



Administrative Office of the Courts

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Supreme Court provides guidance to lower courts on speedy trial challenges in criminal cases

SANTA FE – The state Supreme Court ruled today that a Colfax County man’s constitutional right to a speedy trial was violated by a three-year delay in prosecuting him on felony and misdemeanor charges from a traffic stop in 2019.

In a split decision, the state’s highest court reversed a state Court of Appeals ruling that found no speedy trial violation in Bryan Schuster’s case. He was charged with receiving or transferring a stolen motor vehicle, possession of a narcotic drug, driving with a suspended license, having no insurance, and false evidence of a vehicle title or registration.

The district court in Colfax County granted Schuster’s motion to dismiss the case in 2022 for violation of his speedy trial right. Prosecutors appealed. The case reached the Supreme Court when Schuster challenged the Court of Appeals decision.

In today’s majority opinion written by Justice C. Shannon Bacon, the Court provided guidance to New Mexico’s lower courts on the proper analysis to determine whether a defendant’s speedy trial right has been violated.

Justices David K. Thomson and Briana H. Zamora disagreed with the majority’s decision, and in a dissenting opinion objected to its approach to analyzing trial delays for a possible constitutional violation.

Chief Justice Julie J. Vargas and Justice Michael E. Vigil concurred in the majority opinion.

Speedy trial disputes in New Mexico are governed by a four-factor test established in a 1972 U.S. Supreme Court opinion. In Schuster’s case, the majority determined that the first three factors – the length of the delay, the reasons for the delay, and the defendant’s assertion of his speedy trial right – all weighed “heavily against the State.” Because of that, the Court determined it was unnecessary to consider the final factor – whether Schuster had shown a “particularized prejudice” from the delay – “to conclude that Defendant’s right to a speedy trial was violated.”

The majority explained that the “focus of the reasons-for-delay factor is to what degree, if any, the state bears responsibility for the pretrial delay.” The justices cautioned lower courts against weighing the “relative culpability or a balancing of the months of delay attributable to each party.”

“Using methodologies that calculate the state’s *relative* culpability – that effectively mitigate or even excuse the state’s *actual* culpability – loses sight of the ultimate inquiry: was the state responsible for unconstitutional delay? We therefore abrogate any cases inasmuch as they improperly offset delay between the parties,” the majority wrote.

The Court further explained, “In a case such as this one, wherein a sufficiently prolonged period of negligent delay or a sufficient period of bureaucratic indifference warrants heavy weight of the factor against the state, such a critical mass of heavy delay cannot be ameliorated or exonerated by the existence of additional delay of lesser weight.”

Among the reasons found by the district court for the pretrial delay in Schuster’s case was the district attorney’s “policy of prosecuting all types of cases to the fullest extent and offering plea agreements that provide relatively little benefit to defendants,” which caused a case backlog in that jurisdiction that delayed jury trials, including Schuster’s.

Schuster asserted his speedy trial right six times in his case. The Supreme Court majority disagreed with the Court of Appeals that the collective weight of Schuster’s assertions should be diminished because some of those assertions were pro forma demands filed with the trial court.

The Court’s majority reasoned that “while a *single* pro forma assertion of the right in isolation warrants only little weight under our precedent, a defendant’s *collective* assertions – including pro forma assertions – should weigh heavily when their combined force and frequency indicate the legitimacy of the defendant’s stated desire for a speedy trial, unless refuted by contrary evidence.”

In their dissenting opinion, Justices Thomson and Zamora wrote, “Prejudice is the central inquiry in speedy trial violations. Therefore, we cannot concur in an opinion which so dramatically lowers the bar for what is considered *heavy weight* for the other factors and thereby lowers the bar for when a showing of particularized prejudice is required.”

Regarding the reasons for delay, the dissenting justices stated, “The entirety of the State’s delay is properly classified as administrative, mostly due to a congested docket. A delay due to a congested docket does not weigh heavily against the state.” They also found a lack of evidence in the case record for the alleged plea policy and wrote that Schuster’s speedy trial assertion “was not made with sufficient frequency and force to weigh this factor heavily against the State.”

“There was no prejudice to Defendant shown, and while the delay was long, the reasons for the delay and the assertion of the right were not so egregious that this case should result in the ‘severe remedy of dismissal of the indictment.’ The majority here makes unnecessary changes to our speedy trial jurisprudence that are not supported by precedent,” the dissenting opinion concluded.

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To read the decision in *State v. Schuster*, No. S-1-SC-40419, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/538387/index.do>