[Cite as *State v. Salsbury*, 2026-Ohio-4419.]

STATE OF OHIO	)	IN THE COURT OF APPEALS
	)ss:	NINTH JUDICIAL DISTRICT
COUNTY OF MEDINA	)	

STATE OF OHIO Appellee v. CHANCE SALSBURY Appellant	C.A. No. 2025CA0068-M APPEAL FROM JUDGMENT ENTERED IN THE COURT OF COMMON PLEAS COUNTY OF MEDINA, OHIO CASE No. 22CR0540

DECISION AND JOURNAL ENTRY

Dated: November 9, 2026

MANNING, Judge.

{¶1} Defendant-Appellant, Chance Salsbury, appeals from the judgment of the Medina County Court of Common Pleas. This Court affirms.

I.

{¶2} In July 2022, Mr. Salsbury was indicted on two counts of vehicular assault. Both counts stemmed from an incident that occurred on or about March 6-7, 2021 ("the Incident"). Following his arraignment, Mr. Salsbury moved to dismiss his indictment. He argued that the indictment was barred by double jeopardy because the State had already prosecuted him for the Incident in Medina Municipal Court and had previously filed charges against him for the Incident in common pleas court. He also asserted a speedy trial violation based on the collective time that had accrued across the previous and current prosecutions.

{¶3} The trial court held a hearing on Mr. Salsbury's motion to dismiss and denied it on October 28, 2022 ("the October 2022 Entry"). Mr. Salsbury immediately appealed, and this Court

affirmed the trial court's judgment. *See State v. Salsbury*, 2023-Ohio-2341 (9th Dist.). Following our decision, the trial court conducted a status hearing and set a new trial date.

{¶4} Two days before the new trial date, Mr. Salsbury's attorney moved to withdraw as counsel. The trial court granted the motion, appointed new counsel, and selected a new trial date. Mr. Salsbury's new attorney later requested and received three continuances. Additionally, Mr. Salsbury moved the trial court for findings of fact and conclusions of law as to the October 2022 Entry. The trial court denied his motion.

{¶5} On the day of his rescheduled trial, Mr. Salsbury moved the trial court to appoint him appellate counsel. He also filed a new appeal from the October 2022 Entry. This Court dismissed his appeal, explaining that we had already affirmed the October 2022 Entry. *State v. Salsbury*, 9th Dist. Medina No. 2024CA0016-M (Apr. 29, 2024). We noted that Mr. Salsbury had the ability to file an application to reopen his prior appeal through his appointed counsel. *Id.*

{¶6} Following our dismissal, Mr. Salsbury moved the trial court to stay the proceedings for the purpose of allowing his attorney to file additional documents with this Court. The trial court agreed to do so. It issued the following order:

> This matter shall remain stayed pending the Ninth District's ruling on an application to reopen the direct appeal pursuant to App.R. 26(B). If the application to reopen the direct appeal is granted, this case will be automatically stayed pending resolution of the direct appeal. If the application is denied, this matter will be reactivated and the cause will be rescheduled for trial.

Mr. Salsbury never filed an application to reopen in this Court. Instead, he filed a motion to reinstate his appeal from the October 2022 Entry. This Court denied that motion. *State v. Salsbury*, 9th Dist. Medina No. 22CA0070-M (July 24, 2024). In doing so, we noted that Mr. Salsbury had the ability to pursue an application to reopen if he believed his former appellate counsel was ineffective. *Id.* Mr. Salsbury never did so.

{¶7} Mr. Salsbury's trial court case remained stayed for a total of one year. In May 2025, the trial court reactivated his case and set a new trial date. Mr. Salsbury then moved to dismiss his indictment based on a violation of his speedy trial rights. The State responded in opposition, and the trial court held a hearing. Based on the briefs and arguments presented at the hearing, the court denied the motion to dismiss.

{¶8} Mr. Salsbury filed a motion asking the trial court to issue findings of fact and conclusions of law regarding its speedy trial ruling. The trial court denied Mr. Salsbury's motion. Following its ruling, Mr. Salsbury pleaded no contest to two counts of vehicular assault. The court sentenced him to four years of community control. His sentence included a one-year license suspension.

{¶9} Mr. Salsbury now appeals from the trial court's judgment. He raises four assignments of error for review. For ease of analysis, we consolidate two of his assignments of error.

II.

ASSIGNMENT OF ERROR I

> THE TRIAL COURT ERRED AS A MATTER OF LAW IN DENYING MR. SALSBURY'S MOTION TO DISMISS UNDER R.C. 2945.71 WHERE THE COURT TREATED THE MAY 13, 2024 STAY—ENTERED "PENDING AS THE NINTH DISTRICT'S RULING ON AN APPLICATION TO REOPEN" UNDER APP.R. 26(B)—AS A CONTINUING TOLLING EVENT DESPITE THE ABSENCE OF ANY PENDING APP.R. 26(B) APPLICATION OR RULING.

