

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

STATE OF OHIO,	:	APPEAL NO. C-160606
	:	TRIAL NO. 15CRB-26539
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
DANIEL ANDERSON,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

On October 5, 2015, defendant-appellant Daniel Anderson was charged with menacing by stalking. He was arraigned on March 24, 2016, five months and 19 days after the date he was charged. After several continuances, Anderson entered a plea of no contest. Anderson now appeals, filing a pro se brief.

We note initially that Anderson’s brief is significantly deficient in form—lacking assignments of error, citations to the record, or citations to authority. In the interest of justice, however, we will attempt to address the two main concerns raised in his filing. We will consider these two assertions Anderson’s assignments of error and address them accordingly.

In his first assignment of error, Anderson claims that his right to a speedy trial right was violated by the five-and-a-half-month delay between the date he was charged and the date he was arraigned. In order to determine whether a prehearing delay has violated a criminal defendant’s right to a speedy trial, courts consider “the [l]ength of delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant.” *Barker v. Wingo*, 407 U.S. 514, 533, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972).

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When considering the length of the delay as a factor, this court has noted that “periods of delay shorter than one year ordinarily are insufficient to justify inquiry under the remaining *Barker* factors.” *State v. Rice*, 1st Dist. Hamilton No. C-150191, 2015-Ohio-5481, ¶ 25, citing *Doggett v. United States*, 505 U.S. 647, 652, 112 S.Ct. 2686, 120 L.Ed.2d 520 (1992). This court has also held that, with a misdemeanor charge, a nine-month delay is sufficient to trigger the consideration of the other factors. *State v. Sears*, 166 Ohio App.3d 166, 2005-Ohio-5963, 849 N.E.2d 1060, ¶ 12 (1st Dist.). In the context of this case, we conclude that a five-and-a-half-month delay was not sufficient to trigger inquiry into the remaining *Barker* factors.

In his second assignment of error, Anderson argues that he was improperly convicted after his plea of no contest. He claims that he would not have entered the no-contest plea but for the fact that he “found it necessary \* \* \* in order to eliminate further court appearances that could jeopardize the wellbeing of my business.” But the court lacks a transcript of the plea hearing. We have transcripts from two hearings relating to the motion to dismiss, but no transcript of the hearing in which Anderson entered his plea. Without the transcript, we cannot determine whether the trial court improperly accepted Anderson’s no-contest plea.

Having considered and rejected assignments of error set forth in Anderson’s brief, we affirm the judgment of the trial court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**MOCK, P.J., MYERS and MILLER, J.J.**

To the clerk:

Enter upon the journal of the court on July 28, 2017  
per order of the court \_\_\_\_\_.  
Presiding Judge