

**COURT OF APPEALS
DECISION
DATED AND FILED**

October 21, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2025AP1181-CR
STATE OF WISCONSIN**

Cir. Ct. No. 2018CF559

**IN COURT OF APPEALS
DISTRICT II**

STATE OF WISCONSIN,

PLAINTIFF-APPELLANT,

V.

SAMARIA WRIGHT,

DEFENDANT-RESPONDENT.

APPEAL from an order of the circuit court for Sheboygan County:
GEORGE A. LIMBECK, Judge. *Reversed and cause remanded.*

Before Lazar, P.J., Gundrum, and Grogan, JJ.

Per curiam opinions may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

¶1 PER CURIAM. The State appeals from a circuit court order dismissing criminal charges against Samaria Wright. The court had concluded that Wright was denied her constitutional right to a speedy trial. For the reasons that follow, we reverse the order and remand the matter for further proceedings consistent with this opinion.

BACKGROUND

¶2 On August 20, 2018, the State charged Wright with aggravated battery of an elderly person and felony intimidation of a victim, both as acts of domestic abuse. Wright was accused of repeatedly punching, kicking, and beating her 68-year-old wife and then taking her phone so that she could not call the police.

¶3 Wright was scheduled to be tried multiple times; however, the trial was delayed for a variety of reasons. Those reasons include Wright’s firing of several attorneys, numerous requests for adjournments, the COVID-19 pandemic, and extensive pretrial litigation.

¶4 Although Wright never demanded a speedy trial, on March 4, 2025, she moved to dismiss the case based on an alleged violation of her constitutional right to a speedy trial. After a hearing on the matter, the circuit court granted the motion and dismissed the charges. This appeal follows. Additional facts are set forth below.

DISCUSSION

¶5 “Both the Sixth Amendment to the United States Constitution and article I, section 7 of the Wisconsin Constitution guarantee an accused the right to

a speedy trial.” *State v. Urdahl*, 2005 WI App 191, ¶11, 286 Wis. 2d 476, 704 N.W.2d 324. If a speedy trial violation has occurred, the charges against the defendant must be dismissed. *Id.* Whether a defendant has been denied the right to a speedy trial presents a question of law, which we review de novo, while accepting any findings of fact made by the circuit court unless they are clearly erroneous. *Id.*, ¶10.

¶6 The right to a speedy trial is not subject to bright-line determinations and must be assessed based on the totality of the circumstances. *Id.*, ¶11. To determine whether a defendant’s right has been violated, we must balance four factors: (1) the length of the delay; (2) the reasons for the delay; (3) the defendant’s assertion of the right; and (4) the prejudice to the defendant. *Id.* (citing *Barker v. Wingo*, 407 U.S. 514, 530 (1972)). We consider each one in turn.

Length of the Delay

¶7 The first factor—the length of the delay—is a “triggering mechanism used to determine whether the delay is presumptively prejudicial” to warrant judicial examination of the speedy trial claim. *Id.*, ¶12. A post-accusation delay is considered to be presumptively prejudicial when it “approach[es] one year.” *Id.*

¶8 The State concedes that the length of the delay in this case—over six years from the filing of the criminal charges against Wright to the circuit court’s order dismissing them—is presumptively prejudicial to warrant judicial examination of the speedy trial claim. We agree. Therefore, we examine the remaining factors.

Reasons for the Delay

¶9 The second factor directs us to consider the reasons for the delay.

We assign different weights to different reasons. For instance:

A deliberate attempt by the government to delay the trial in order to hamper the defense is weighted heavily against the State, while delays caused by the government's negligence or overcrowded courts, though still counted, are weighted less heavily. On the other hand, if the delay is caused by something intrinsic to the case, such as witness unavailability, that time period is not counted. Finally, if the delay is caused by the defendant, it is not counted.

Urdahl, 286 Wis. 2d 476, ¶26 (citations omitted). *See also State v. Ramirez*, 2025 WI 28, ¶39, 416 Wis. 2d 641, 22 N.W.2d 821 (time required for the orderly administration of justice is not counted so long as the proceedings occur expeditiously).¹

¶10 As noted, there were a variety of reasons for the delay in bringing Wright's case to trial. We briefly summarize the history below.