ASSIGNMENT OF ERROR II

> THE TRIAL COURT ERRED BY DENYING THE MOTION TO DISMISS BASED ON A FINDING THAT "EACH AND EVERY DELAY" FROM SEPTEMBER 29, 2022 FORWARD WAS "OCCASIONED AND NECESSITATED" BY [MR. SALSBURY], WITHOUT IDENTIFYING THE SPECIFIC PERIODS TOLLED UNDER R.C. 2945.72, THEREBY SHIFTING

THE STATE'S BURDEN TO DEMONSTRATE TOLLING AND INSULATING THE RULING FROM MEANINGFUL APPELLATE REVIEW.

{¶10} In his assignments of error, Mr. Salsbury argues the trial court erred by denying his motion to dismiss based on a violation of his statutory speedy trial rights. He also argues that the court's entry is deficient because it failed to include "a period-by-period analysis" of his speedy trial time and any tolling events. For the reasons set forth below, we reject his arguments.

{¶11} "The Sixth Amendment to the United States Constitution and Section 10, Article I of the Ohio Constitution guarantee a criminal defendant the right to a speedy trial." *State v. Blackburn*, 2008-Ohio-1823, ¶ 10. "A trial court's determination of speedy trial issues presents a mixed question of law and fact." *State v. Jaeger*, 2018-Ohio-2994, ¶ 5 (9th Dist.). "Therefore, we defer to the trial court's factual findings if they are supported by competent, credible evidence, but we review the application of the law to those facts de novo." *State v. Long*, 2020-Ohio-5363, ¶ 15.

{¶12} A person charged with a felony generally must be brought to trial within 270 days of arrest. R.C. 2945.71(C)(2). Speedy trial time "may be extended . . . for a number of reasons, which are commonly referred to as tolling events." *State v. Reeda*, 2025-Ohio-4652, ¶ 4 (9th Dist.). "If a defendant establishes that he was not tried within the deadline imposed under Section 2945.71, 'he has made a prima facie showing of a speedy trial violation.'" *Id.* at ¶ 5, quoting *State v. Tauwab*, 2015-Ohio-3751, ¶ 12 (9th Dist.). "[T]he burden then shifts to the State to show that a tolling event has extended the time for trial." *State v. Brownlee*, 2015-Ohio-2616, ¶ 8 (9th Dist.).

{¶13} In his motion to dismiss, Mr. Salsbury argued that his speedy trial rights were violated when more than 270 days elapsed between the time "when [his] appeal was dismissed" in July 2024 and the trial court's reactivation of his criminal case in May 2025. While Mr. Salsbury requested that "[a]ny other computations of time and issues . . . be preserved," he limited his

argument to the time that had passed after this Court's alleged dismissal. He focused on that same period when he appeared for the hearing on his motion to dismiss. His counsel acknowledged that she had not performed a computation of time since Mr. Salsbury's indictment. She indicated that she would "ask for assistance in doing that computation because it would be a little bit more complex." It was Mr. Salsbury's position that he was entitled to a dismissal of his indictment because neither the State nor the trial court reactivated his case for more than 270 days once his appellate proceedings concluded. According to Mr. Salsbury, the trial court's stay expired by operation of law when his case "was dismissed by the Court of Appeals . . . ."

{¶14} The State filed a brief in opposition to Mr. Salsbury's motion to dismiss. While the State cited numerous tolling events in its brief, it focused on the period that Mr. Salsbury cited in support of his argument. The State set forth arguments as to why the length of that delay was attributable to Mr. Salsbury, and thus, a tolling event.

{¶15} The trial court found that, following his arraignment, Mr. Salsbury moved to dismiss his indictment on two occasions, requested and secured numerous continuances, and pursued several appeals. The court indicated that the stay it imposed at Mr. Salsbury's request was predicated upon (1) him filing an application to reopen, and (2) the appellate court resolving that filing. It noted that Mr. Salsbury never sought to reopen his appeal or to lift the stay. The court wrote that, from the time of Mr. Salsbury's first motion to dismiss to present, "each and every delay in bringing this matter to trial was occasioned and necessitated by reason of a motion, proceeding, action, inaction or appeal made or instituted by [him]." For that reason, the court denied his motion to dismiss.

{¶16} Mr. Salsbury moved the trial court for findings of fact and conclusions of law. He did not support his request with any argument or legal citations. Upon review of his motion, the

trial court denied it for two reasons. First, the court found that it was not required to issue specific findings in support of its decision. Second, the court found that it had not summarily denied Mr. Salsbury's motion. It noted that its entry had explained the reason for its decision (i.e., that any delays were attributable to Mr. Salsbury's own actions and inactions).

