

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
BUTLER COUNTY

STATE OF OHIO,	:	CASE NO. CA2025-08-087
Appellee,	:	
vs.	:	<u>OPINION AND</u>
	:	<u>JUDGMENT ENTRY</u>
MATTHEW J. WHITE,	:	9/21/2026
Appellant.	:	
	:	

CRIMINAL APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS
Case No. CR2017-03-0564

Michael T. Gmoser, Butler County Prosecuting Attorney, and Stephen M. Wagner, Assistant Prosecuting Attorney, for appellee.

Law Office of John H. Forg, and John H. Forg III, for appellant.

OPINION

HENDRICKSON, J.

{¶ 1} Appellant, Matthew White, appeals from his conviction and sentence in the Butler County Court of Common Pleas for failing to comply with an order or signal of a

police officer and criminal trespass. For the reasons discussed below, we affirm the trial court's decision.

{¶ 2} In July 2016, White was charged via complaint with failing to comply with an order or signal of a police officer in violation of R.C. 2921.331(B); trespassing in violation of Fairfield Ordinance 541.05(A); and reckless operation of a vehicle in violation of Fairfield Ordinance 333.02(A).¹ The charges stemmed from allegations that on June 25, 2016, White, who was forbidden to do so, attempted to visit his ex-girlfriend's home and subsequently fled from officers after he was identified. Officers attempted to stop White's vehicle, but he continued to flee at a high rate of speed while ignoring police commands to stop, as well as traffic signs and lights. White successfully evaded police that evening but was eventually arrested in February 2017.

{¶ 3} After his arrest, White was released on bond. On February 28, 2017, White executed a "Waiver of Time," wherein White waived "all time requirements of" R.C. 2945.71. White waived his right to a preliminary hearing in the three cases and asked for the matter to be bound over to the grand jury. Shortly after his release, in early March 2017, White was arrested on unrelated charges in Dry Ridge, Kentucky.²

{¶ 4} In May 2017, a Butler County grand jury indicted White for failing to comply with an order or signal of a police officer and criminal trespass. The trial court issued a summons on the indictment to White's address, as well as the Pendleton County sheriff. The summons indicated that White was to appear at the trial court on May 16, 2017. After failing to appear, the trial court issued a capias for White's arrest to the sheriff of Butler

1. The trespass charge was later amended to a charge of criminal trespass in violation of R.C. 2911.21(A), and the reckless operation of a vehicle charge was amended to a charge of reckless operation in violation of R.C. 4511.20.

2. According to the presentence-investigative report, in April 2018, White was sentenced to 60 months in prison on the Kentucky charges.

County, White, and the "Keeper of the Jail." The capias included information and addresses for the Butler County sheriff and White, as well as a directive to "the Keeper of the Jail" that it was authorized to hold White until further order of the trial court. Thereafter, on May 19, 2017, the original summons sent to the Pendleton County sheriff was returned to the trial court with a notation that the summons had not been served and that "[White was] currently in Campbell County Detention, KY."

{¶ 5} On May 27, 2025, the arrest warrant was returned and filed with the trial court by a Butler County sheriff, and states that White was served with the warrant on May 23, 2025. White was then arraigned in the trial court. A few days later, on May 29, 2025, White executed another time waiver, wherein he stated he understood his speedy trial rights, and intelligently and voluntarily waived or gave up those rights, as well as all other constitutional and statutory time requirements, including those identified in R.C. 2945.71.

{¶ 6} In June 2025, White withdrew his plea of not guilty and entered a plea of guilty. In exchange for White's guilty plea, the State agreed to reduce Count 1 of the indictment, i.e., White's failure to comply with an order or signal of a police officer, to a felony of the fourth degree. During the plea hearing, the trial court conducted a full Crim.R. 11 colloquy, during which White acknowledged that he was aware of the rights he was waiving and that his counsel had answered all his questions. The trial court then set the matter for a sentencing hearing and ordered the completion of a presentence-investigative report. After the hearing, the trial court found White guilty of the charges as amended and sentenced him to an aggregate prison term of 17 months.

{¶ 7} White now appeals, raising the following assignment of error for our review:

{¶ 8} THE FAILURE OF THE STATE OF OHIO TO SERVE A DETAINER ON APPELLANT WHILE BEING HELD IN KENTUCKY VIOLATED HIS RIGHTS UNDER

THE INTERSTATE AGREEMENT ON DETAINERS, AND AS A CONSEQUENCE, HIS CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL.

