



NATIONAL DISTRICT ATTORNEYS ASSOCIATION

FOR IMMEDIATE RELEASE

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NDAA Files *Amicus* Brief in the Case of *Montana v. Tipton*

ARLINGTON, Virginia – The National District Attorneys Association (NDAA) filed an *amicus* brief with the United States Supreme Court in the case of *Montana v. Tipton*, asking the Court to grant certiorari and re-examine the precedent set in *Stogner v. California*. The U.S. Supreme Court’s decision in *Stogner* expanded the *Ex Post Facto* Clause to strike down a law that extended the statute of limitations for previously time-barred prosecutions of sex crimes, when new evidence comes to light. Through granting certiorari in *Tipton*, the Court can overturn the ruling in *Stogner* and allow states to revive statutes of limitations for certain offenses when DNA evidence identifies a perpetrator.

Mr. Tipton was charged with sexual intercourse without consent of a minor under 16 years old by the state of Montana in 2014, after his DNA profile matched a sample from the victim nearly 30 years earlier. Despite the original statute of limitations expiring in 2001, charges were brought, and Mr. Tipton was found guilty with the help of a Montana law reviving statutes of limitations for sex crimes if a perpetrator is “conclusively identified by DNA testing.” The Montana Supreme Court reversed the conviction explaining it was bound by the decision in *Stogner*.

NDAA argues the U.S. Supreme Court’s current precedent is incompatible with the original meaning of the *Ex Post Facto* Clause. Thus, state laws reviving criminal statute of limitations based on DNA evidence do not run afoul of the U.S. Constitution. As technology improves, DNA evidence plays a crucial role in solving thousands of cold cases, especially crimes of sexual violence. The U.S. Supreme Court would be acting in the interest of justice by granting the petition for certiorari and reversing the precedent established in *Stogner*.

The National District Attorneys Association (NDAA), www.ndaa.org, is the largest prosecutor organization in the country, representing 2,500 elected and appointed District Attorneys across the United States, as well as 40,000 Assistant District Attorneys.

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