

Wiley Rein Helps State of Louisiana Prevail at U.S. Supreme Court

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Wiley Rein, on behalf of the State of Louisiana, helped persuade the U.S. Supreme Court to leave in place the 2009 murder conviction and life sentence of Jonathan Boyer, who had appealed his conviction on the grounds that he didn't receive a speedy trial. On April 29, 2013, the Court dismissed as improvidently granted its writ of certiorari in *Boyer v. Louisiana*, No. 11-9953.

The Court's dismissal of the case is a significant victory for the State of Louisiana, which Wiley Rein represented pro bono in conjunction with the Supreme Court Clinic at George Mason University School of Law (GMUSL). The Calcasieu Parish District Attorney's Office served as co-counsel for the State.

Led by Wiley Rein Appellate partners Thomas R. McCarthy and William S. Consovoy, the GMUSL Clinic joined the representation of the State after the Court granted certiorari in the case and played a central role in assisting the State in formulating and implementing its merits-stage strategy. Wiley Rein associate Bryan Weir helped lead a team of three GMUSL Clinic students—Lauren Hahn, Mark Quist, and David McCarthy—who likewise contributed greatly to this successful effort.

The Court had granted certiorari in *Boyer* to decide "[w]hether a state's failure to fund counsel for an indigent defendant for five years, particularly where failure was the direct result of the prosecution's choice to seek the death penalty, should be weighed against the state for speedy trial purposes." After reviewing the parties' merits briefs and holding oral argument, the Court decided that it had mistakenly granted review and dismissed the petition.

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Justice Alito, in a concurrence joined by Justices Scalia and Thomas, explained that the “premise” of the question presented was “that a breakdown in Louisiana’s system for paying the attorneys representing petitioner, an indigent defendant who was charged with a capital offense, caused most of the lengthy delay between his arrest and trial,” but that premise was incorrect. Because the record instead showed “that the single largest share of the delay in this case was the direct result of defense requests for continuances, that other defense motions caused substantial additional delay, and that much of the rest of the delay was caused by events beyond anyone’s control,” the Court had “taken up this case on the basis of a mistaken factual premise.” A dissenting opinion, authored by Justice Sotomayor and joined by three other justices, noted that Justice Alito’s concurrence “largely adopt[ed] Louisiana’s arguments.”

Calcasieu Parish Assistant District Attorney Carla S. Sigler, who argued the case on behalf of the State, praised the work of Wiley Rein and the Clinic in helping to convince the Court that it had mistakenly taken this case.

“Without their assistance, the State would not have been able to prevail in this difficult case,” Ms. Sigler said in a news release. “They thoroughly researched the issues involved, prepared and filed a comprehensive and exemplary brief, and helped prepare the State’s prosecutor (Sigler) for the daunting challenge of oral argument. The Calcasieu Parish District Attorney’s Office is very thankful for these valiant efforts.”

The Court’s per curiam order dismissing the case, along with the concurring and dissenting opinions, can be found [here](#). A copy of Louisiana’s merits brief can be found [here](#).