{¶ 9} In his assignment of error, White argues that the State's failure to promptly notify White of the indictment and his right to a speedy trial pursuant to the Interstate Agreement on Detainers ("IAD"), violated his constitutional and statutory right to a speedy trial pursuant to R.C. 2945.71. White argues that, in this case, the State ignored its duty to notify White of the indictment pending against him, despite knowing his location in Campbell County, Kentucky, and therefore, deliberately failed to issue a detainer pursuant to the IAD. As such, White claims he had no ability "to exercise his IAD rights until after his release from imprisonment in Kentucky."

{¶ 10} As acknowledged by the State and White in their appellate briefs, White failed to raise the issue of timeliness below, either pursuant to the IAD, R.C. 2945.71, or the constitution, and thus has forfeited all but plain error. *State v. Quarterman*, 2014-Ohio-4034, ¶ 15-16; Crim.R. 52(B). Plain error exists where there is an obvious deviation from a legal rule which affected the defendant's substantial rights or influenced the outcome of the proceeding. *State v. Barnes*, 2002-Ohio-68, ¶ 20. As such, the defendant "is required to demonstrate a reasonable probability that the error resulted in prejudice[.]" *State v. Rogers*, 2015-Ohio-2459, ¶ 22.³

A. White's IAD Speedy Trial Claim

{¶ 11} We begin by addressing White's claim that the State's failure to notify White of the indictment violated his rights pursuant to the IAD.

{¶ 12} The IAD is a compact entered into by a majority of states and the United

3. Notably, White does not specifically argue in his appellant's brief why any error below amounts to plain error. Instead, he only references briefly that plain error applies and exists in this case. We decline to find this sufficient to raise an argument pursuant to Crim.R. 52(B). Where an appellant fails to conduct a plain error analysis on appeal, this court may decline to construct one for him. *State v. Oghojafor*, 2023-Ohio-44, ¶ 104 (12th Dist.).

States that establishes procedures to resolve one state's outstanding charges against a person imprisoned in another state. *New York v. Hill*, 528 U.S. 110, 111 (2000). In Ohio, the IAD has been codified in R.C. 2963.30 et seq. The IAD's purpose is "to encourage the expeditious and orderly disposition of [outstanding] charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints." R.C. 2963.30, Article I.

{¶ 13} The IAD sets forth a procedure by which a prisoner may demand the speedy disposition of charges pending against him in another member jurisdiction. R.C. 2963.30, Art. III. The act also establishes a procedure by which a member state may initiate the transfer of a prisoner incarcerated in another member jurisdiction in order to bring that individual to trial in the requesting jurisdiction. R.C. 2963.30, Art. IV. In either case, the provisions of the IAD are triggered only when a detainer is filed with the institution currently holding the prisoner. *United States v. Mauro*, 436 U.S. 340, 343 (1978). A "detainer" is "a request filed by a criminal justice agency with the institution in which a prisoner is incarcerated, asking the institution either to hold the prisoner for the agency or to notify the agency when release of the prisoner is imminent." *State v. Anderson*, 2010-Ohio-5068, ¶ 11 (12th Dist.), citing *State v. Sanchez*, 2006-Ohio-4478, ¶ 19.

{¶ 14} In this case, the parties dispute whether the State engaged in conduct sufficient to trigger the provisions of IAD. However, prior to analyzing White's IAD claim and whether the State's failure to file a detainer prevented White from exercising his rights under the IAD, we must address the threshold issue of whether White's voluntary guilty plea operates as a waiver of his IAD claim.

{¶ 15} Under Crim.R. 11(B)(1), a plea of guilty is a "complete admission" of the defendant's guilt and thereby "waives all non-jurisdictional defects assuming the regularity and constitutionality of the plea itself, and the procedure by which it was accepted by the

court." *State v. Bowman*, 1990 Ohio App. LEXIS 5733, *5 (3d Dist. Dec. 21, 1990); see also *State v. Barnes*, 2024-Ohio-1737, ¶ 18 (3d Dist.). The Ohio Supreme Court has affirmed this principle, holding that a guilty plea "effectively waives all appealable errors" at trial unrelated to the entry of the plea. *State v. Kelley*, 57 Ohio St.3d 127 (1991), at paragraph two of the syllabus; *State v. Ketterer*, 2006-Ohio-5283, ¶ 105 (guilty plea "waived any complaint as to claims of constitutional violations not related to the entry of the guilty plea"). Thus, "a voluntary, knowing, and intelligent guilty plea waives any alleged constitutional violations unrelated to the entry of the guilty plea and any non-jurisdictional defects in the proceedings." *State v. Luttrell*, 2022-Ohio-1148, ¶ 8 (12th Dist.).

