

Meshell v. State

The defendant was questioned by police regarding a theft, then released. A few weeks later, the defendant was arrested, but later released after the prosecution determined that the action had been brought in an improper county. A new warrant was issued, but contained an incorrect address. Some months later, a corrected warrant was issued, but this was not served on the defendant for almost a year. The defendant filed a motion to dismiss the indictment, citing violation of the Speedy Trial Act as a basis. The court agreed that the act had been violated, but held the act unconstitutional and denied the motion. The defendant pled guilty while preserving the issue for appeal.

The Act required the State to be ready for trial within 120 days of the commencement of a criminal action. In this case, the defendant maintained that over a year had lapsed between the indictment and trial and that the State had not demonstrated readiness for trial within the mandated interval. The lower court held that the Act was an unconstitutional infringement upon prosecutorial discretion. The Court of Criminal Appeals held that the defendant's appeal was predicated on the validity of the statute and that he had failed to preserve any constitutional basis for an appeal. Rejecting the rationale of the lower court, the Court of Criminal Appeals affirmed the lower court's judgment insofar as it held Article 32A.02 and Article 28.061 unconstitutional.