

**FOURTH DIVISION
MCFADDEN, P. J.,
WATKINS and PADGETT, JJ.**

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October 13, 2026

In the Court of Appeals of Georgia

A26A1050. ARMS v. THE STATE.

MCFADDEN, Presiding Judge.

Erin Arms appeals from his armed robbery conviction, asserting that the trial court erred in denying his pretrial plea in bar based on an alleged constitutional speedy trial violation. Because the trial court failed to make sufficient findings of fact and conclusions of law in denying the plea in bar, we cannot conduct a meaningful review to determine whether the court abused its discretion. So we must vacate the denial of the plea in bar and remand the case with direction that the trial court make the required findings and conclusions.

1. Facts and procedural posture

On July 10, 2018, Arms was indicted for an armed robbery committed in November 2013.¹ On March 24, 2022, Arms filed a plea in bar based on the denial of his constitutional right to a speedy trial. Over a year and a half later, on November 1, 2023, the trial court held a hearing on the plea in bar, but did not announce a ruling at the hearing. A month later, at the start of the trial, the court indicated that the plea in bar was denied and that an order, which the court was still working on, would be issued. But a written order was never entered. The trial proceeded and the jury returned a verdict finding Arms guilty of armed robbery. The court entered judgment of conviction and imposed a life sentence.

Arms filed a motion and amended motion for new trial, which included a challenge to the denial of his plea in bar based on a constitutional speedy trial violation. The trial court denied the motion. This appeal followed.

2. Speedy trial

“Constitutional speedy trial claims are evaluated under the two-part framework set out in *Barker v. Wingo*, 407 U. S. 514 (92 SCt 2182, 33 LE2d 101) (1972), and refined in *Doggett v. United States*, 505 U. S. 647 (112 SCt 2686, 120 LE2d 520)

¹ The indictment included four other related charges against Arms that were subsequently nolle prossed by the state.

(1992).” *Johnson v. State*, 300 Ga. 252, 257 (3) (794 SE2d 60) (2016). Under this *Barker-Doggett* framework, “[c]ourts must first consider whether the length of time between the defendant’s arrest and trial is presumptively prejudicial, and a delay greater than one year is typically presumed to be prejudicial.” *McCullum v. State*, 318 Ga. 485, 494 (4) (899 SE2d 171) (2024) (citation modified).

If the presumptive prejudice threshold was crossed, the court proceeds to the second part of the framework, applying a context-focused, four-factor balancing test to determine whether the defendant was denied the right to a speedy trial. The four factors that the court must examine are: (1) the length of the delay; (2) the reasons for it; (3) the defendant’s assertion of his right to a speedy trial; and (4) prejudice to the defendant. . . . The *Barker-Doggett* framework necessarily compels courts to approach speedy trial cases on an ad hoc basis, a task better suited to trial courts than appellate courts. . . . We will accept the court’s findings of fact unless they are clearly erroneous, and we will defer to the court’s ultimate conclusion unless it amounts to an abuse of discretion, even though we might have reached a different conclusion were the issue committed to our discretion. It is imperative, therefore, that in cases implicating a defendant’s constitutional right to speedy trial, the trial court enter findings of fact and conclusions of law consistent with the *Barker-Doggett* framework. It is not the job of an appellate court to apply the *Barker-Doggett* framework in the first instance.

Johnson, 300 Ga. at 257-258 (3) (citation modified).

Here, although the trial court intended to enter a written order denying the plea in bar, it failed to do so. Arms asserts in his brief that no such order was entered and

the state has not contradicted that assertion. The record also contains no written order denying the plea in bar based on findings required under the *Barker-Doggett* framework. “Absent such findings, there is no exercise of discretion for this [c]ourt to review.” *Redding v. State*, 309 Ga. 124, 129 (3) (844 SE2d 725) (2020) (citation modified).

We note that in its order denying the motion for new trial, the trial court stated that it had “conducted a hearing on the plea in bar on November 1, 2023, and denied it. The [c]ourt has again reviewed the hearing transcript and incorporates its prior analysis by reference.” But as recited above, the trial court announced no ruling at the plea in bar hearing. And a review of that transcript reveals no “prior analysis” made by the court at that hearing. So it is unclear what analysis the trial court was attempting to incorporate by reference since the hearing transcript does not include necessary findings of fact and conclusions of law by the court under the *Barker-Doggett* framework.

Although there was no written order denying the plea in bar, in its order denying the motion for new trial, the court went on to set out a cursory analysis under the *Barker-Doggett* framework. But the court did not clarify if this was meant to show

the purported prior analysis referenced above or if it was a new analysis. Regardless, that analysis consisted of the following:

While the delay was lengthy and presumptively prejudicial, the majority was pre-arrest and attributable to legitimate investigative needs in a cold case solved only by advanced DNA technology in 2018. Post-indictment delay was substantially caused by the COVID-19 judicial emergency and multiple defense continuances. Defendant asserted the right on March 25, 2022,^[2] which is relatively late, and demonstrated no specific prejudice beyond generalized claims of faded memories. Balancing the *Barker-Doggett* factors, the denial of the motion was proper.

In making the threshold determination of presumptive prejudice, the trial court made no findings about the actual length of the pretrial delay, so there is no calculation regarding the delay to review. See *Davis v. State*, 315 Ga. 252, 256 (2) (c) (882 SE2d 210) (2022) (trial court properly calculated 30-month delay and recognized it as presumptively prejudicial). The court also “significantly misapplied the law by conflating the distinct analyses of presumptive prejudice and the length of delay and [by] failing to consider whether the length of the delay was uncommonly long.” *Price v. State*, 324 Ga. 701, 704 (1) (c) (931 SE2d 872) (2026) (citation modified).

Generally, a trial court measures the delay from the time the constitutional right to a speedy trial attaches, which is the time of arrest

² As recited above, Arms filed his plea in bar based on his constitutional right to a speedy trial on March 24, 2022, not March 25th.

or formal accusation or indictment, whichever occurs first, until the date on which the defendant's trial begins. Separate from the threshold presumptive prejudice analysis, which considers the length of pretrial delay in absolute terms, the length-of-delay factor requires the court to determine whether the delay was uncommonly long and to assign weight to this factor.

Id. at 704-705 (1) (c) (i) (citation modified). Here, the court made no findings as to when the right to speedy trial attached and whether the delay was uncommonly long, and it failed to assign any weight to this factor.

Likewise, as to the remaining factors, the court assigned no weight to any of them and “barely expressed any findings of fact or conclusions of law. . . . Nothing in the court’s brief statement suggests that it [properly] conducted the four-factor balancing test mandated by the *Barker[-]Doggett* framework.” *Redding*, 309 Ga. at 129 (3). See, e. g., *Davis*, 315 Ga. at 256-260 (2) (d) & (e) (trial court made required findings of fact and conclusions of law, and assigned weight as to each of the *Barker-Doggett* factors). Given the the absence of a written order denying the plea in bar and the limited findings on the constitutional speedy trial claim in the order denying the motion for new trial, “we must vacate [that portion of] the trial court’s order and remand the case for the entry of an order containing appropriate findings of fact and conclusions of law on the speedy trial claim. In doing so, we express no opinion about

the merits of [the] speedy trial claim[.]” *Goins v. State*, 306 Ga. 55, 58 (2) (c) (829 SE2d 89) (2019) (citation modified).

3. Remaining enumerations

Given our holding above remanding the case for entry of an order properly analyzing the threshold matter of the plea in bar, we need not consider Arms’ other claims of error.

Judgment vacated and case remanded with direction. Watkins and Padgett, JJ., concur.