{¶ 16} This court recently considered whether a violation of the IAD is non-jurisdictional or jurisdictional defect in the proceedings. See *State v. Allen*, 2026-Ohio-1097, ¶ 15 (12th Dist.). Ultimately, we determined that an IAD defect is non-jurisdictional and therefore, a knowing and voluntary guilty plea waives the right to raise an IAD speedy trial claim on appeal. *Id.* at ¶ 13, 23. This conclusion was based, in part, on the legal principle that permitting IAD claims after a guilty plea "would undercut the policy of achieving prompt and final judgments." *Id.* at ¶ 16, citing *Bowman* at *5.

{¶ 17} In this case, White entered a guilty plea pursuant to an agreement he made with the State. The State claims that, by pleading guilty, White waived the ability to raise any IAD claim or violation on appeal. In response, White argues in his reply brief that the issues of waiver and his guilty plea are irrelevant because by the time the State of Ohio finally arrested White, "it no longer had jurisdiction" and any action by the trial court at that time was improper. However, this argument is based upon White's allegation that the State's violation of the IAD deprived the trial court of jurisdiction. As noted above, even if the State's conduct amounted to a speedy trial violation under the IAD, a violation of the IAD's speedy trial provisions does not create a jurisdictional defect. See *Dean v. Marquis*,

2019-Ohio-900, ¶ 11-12. This is in contrast with Ohio's intrastate detainer statute, which expressly provides that a violation of the statute deprives a trial court of jurisdiction and renders the indictment void. See R.C. 2941.401 ("[i]f the action is not brought to trial within the time provided . . . no court any longer has jurisdiction thereof, the indictment . . . is void"). However, the IAD does not contain any such language, and has been consistently interpreted, by this court and others, as non-jurisdictional as it pertains to its speedy trial provisions. See *Dean* at ¶ 11-12; *Allen* at ¶ 13, 23; *Barnes*, 2024-Ohio-1737, at ¶ 18 (3d Dist.).

{¶ 18} Notably, White does not raise any assignment of error asserting that his guilty plea was not entered voluntarily, knowingly, or intelligently, nor does he otherwise challenge the validity of his plea. We will not construct arguments on his behalf that he chose not to make. As such, because White's guilty plea waived his IAD claim, we need not address whether any IAD speedy trial violation occurred in this case.

B. Speedy Trial Rights Pursuant to R.C. 2945.71

{¶ 19} White next argues the State violated his statutory right to a speedy trial pursuant to R.C. 2945.71. For similar reasons stated above, we reject White's arguments. The Ohio Supreme Court has recognized that a defendant's guilty plea waives the right to raise the statutory right to speedy trial on appeal. *Montpelier v. Greeno*, 25 Ohio St.3d 170, 172 (1986); see also *State v. Kelley*, 57 Ohio St.3d 127 (1991), paragraph one of the syllabus. This court has held the same. See *Luttrell*, 2022-Ohio-1148, at ¶ 9-10 (12th Dist.); *State v. Melampy*, 2008-Ohio-5838, ¶ 11 (12th Dist.). Accordingly, like his claims brought pursuant to the IAD, White's guilty plea waived any claim that a statutory speedy trial violation occurred pursuant to R.C. 2945.71.

C. Constitutional Speedy Trial Rights

{¶ 20} Lastly, White contends that the "failure of authorities in Butler County, Ohio

to promptly notify White of the indictment and his IAD rights to a speedy trial violate his constitutional right to a speedy trial." We disagree.

