001) (concurring with other courts that have read "the UMDDA and IAD [as] permit[ing] tolling of the statutory time limit when the defendant caused or created the delay"). Although that judicially created exception is not at issue here, the court's holding creates a bizarre dynamic under the UMDDA in which the State can escape the strict 6-month time limit—for example, by dismissing and later refiling pending charges—but the defendant cannot.

[3] The Minnesota UMDDA statute differs from the model statute in a few ways. For example, the model statute provides for a disposition period of 90 days compared with Minnesota's 180 days, and the Legislature chose not to include section 5 of the model statute, which rendered the statute inapplicable "to any person adjudged to be mentally ill." *Compare* Minn. Stat. § 629.292, *with* Unif. Mandatory Disposition of Detainers Act with Prefatory Note 2–3 (1958).

prisoner's right to request disposition of a pending complaint and provides that a prisoner "may request final disposition of any untried indictment or complaint pending against the person in this state." Minn. Stat. § 629.292, subd. 1(a). The court seizes on the word "pending" to suggest that one could reasonably read the UMDDA as a whole to void a prisoner's right to final disposition of an untried complaint if the State dismisses the complaint so that it is no longer "pending." *Id.*

But the court overlooks the location of this language within the statute. *See State v. Townsend*, 941 N.W.2d 108, 110 (Minn. 2020) (observing that we examine specific words and phrases in the context of the broader statute). Subdivision 1(a) lays out the prisoner's right to request final disposition of a pending untried complaint. Minn. Stat. § 629.292, subd. 1(a). It is subdivision 3, however, that specifies how the 6-month disposition period functions once the State receives a request. *Id.*, subd. 3. More importantly, subdivision 3 *does not* require that the complaint remain pending throughout the entirety of the 6 months. *Id.* All subdivision 3 requires is that once the State receives the request, it must bring the charges to trial within 6 months, barring an enumerated exception. *Id.* Reading subdivision 1(a) to permit the State to cut off a prisoner's right to have an untried complaint brought to trial within 6 months simply by dismissing the complaint eviscerates the plain language of subdivision 3 and thus is an unreasonable interpretation of the statute. *See Van Asperen v. Darling Olds, Inc.*, 93 N.W.2d 690, 698 (Minn. 1958) (stating that "a statute is to be read and construed as a whole so as to harmonize and give effect to all its parts").

The more reasonable interpretation—indeed, the only reasonable interpretation when considering the plain language of the UMDDA as a whole—is to read subdivision

1(a) as only establishing *when* a prisoner may make a request under the statute, with subdivision 3 mandating *how* the State must proceed once it receives the prisoner's request. *See* Minn. Stat. § 629.292, subds. 1(a), 3. In other words, subdivision 1(a) concerns the prisoner's rights under the statute, whereas subdivision 3 concerns the State's obligations. The statute clearly lays out under what circumstances the State's obligation to bring an untried complaint to trial within 6 months is curtailed or otherwise modified. *See id.*, subds. 3–4. The plain language of subdivision 1(a) provides no additional exception to the 6-month disposition period in subdivision 3; the court errs in reading this exception into the statute stapled onto the word "pending." *Id.*, subds. 1(a), 3.

C.

Because the plain language of the UMDDA unambiguously requires the State to bring an untried complaint to trial within 6 months following receipt of a request, we need not look beyond the text of the statute, as the court does. *See Cocchiarella v. Driggs*, 884 N.W.2d 621, 624 (Minn. 2016) ("When the language of a statute is clear, we apply the plain language of the statute and decline to explore its spirit or purpose."). Consequently, I would reverse the court of appeals and vacate Mikell's conviction.

The court discusses the potential policy implications of my proposed holding, speculating that "[a]dopting Mikell's interpretation of the statute . . . could in fact hurt the very population the UMDDA is designed to help." The court explains that harm to defendants could arise because the State, if held to the strict 6-month disposition period in the absence of an enumerated exception, would be incentivized to bring more charges to trial instead of dismissing charges so as to avoid losing the opportunity to do so in the

future. That may be true. But "[i]t is our job . . . to interpret and apply criminal statutes as written." *State v. Hayes*, 826 N.W.2d 799, 805 n.1 (Minn. 2013). We do "not reject the more persuasive interpretation" of a "criminal statute simply because it may lead to strange results in some factual situations." *Id.*

For the reasons stated above, I respectfully dissent.

GILDEA, Chief Justice (dissenting).

I join in the dissent of Justice Anderson.

HUDSON, Justice (dissenting).

I join in the dissent of Justice Anderson.