

Per Curiam

SUPREME COURT OF THE UNITED STATES

No. 04–19

AIMLOCKED, PETITIONER *v.* UNITED STATES

ON WRIT OF CERTIORARI TO THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF NEVADA

[October 18, 2017]

PER CURIAM.

The writ of certiorari is dismissed as improvidently
granted.

It is so ordered.

BORK, J., concurring

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JUSTICE BORK, concurring.

There is perhaps no maxim more recognizable in American law than “innocent until proven guilty.” On that foundation, the First Congress proposed the Sixth Amendment which protects, along with several other things, the right to a speedy trial. We have long recognized that relationship as not just significant but ancillary to the meaning of the Speedy Trial Clause. The “major evils” against which the right to a speedy trial, as originally understood, was directed are “undue and oppressive incarceration” and the “anxiety and concern accompanying public accusation.” *United States v. Marion*, 404 U. S. 307, 320 (1971). Based on a well-reasoned conclusion that the petitioner’s treatment did not even touch on the Speedy Trial Clause’s “core concern” of preventing the “impairment of liberty,” I concur in the dismissal of the writ. *United States v. Loud Hawk*, 474 U. S. 302, 312 (1986).

I

The facts of this petition are summarized as follows. On August 18, 2017, Vinblob242 filed a complaint with the U.S. Attorney’s Office for the District of Nevada, alleging that the petitioner had committed three murders. The U.S. Attorney indicted petitioner on September 2nd. Nineteen days later, the petitioner was convicted; in addition to the

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three counts of murder, he was sentenced for a total of eight contempt charges associated with jury tampering and disruption of proceedings. His total sentence was 36 days.

In the instant case, the petitioner appealed his conviction. He argues that he had been deprived of his right to a speedy trial because in the nineteen days between his indictment and conviction, he had found a job. He continues that, presumably under the Speedy Trial Clause, he is entitled to notice of a proceeding's expected length so that he may plan accordingly.

II

This opinion must first recognize that large delays between trial and the crime in its first instance can prejudice the defendant “in any number of ways.” *Doggett v. United States*, 505 U. S. 647, 660 (1992) (Thomas, J., dissenting). The “Speedy Trial Clause does not purport to protect a defendant from all effects flowing from a delay before trial.” *Id.*, at 660–661 (Thomas, J., dissenting) (quoting *Loud Hawk, supra*, at 311). Instead, the focus of its protections are delays which affect liberty. “The speedy trial guarantee is designed to minimize the possibility of lengthy incarceration prior to trial, to reduce the lesser, but nevertheless substantial, impairment of liberty imposed on an accused while released on bail, and to shorten the disruption of life caused by arrest and the presence of unresolved criminal charges.” *United States v. MacDonald*, 456 U. S. 1, 8 (1982). This gives way to the principle that “when defendants are not incarcerated or subjected to other substantial restrictions on their liberty, a court should not weigh that time towards a claim under the Speedy Trial Clause.” *Loud Hawk, supra*, at 312.

As we know, the petitioner was never incarcerated under his indictment. More likely, he was “blissfully unaware of his indictment all the while, and thus was not subject to the

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anxiety or humiliation that typically accompanies a known criminal charge.” *Doggett, supra*, at 660 (Thomas, J., dissenting). This opinion must also recognize that petitioner’s proceedings were *rather fast* compared to many other cases. In opposition to this conclusion, petitioner notes that over a month had passed from the crime before he was convicted. But the right to a speedy trial does not attach until after indictment or arrest. See *Dillingham v. United States*, 423 U. S. 64, 64–65 (1975) (*per curiam*). For that reason, the time-from-commission argument must fail.

I concur in the dismissal of the writ as improvidently granted for the reasons here stated.