



Robinson while he was traveling southbound on State Route 38 located in Madison County, Ohio. As a result of the accident, appellant, who was 17 years old at the time, was cited as a juvenile traffic offender for failing to control his vehicle in violation of R.C. 4511.202 and for driving left of center in violation of R.C. 4511.29, both minor misdemeanors.

{¶3} On March 5, 2010, the juvenile court held an arraignment hearing where appellant denied the charge of juvenile traffic offender. Thereafter, in an entry filed on March 9, 2010, the juvenile court scheduled the matter for an adjudication hearing to be held on May 25, 2010, exactly three months after appellant received the citation. Appellant did not object to the date of the adjudication hearing, nor did he hire an attorney.

{¶4} At the scheduled adjudication hearing, appellant's father, who was permitted to speak on his son's behalf, moved to dismiss the case alleging that his son's statutory speedy trial rights had been violated.<sup>1</sup> The juvenile court, however, denied the motion, adjudicated appellant a juvenile traffic offender, suspended his driver's license for 30 days, and ordered him to pay a fine of \$100 and court costs.

{¶5} Appellant now appeals from the juvenile court's decision overruling his motion to dismiss and adjudicating him a juvenile traffic offender, raising one assignment of error for review.

{¶6} "THE TRIAL COURT ERRED TO THE PREJUDICE OF APPELLANT BY FAILING TO CONVENE THE ADJUDICATION HEARING UNTIL THREE MONTHS AFTER THE APPELLANT WAS CHARGED, IN VIOLATION OF HIS RIGHT TO DUE

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1. {¶a} Specifically, appellant's father stated the following:

{¶b} "All right. Next I would move to dismiss the case. My son's right to a speedy trial, I believe, has been violated. There's a 30-day statutory limit on minor misdemeanors, which are the causes before the court today."

PROCESS UNDER THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION."

{¶7} In his sole assignment of error, although couched in an argument regarding an alleged constitutional due process violation, appellant actually argues that the juvenile court erred by denying his motion to dismiss because his statutory speedy trial rights provided by R.C. 2945.71(A) were violated.<sup>2</sup> This argument lacks merit.<sup>3</sup>

{¶8} Contrary to appellant's claim, it is well-established that the statutory speedy trial provisions found in R.C. 2945.71 do not apply to juvenile traffic offenders. See *In re S.J.K.*, Summit App. No. 22721, 2008-Ohio-1223, ¶7-12 (stating "R.C. 2945.71 is not applicable to juvenile traffic offenders"); see, also, *In re Washburn* (1990), 70 Ohio App.3d 178, 181; *In re Corcoran* (1990), 68 Ohio App. 3d 213, 218; *State v. Reed* (1977), 54 Ohio App.2d 193, 194; *Seven Hills v. Gossick* (Nov. 15, 1984), Cuyahoga App. No. 48088, 1984 WL 3582, \*3; *In re Greiner* (Feb. 14, 1980), Cuyahoga App. No. 40508, 1980 WL 354575, \*1; *Bay Village v. Martin* (Feb. 5, 1976), Cuyahoga App. No. 34462, 1976 WL 190756, \*1-2; *In re Baumgarner* (July 23, 1975), Columbiana App. No. 1049, 1975 WL 180524, \*1-2. Therefore, because the statutory speedy trial provisions are inapplicable here, the juvenile court did not err by denying appellant's motion to dismiss and adjudicating him a juvenile traffic offender. Accordingly, appellant's single assignment of error is overruled.

{¶9} Judgment affirmed.

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2. R.C. 2945.71(A) states, in pertinent part, "a person against whom a charge is pending in a court not of record, or against whom a charge of minor misdemeanor is pending in court of record, shall be brought to trial within thirty days after the person's arrest or the service of summons."

3. Even if we were to find appellant raised a constitutional due process argument here, the record indicates that he never raised the argument to the juvenile court, and therefore, may not now raise this issue for the first time on appeal. See *State v. Markin*, 149 Ohio App.3d 274. 2002-Ohio-4326, ¶52; see, also, *State v. Scott*, Madison App. No. CA2008-10-025, 2009-Ohio-5067, ¶7; *In re T.G.*, Butler App. Nos. CA2007-07-158, CA2007-07-171, 2008-Ohio-1795, ¶49.

POWELL, P.J., and HENDRICKSON, J., concur.