¶11 In 2018, less than a month after Wright was charged, the circuit court scheduled a jury trial for November 14, 2018. On September 28, 2018, Wright moved to adjourn the trial because she had fired her attorney. The court granted the motion and set a new trial date. On December 28, 2018, Wright moved to adjourn the trial again because she had fired another attorney. The court granted that motion too.

¹ The time required for the orderly administration of justice refers to the time needed to prepare for trial in the ordinary course and includes such events as pretrial motion hearings. *State v. Coleman*, 2025 WI App 7, ¶32, 415 Wis. 2d 71, 17 N.W.2d 307.

¶12 In 2019, the circuit court held multiple hearings before scheduling a jury trial for June 17, 2019. On June 3, 2019, Wright moved to recuse the circuit court judge based on comments she made while presiding over Wright’s divorce case. The judge granted the motion, and the case was reassigned to another judge, who set a new trial date for October 9, 2019. On September 25, 2019, Wright moved to adjourn the trial so that she could have an expert witness (a psychologist) complete an evaluation of her mental health. The court granted the motion.

¶13 In early 2020, the circuit court held multiple conferences regarding the status of the defense expert’s report. The defense expert filed her report on February 10, 2020, and the court scheduled a jury trial for April 29, 2020.² The court subsequently adjourned the trial due to the COVID-19 pandemic. Later, on May 18, 2020, the defense expert filed an additional statement supplementing her report. The court ordered briefing on the admissibility of the defense expert and, on August 26, 2020, made an oral ruling about what the defense expert could testify about. However, because the court had not yet addressed the *Daubert*³ standard for expert witnesses, it held a hearing on that subject on November 23, 2020. Afterward, the court ordered the transcript and additional briefing.

¶14 In early 2021, the parties filed additional briefs on the admissibility of the defense expert in light of the *Daubert* hearing. Oral argument was

² The circuit court ordered that pretrial motions be filed by March 2, 2020. The State did not file a motion challenging the defense expert by that date because of a miscommunication within the District Attorney’s Office regarding the deadline. The circuit court granted the State a short extension to file its motion. Wright did not object to the State’s late filing, which occurred on April 1, 2020.

³ *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993).

scheduled for February 16, 2021, but Wright’s attorney moved to adjourn that date due to another trial. The circuit court granted the motion. Oral argument was then scheduled for April 13, 2021, but the court needed to adjourn that date due to yet another trial.⁴ In the months that followed, the State submitted several letters asking the court to put the case back on the calendar. Eventually, the court scheduled a final pretrial for November 19, 2021, and a jury trial for December 2, 2021. At the final pretrial, the court informed the parties of its ruling regarding the defense expert. However, four days later, the court changed its mind, explaining that it needed more time to make a decision and would adjourn the trial. On December 30, 2021, the court entered a 38-page decision excluding the defense expert’s testimony.

¶15 On January 18, 2022, the circuit court issued a notice, setting a jury trial for June 21, 2022. The day before trial was to commence, Wright fired her attorney, and the court took the case off of the calendar. Wright subsequently retained another attorney, and the court set a new trial date for December 12, 2022. However, ten days before that trial was to commence, Wright’s attorney moved to adjourn it due to an upcoming surgery. The court granted the motion and took the case off of the calendar again. It then scheduled a trial for March 21, 2023.

¶16 On March 16, 2023, Wright’s attorney sent the circuit court a letter, indicating that he might be unavailable for the jury trial due to another trial going longer than anticipated. The circuit court adjourned the matter, and set a new trial

⁴ It appears that the circuit court was struggling with its calendar around that time. In an email to the parties, it explained, “There is tremendous court congestion in light of the reopening of our courts.”

date for July 10, 2023. Three days before that trial was to commence, the State moved to adjourn, citing a speedy trial demand by an in-custody defendant in another case. The court granted the motion. The matter was then transferred to a new judge, who held a status conference on October 18, 2023. There, the judge set new dates for motions, jury instructions, final pretrial, and trial. The trial was scheduled for April 17, 2024.

