

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

|                      |   |            |                       |
|----------------------|---|------------|-----------------------|
| STATE OF OHIO,       | : | APPEAL NO. | C-250412              |
| Plaintiff-Appellee,  | : | TRIAL NO.  | C/23/CRB/21500        |
| vs.                  | : |            | <i>JUDGMENT ENTRY</i> |
| SHARON HYDLEBERG,    | : |            |                       |
| Defendant-Appellant. | : |            |                       |

**MOORE, Judge.**

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, 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.

*Facts and Procedure*

On December 13, 2023, defendant-appellant Sharon Hydeberg allegedly stole \$458 worth of merchandise from Lowe's. However, Hydeberg was not arrested until April 23, 2025, 16 months from December 14, 2023, the date the complaint was filed. Hydeberg filed a motion to dismiss, alleging that her right to a speedy trial under the Sixth Amendment to the United States Constitution was violated.

At the hearing on Hydeberg's motion, she called Matthew Schmidt, the Lowe's loss prevention officer. Schmidt testified that the store's surveillance video of the incident was preserved.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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She also called Cincinnati Police Officer Elijah Sullivan to testify. He recalled that when he wrote the complaint, he had an address on record for Hydeberg but believed that the address was outdated. Officer Sullivan explained that he did not personally attempt service on Hydeberg. Officer Sullivan further testified that he recalled speaking with Green Township Police Officer Tim Smith who had attempted to serve Hydeberg at a new address but was unsuccessful. Officer Sullivan explained that Hydeberg was ultimately served when she was arrested on an unrelated charge.

After the court denied her motion, Hydeberg pled no contest. She was sentenced to 180 days of incarceration and was credited with four days of time served. This appeal followed. Hydeberg argues that the court erred when it denied her motion to dismiss for violation of her speedy-trial rights. We disagree.

Analysis

Our review of an appellant's speedy-trial claim involves a blended question of law and fact. *State v. Jones*, 2025-Ohio-3297, ¶ 12 (1st Dist.), citing *State v. Long*, 2020-Ohio-5463, ¶ 15. To determine whether a defendant's constitutional speedy-trial rights have been violated, courts consider the four-factor analysis in *Barker v. Wingo*, 407 U.S. 514, 530 (1972): (1) the length of the delay; (2) the reason for the delay; (3) the defendant's assertion of the right to a speedy trial; and (4) the prejudice to the defendant.

The facts of this case closely match those in *State v. Gribbins*, 2024-Ohio-2973, ¶ 3-10 (1st Dist.). In both *Gribbins* and here, the defendants were suspected of theft and fled once store employees tried to apprehend them. *See Gribbins* at ¶ 4-5. While neither defendant was arrested, in both cases, the stores preserved the security-camera footage of the alleged theft. *Id.* at ¶ 9. While the police in *Gribbins* made no effort to arrest the suspect, here, although unsuccessful, there was an attempt at

service. *Id.* at ¶ 8. In both cases, police were only able to successfully execute the outstanding warrants when the defendants were arrested for unrelated offenses. *Id.* The delay in *Gribbins* spanned 22 months, where here, Hydeberg faced a 16-month delay. *Id.* at ¶ 8.

The State concedes that the first and third *Barker* factors weigh in Hydeberg's favor, so we turn to the second and fourth factors.

The second *Barker* factor, the reason for the delay, requires us to assess the State's justification for the prearrest delay. *State v. Mughni*, 2022-Ohio-626, ¶ 9 (1st Dist.). The second factor neutrally applies to both parties where, as here, both the State's dilatory efforts in attempting service and the defendant's flight contributed to the delay. *See Gribbins* at ¶ 17.

The fourth *Barker* factor asks whether the defendant was prejudiced by the delay. *Gribbins*, 2024-Ohio-2973, at ¶ 19 (1st Dist.). Prejudice may either come in the form of actual or presumed prejudice. *State v. Muhammadel*, 2021-Ohio-567, ¶ 31, 39 (1st Dist.). The presumption of prejudice turns on "the State's culpability in failing to bring the defendant to trial." *Jones*, 2025-Ohio-3297, at ¶ 23 (1st Dist.), citing *Gribbins* at ¶ 19, citing *Muhammadel* at ¶ 31. We only presume prejudice in cases involving "excessive delay." *See Jones* at ¶ 23, citing *State v. Duncan*, 2021-Ohio-3229, ¶ 26 (1st Dist.), citing *State v. Rogers*, 2019-Ohio-1251, ¶ 17 (1st Dist.). In *Gribbins* we declined to presume prejudice after 22 months, and here we similarly decline to presume prejudice after a 16-month delay. *See Gribbins* at ¶ 23. Therefore, the fourth *Barker* factor weighs in favor of the State.

The applicability of the *Barker* factors in this case mirror those in *Gribbins*. *See id.* at ¶ 24. While Hydeberg timely asserted her right to a speedy trial following a 16-month delay, both the State and Hydeberg exacerbated the delay, there was no

**OHIO FIRST DISTRICT COURT OF APPEALS**

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specific, identifiable prejudice to Hydeberg's defense, and the State's culpability was not so egregious as to warrant a presumption that Hydeberg's defense was prejudiced. Accordingly, Hydeberg's sole assignment of error is overruled. The judgment of the trial court is affirmed.

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.

**CROUSE, P.J.**, and **NESTOR, J.**, concur.

**To the clerk:**

**Enter upon the journal of the court on 4/8/2026 per order of the court.**

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