

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-240380
Plaintiff-Appellee,	:	TRIAL NO. C/23/CRB/20541
vs.	:	<i>JUDGMENT ENTRY</i>
RHONDA CRAIG,	:	
Defendant-Appellant.	:	

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, Loc.R. 11.1(C)(1), and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

On November 28, 2023, appellant was charged via complaint with misconduct at an emergency in violation of R.C. 2917.13, a misdemeanor of the fourth degree. Following her arrest on May 24, 2024, appellant was held in jail in lieu of bond. On the day of trial, defense counsel moved to dismiss the charge under R.C. 2945.73 because appellant had been held in jail in lieu of bond for 33 days, a period which exceeded the maximum allowable sentence for a misdemeanor of the fourth degree. The trial court denied the motion. Thereafter, appellant pled no contest to the charge and the trial court imposed a sentence of 33 days with credit for 33 days served, a \$0 fine, and remitted court costs.

Appellant’s sole assignment of error challenges the denial of her motion to dismiss. Indeed, R.C. 2945.73(B)(2)(a) provides that “a person charged with [a] misdemeanor shall be discharged if the person is held in jail in lieu of bond awaiting

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trial on the pending charge[ ] [f]or a total period equal to the maximum term of imprisonment which may be imposed for the most serious misdemeanor charged[.]” Subsection (B)(3) additionally specifies that this discharge bars further prosecution for the same conduct.

When charged as a fourth-degree misdemeanor, the maximum allowable sentence for the offense of misconduct at an emergency is 30 days in jail. R.C. 2929.24(A)(4). The record indicates appellant was held for 33 days in lieu of bond while awaiting trial. The plain terms of R.C. 2945.73(B)(2)(a) thus warranted her discharge. *See, e.g., Columbus v. Bryan*, 2004-Ohio-3885 (10th Dist.) (applying prior version of R.C. 2945.73). Accordingly, we hold that the trial court erred in failing to grant appellant’s motion to dismiss. The state concedes the error.

We sustain appellant’s sole assignment of error, reverse the lower court’s judgment, and discharge appellant from further prosecution. The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

**BERGERON, P.J., CROUSE and WINKLER, JJ.**

**To the clerk:**

**Enter upon the Journal of the Court on 10/25/2024 per Order of the Court.**

**By:** \_\_\_\_\_  
**Administrative Judge**