¶17 On April 15, 2024, two days before the jury trial was to commence, Wright filed a motion to adjourn, citing an irreparable breakdown in communication with her attorney. The circuit court ultimately granted the motion, permitted Wright to retain another attorney, and set a new trial date for August 14, 2024. On June 21, 2024, Wright advised the court that she would like to enter a plea of not guilty by reason of mental disease or defect (NGI). After a hearing on the matter, the court removed the jury trial from the calendar and ordered an examination of Wright. On October 8, 2024, the court-appointed examiner submitted a report that was not supportive of an NGI plea. Wright contested the report and requested another examination at State expense, which the court granted. The court then set a new trial date for May 5, 2025.

¶18 On March 4, 2025, before the NGI issue was resolved, Wright moved to dismiss the case based on an alleged violation of her constitutional right to a speedy trial. After a hearing, the circuit court granted the motion and dismissed the charges. It entered a written order on April 17, 2025.

¶19 From this history, it is apparent that most of the delay in this case was caused by Wright. She fired several attorneys, including two on the eves of scheduled jury trials. Wright and her attorneys also filed numerous requests for adjournment as compared to just one request for adjournment filed by the State.

Other reasons for delay were the COVID-19 pandemic and extensive pretrial litigation—neither of which can be counted against the State. To the extent that delay can be attributed to the State, we do not weigh it heavily. That is because there is no suggestion that any government actor ever deliberately engaged in delay to hamper Wright’s defense. Accordingly, we weigh this second factor in the State’s favor.

Assertion of the Right

¶20 The third factor directs us to consider whether Wright asserted her right to a speedy trial. There is no requirement that a defendant demand a speedy trial in order to preserve the right. See **Barker**, 407 U.S. at 528. But a defendant’s assertion of the right to a speedy trial is given strong evidentiary weight in determining whether the right has been violated. **Id.** at 531-32.

¶21 Here, it is undisputed that Wright never asserted her right to a speedy trial prior to filing her motion to dismiss. Indeed, with her repeated firings of attorneys and requests for adjournment, Wright took actions showing that she did not want a speedy trial. The fact that Wright did not invoke her right to a speedy trial until her case had been pending for over six years weighs strongly in the State’s favor.

Prejudice

¶22 The last factor directs us to consider whether Wright was prejudiced by the delay in bringing her case to trial. In assessing prejudice, we examine the three interests that the speedy trial right was designed to protect: “prevention of oppressive pretrial incarceration, prevention of anxiety and concern by the accused, and prevention of impairment of defense.” *Urdahl*, 286 Wis. 2d 476, ¶34.

¶23 With respect to the first interest, Wright was not subject to oppressive pretrial incarceration. She promptly posted bond and has been released on bond throughout these proceedings.

¶24 With respect to the second interest, Wright has undoubtedly suffered some amount of anxiety and concern while awaiting trial for so long, as any criminal defendant would. However, any prejudice due to anxiety and concern is substantially mitigated by the fact that much of the delay occurred as a result of Wright’s actions.

¶25 With respect to the third interest, Wright has not shown that the delay impaired her defense in any significant way. Her only real attempt to show impairment is the vague assertion in her motion to dismiss that she is now “unable to find or afford an expert to assist in her defense.” Wright does not explain what kind of expert this would be or how the expert would assist in her defense. As noted, Wright already retained an expert, whose testimony was excluded after extensive pretrial litigation. Accordingly, we weigh this fourth factor in the State’s favor.

CONCLUSION

¶26 Balancing the above factors, we conclude that Wright’s constitutional right to a speedy trial was not violated. While the length of the delay was presumptively prejudicial, there were reasons for most of it that cannot be attributed to the State or weighed heavily against it. Given this, Wright’s failure to timely assert the right, and the minimal prejudice incurred, we reverse the order of the circuit court and remand the matter for further proceedings consistent with this opinion.

By the Court.—Order reversed and cause remanded.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5 (2023-24).

