# CAPTION: STATE V. JOHNSON

**05-03-24**

APPEAL NOS.: C-230439

C-230440

C-230441

C-230442

TRIAL NO.: C-23TRC-4447-A

C-23TRC-4447-B

C-23TRC-4447-C

C-23TRC-4447-D

KEY WORDS: CONSTITUTIONAL LAW – SPEEDY TRIAL – R.C. 2945.71

SUMMARY:

The trial court erred in dismissing the traffic charges against defendant on constitutional speedy-trial grounds, because the state’s delay in serving defendant was not the result of a deliberate act, but was merely negligent—the state made initial efforts to serve defendant, including an attempt to serve defendant at an unrelated court proceeding, but thereafter, the state failed to act with reasonable diligence—and defendant failed to show particularized trial prejudice.

Where the trial court granted defendant’s motion to dismiss on constitutional speedy-trial grounds, and the trial court did not make any findings or legal conclusions with regard to defendant’s statutory speedy-trial argument, the cause must be remanded for the trial court to decide in the first instance whether defendant’s statutory speedy-trial rights were violated.

JUDGMENT: REVERSED AND CAUSE REMANDED

JUDGES: OPINION by WINKLER, J.; BOCK, P.J., and ZAYAS, J., CONCUR.