

COURT OF APPEALS
FAIRFIELD COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

LINDSAY F. ASHBAUGH

Defendant-Appellant

JUDGES:

Hon. William B. Hoffman, P.J.

Hon. Sheila G. Farmer, J.

Hon. John W. Wise, J.

Case No. 14-CA-62

O P I N I O N

CHARACTER OF PROCEEDING:

Appeal from the Fairfield County Common
Pleas Court, Case No. 14-CR-79

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

August 6, 2015

APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

WILLIAM L. ARCHER, JR.
Special Prosecutor for Fairfield County
P.O. Box 482
Circleville, Ohio 43113-0482

THOMAS R. ELWING
60 West Columbus Street
Pickerington, Ohio 43147

Hoffman, P.J.

{¶1} Defendant-appellant Lindsay F. Ashbaugh appeals the October 9, 2014 Journal Entry entered by the Fairfield Court of Common Pleas overruling her Motion to Dismiss for Violation of Constitutional Right to Speedy Trial. The state of Ohio is plaintiff-appellee.

STATEMENT OF THE CASE¹

{¶2} On August 14, 2012, the state filed two separate complaints in the Fairfield County Municipal Court against Appellant, alleging misdemeanor thefts. The state filed a *nolle prosequi* on both charges on December 18, 2012.

{¶3} On February 7, 2014, the Fairfield County Grand Jury indicted Appellant on two counts of unauthorized use of computer property or services based upon the same facts and circumstances which gave rise to the two theft complaints previously dismissed in the Fairfield County Municipal Court. Such precipitated Appellant's motion to dismiss which was overruled by the trial court on October 9, 2014.

{¶4} It is from that decision Appellant prosecutes this appeal assigning as error:

{¶5} "I. THE TRIAL COURT ERRED IN OVERRULING APPELLANT'S MOTION TO DISMISS THE INDICTMENT FOR VIOLATION OF HER CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL AS GUARANTEED BY THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND SECTION 10, ARTICLE I, OF THE OHIO CONSTITUTION."

¹ A rendition of the facts is unnecessary for resolution of this appeal.

{¶6} No disposition has been made on the underlying criminal charges. We find this is an interlocutory appeal and no final appealable order exists.² Accordingly, we dismiss this appeal for want of jurisdiction.

By: Hoffman, P.J.

Farmer, J. and

Wise, J. concur

² We find *State v. Anderson*, 138 Ohio St.3d 264, 2014-Ohio-542, distinguishable.

