

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CABOT *v.* UNITED STATES**CERTIORARI TO THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

No. 09–41. Decided December 12, 2020

After petitioner was indicted in January of 2020, he had to wait more than a month before any verdict was rendered. He takes issue with several aspects of his prosecution. First, he alleges that this delay violated his right to a speedy trial, protected by the Speedy Trial Act and the Sixth Amendment. He also alleges that, in violation of his due process rights, his prosecutor improperly served as both affiant and investigator in his case. Finally, he questions the sufficiency of the probable cause stated in the affidavit against him.

Held: Petitioner’s right to a speedy trial was violated because the Speedy Trial Act requires that a trial must commence within 9 days of criminal charges being filed. The Government’s contrary arguments on this point are unpersuasive. Petitioner, however, fails to state a proper due process claim regarding his prosecutor’s alleged conflict of interest nor does he properly overthrow the statement of probable cause in the affidavit against him. As such, petitioner prevails only on his first claim; the remaining claims fail. Petitioner’s first claim is sufficient to require the reversal of his conviction.

Affirmed in part and reversed in part.

KAGAN, J., delivered the opinion for a unanimous Court.

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 09–41

ALEXJCABOT, PETITIONER *v.* UNITED STATES

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

[December 12, 2020]

JUSTICE KAGAN delivered the opinion of the Court.

This case, like many that we hear before us, is quite complex and contains many parts. We originally began with seven questions being asked of us. As argument went on, we were left with only three:

1. Were petitioners right to a speedy trial violated pursuant to the time frame set in 28 U.S. Code § 3161(c)(1)?
2. Were petitioners due process rights violated due to the prosecutor also being the affiant and investigator?
3. What suffices as an affidavit construed to provide probable cause to proceed [in court]?

On January 26, 2020, the United States (Respondent) indicted AlexJCabot (Petitioner). Around or at a month later, the presiding Judge Ho rendered a verdict in the case of Respondent following a recusal from Judge Kakashi. Petitioner alleges that, because his trial was not held within a timely manner, his sixth amendments rights were violated by the government. Furthermore, Petitioner argued that because the prosecutor in his case was the affiant on the

Opinion of the Court

relevant criminal information, the case should be voided because of a conflict of interest. While Petitioner makes persuasive arguments for the first question, arguments for the other two questions fall flat and are won by Respondent.

I

It is the Judiciary's constitutional duty to ensure that "[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy trial." Sixth Amendment. Under 28 USC § 3161(c)(1), defendants' trials must begin 70 days after charging. Under our conversion metric, this would amount to around 9 days. With the facts of this case, it is clear that the United States violated Petitioner's Sixth Amendment rights. However, the government proposed a curious argument to this Court. They argue that the 9-day statute simply outlines the maximum amount of time a trial may last for. As for how long after charging a trial is scheduled, the government had a lackluster response. They gave no specific time. Only that, if it ran too long, then it would be a violation of Petitioner's rights. Unfortunately, the government is digging itself into a deeper hole than necessary.

The implications for taking the government's view would inevitably lead to an unnecessarily burdensome amount of litigation to identify an interpretive rule. Say Judge Doe 1 holds up a trial for one week. A lawsuit follows, with the defendant in the case arguing that his Sixth Amendment rights were violated—and perhaps the verdict is in favor of the judge. Hypothetical Judge Doe 2 holds up a trial for two weeks, Doe 3 for three, etc. What metric are we supposed to use to differentiate between how long is *too* long until it infringes upon an individual's rights? The government offered no response. Apparently, we are simply to use our judgment. Our judgment, simply put, is that this bizarre line of thinking is *not* how 28 USC § 3161 should be applied.

And what for this 9-day maximum offered by the government? Is this not in and of itself a potential miscarriage of

Opinion of the Court

justice? Granted, it is unlikely that a trial would last for as long on this platform, but the implications are serious. Should we ever put a cap on justice? Our system is not one that says a person only has nine days for trial argument and if more is necessary to achieve justice, “too bad.” I cannot fathom a system that would aim to call itself one of “justice” that limits the ability for litigants to argue their case.

Though we will discuss how Petitioner’s merits fall flat on the second and third questions, we find that his arguments are sound for the first.

II

It is clear that the Petitioner did not, at the time of the filing of this case, have a firm grasp on what exactly he was arguing about. The document in question was the criminal information and was signed by a prosecutor. Of course, this is a legally binding document, so its contents must be believed to be true and those who affirm it, the Federal Bureau of Investigation, the Department of Justice, *et al.* In order for the public trust to be preserved in such events such as indictments, prosecutions, etc., there must be assurance that if documents are proven to be false, there are consequences. The prosecutor, in signing this document, was in fact ensuring that our process of law, that has stood for years, would continue to work its course. Furthermore, even in a hypothetical situation, as Petitioner alleges, that the prosecution was involved in producing investigative documents, a simple question is asked: So, what? It is, quite literally, the job of the Prosecutor—or their team, which may involve federal agents—to uncover and make known evidence against a current or incoming defendant. There is no supposed conflict of interest in this case: the prosecutors and investigators are on the same side.

It can be sure that there are prosecutors who are biased. Petitioner mentions this citing *Young v. United States ex*

Opinion of the Court

rel. Vuitton et Fils (1987). However, Petitioner failed to illustrate any sort of compromising interests in this case. The only such possibility is if we as Justices were to assume that a criminal information counts as demonstrating bias. However, this claim is patently untrue as we have discussed, *ante*, that criminal information documents are traditional and normal in our system of law.

III

Lastly, Petitioner aims to convince us that, because the criminal information and charges against him were illegitimate, probable cause should be thrown out. Because we have found that the prosecutions affirmation and assent to a criminal information does not demonstrate a bias that should preclude the prosecutor's involvement in a prosecution, this argument is hollow and is disregarded by this Court.

* * *

The judgment of the District Court is reversed on speedy trial grounds but affirmed in all other respects. The case is remanded for further proceedings consistent with this opinion.

It is so ordered.