{¶ 21} The right to a speedy trial is guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and by Article I, Section 10, Ohio Constitution." *State v. Rodandello*, 2022-Ohio-2460, ¶ 18 (12th Dist.); *see also State v. Taylor*, 2002-Ohio-7017, ¶ 32. However, in this case, White's guilty plea arguably waived his constitutional right to a speedy trial. *See State v. Sherrer*, 2016-Ohio-3198, ¶ 10 (2d Dist.), citing *Ketterer*, 2006-Ohio-5283, at ¶ 117. This is because the guilty plea "renders irrelevant" any constitutional violation "not logically inconsistent with the valid establishment of factual guilt." *State v. Brewer*, 2003-Ohio-1064, ¶ 7 (12th Dist.). This includes the right to claim that the accused was not provided a speedy trial as provided by law. *Id.*; *see also State v. Huston*, 1988 Ohio App. LEXIS 3865, *3 (12th Dist. Sept. 26, 1988) (finding the appellant waived the argument on appeal that he was denied his statutory and constitutional right to a speedy trial after entering a guilty plea).

{¶ 22} Notwithstanding the above, even if White's guilty plea did not waive his constitutional challenge, we find he otherwise waived his constitutional right to a speedy trial by signing and filing a time waiver with the trial court on February 28, 2017, and another on May 29, 2025, shortly after his arraignment. "It is well-settled law that an accused may waive his constitutional right to a speedy trial provided that such a waiver is knowingly and voluntarily made." *State v. King*, 1994-Ohio-412, ¶ 9, citing *Barker v. Wingo*, 407 U.S. 514, 529 (1972). The Supreme Court of Ohio has held that the statutory speedy trial provisions set forth in R.C. 2945.71 are "coextensive with constitutional speedy trial provisions," and thus "an accused's express written waiver of his statutory rights to a speedy trial, made knowingly and voluntarily, also constitutes a waiver of his speedy trial rights guaranteed by the United States and Ohio Constitutions." *Id.*, citing

State v. O'Brien, 34 Ohio St.3d 7 (1987), paragraph one of the syllabus. "[T]o be effective, an accused's waiver of his or her constitutional and statutory right to a speedy trial must be expressed in writing or made in open court on the record." *Id.* at ¶ 12.

{¶ 23} We find the record devoid of any evidence indicating that White's written waivers of his statutory right to a speedy trial was not knowing and voluntary. This is particularly true in this case considering White did not raise any such argument before the trial court or in this court on appeal. Therefore, because the statutory right to a speedy trial is coextensive with the constitutional right to a speedy trial, White effectively waived his constitutional right to a speedy trial when he signed and filed the written time waivers.

{¶ 24} Lastly, even if, as discussed above, White did not waive his constitutional arguments, White failed to establish any plain error occurred in this case. The United States Supreme Court established a balancing test to determine whether a defendant has been deprived of his constitutional right to a speedy trial. *State v. Thacker*, 2020-Ohio-1318, ¶ 39 (12th Dist.), citing *Wingo*, 407 U.S. at 530. Under this balancing test, a court must consider the following four factors: (1) the length of the delay; (2) the reason the government assigns to justify the delay; (3) the defendant's responsibility to assert his right to a speedy trial; and (4) the prejudice to the defendant. *Id.* at 530-532; *State v. Triplett*, 1997-Ohio-182, ¶ 14.

{¶ 25} On appeal, aside from the conclusory allegation that the violations of the IAD and R.C. 2945.71 also constitute violations of his constitutional speedy trial rights, White does not explain how his constitutional right to a speedy trial was violated nor does he cite to any of the factors set forth in *Wingo*. White also does not explain how he was prejudiced, if at all, by the State's delay. As discussed above, White failed to raise this issue below and therefore this court's review is limited to plain error. Without any analysis of the alleged constitutional issues or any discussion of the relevant factors to determine

whether a constitutional violation has occurred, this court cannot determine whether plain error occurred below. Where an appellant, like White, fails to argue plain error in his brief, this court will not construct a plain error argument on his behalf. *State v. Oghojafor*, 2023-Ohio-44, ¶ 104 (12th Dist.). Accordingly, White's constitutional speedy trial claim is without merit.

{¶ 26} As such, finding no merit to any of the issues raised by White herein, we overrule his assignment of error.

{¶ 27} Judgment affirmed.

BYRNE, P.J., and SIEBERT, J., concur.

JUDGMENT ENTRY

The assignment of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, affirmed.

It is further ordered that a mandate be sent to the Butler County Court of Common Pleas for execution upon this judgment and that a certified copy of this Opinion and Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed in compliance with App.R. 24.

/s/ Matthew R. Byrne, Presiding Judge

/s/ Robert A. Hendrickson, Judge

/s/ Melena S. Siebert, Judge