{¶17} We begin by addressing Mr. Salsbury's argument that the trial court erred when it ruled on his motion to dismiss without conducting "a period-by-period analysis" of his speedy trial time and any tolling events. "A court is not required to make findings of fact when the evidence is undisputed." *State v. Adams*, 2015-Ohio-3954, ¶ 114. Mr. Salsbury argued that a speedy trial violation occurred because more than 270 days elapsed between the time "when [his] appeal was dismissed" and the trial court's reactivation of his criminal case. Everyone agreed that more than 270 days elapsed during that period, so there were no disputed facts awaiting resolution. *See id.* at ¶ 114-115. Mr. Salsbury argued that our alleged dismissal dissolved the trial court's stay by operation of law such that no tolling event existed. He, therefore, presented the trial court with a legal argument rather than one that necessitated factual findings. *See id.* Even if we were to assume that the trial court erred by failing to conduct a full computation of his speedy trial time, Mr. Salsbury cannot take advantage of an error he induced. *See State v. Morgan*, 2025-Ohio-2284, ¶ 22 (9th Dist.). As such, his second assignment of error is overruled.

{¶18} Because Mr. Salsbury requested the stay that the trial court imposed on May 13, 2024, the stay was a tolling event. *See* R.C. 2945.72(E). As noted, the trial court's order provided as follows:

> This matter shall remain stayed pending the Ninth District's ruling on an application to reopen the direct appeal pursuant to App.R. 26(B). If the application to reopen the direct appeal is granted, this case will be automatically stayed pending resolution of the direct appeal. If the application is denied, this matter will be reactivated and the cause will be rescheduled for trial.

The stay was, therefore, premised upon (1) Mr. Salsbury filing an application to reopen, and (2) this Court resolving that filing.

{¶19} It is undisputed that Mr. Salsbury never filed an application to reopen the appeal in *State v. Salsbury*, 2023-Ohio-2341 (9th Dist.). Following the stay that the trial court imposed, he filed a motion to reinstate that appeal. This Court explained that the appeal could not be reinstated. *State v. Salsbury*, 9th Dist. Medina No. 22CA0070-M (July 24, 2024). In our order, we wrote:

> Mr. Salsbury's appeal has been determined on the merits. There is nothing to reinstate. If Mr. Salsbury believes that his appellate counsel was ineffective, he may pursue the procedure outlined in Appellate Rule 26(B). The motion to reinstate appeal is denied.

Id. Mr. Salsbury did not take any further action.

{¶20} Mr. Salsbury insists the trial court's order of stay dissolved by operation of law when his case "was dismissed by the Court of Appeals . . ." in July 2024. Yet, this Court never dismissed his appeal. That is because he did not have a pending appeal at the time. This Court simply denied a post-judgment motion that Mr. Salsbury filed (i.e., a motion to reinstate the appeal).

{¶21} Speedy trial time may be extended for "[a]ny period of delay occasioned by the neglect or improper act of the accused." R.C. 2945.72(D). That is because a defendant may not benefit from a delay of his own making. *See State v. Bauer*, 61 Ohio St.2d 83, 84-85 (1980). The trial court's order of stay specifically informed Mr. Salsbury that the stay he requested would remain in effect until he filed an application to reopen and this Court resolved his filing. Additionally, this Court's order expressly advised Mr. Salsbury of the procedure he needed to follow for filing an application to reopen. Mr. Salsbury cannot benefit from the delay that ensued when he failed to adhere to the conditions of his requested stay or, alternatively, to notify the trial court that he had chosen not to file an application to reopen. *See id.*; *see also State v. Belville*,

2022-Ohio-3879, ¶ 22 (when defendant believes the State has been dilatory in taking action, "the best course is for the defendant to promptly bring the matter to the trial court's attention").

{¶22} The record does not support the conclusion that Mr. Salsbury's statutory speedy trial rights were violated when the State failed to bring him to trial for more than 270 days following this Court's July 2024 order. Accordingly, the trial court did not err by denying Mr. Salsbury's motion to dismiss. His first assignment of error is overruled.

ASSIGNMENT OF ERROR III

> THE TRIAL COURT ERRED BY FAILING TO RECOGNIZE THAT THE OVERALL DELAY AND REASONS FOR DELAY VIOLATED MR. SALSBURY'S CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL UNDER THE SIXTH AND FOURTEENTH AMENDMENTS AND ARTICLE I, SECTION 10 OF THE OHIO CONSTITUTION, UNDER THE BALANCING TEST OF BARKER V. WINGO.

{¶23} In his third assignment of error, Mr. Salsbury argues that his constitutional rights to a speedy trial were violated when the trial court failed to dismiss his indictment. For the following reasons, we reject his argument.

{¶24} "[A] defendant who fails to prevail on his statutory speedy trial claim 'may nevertheless seek a discharge on the basis that his constitutional right to a speedy trial has been violated.'" *State v. Phillips*, 2016-Ohio-4687, ¶ 15 (9th Dist.), quoting *State v. West*, 2015-Ohio-2936, ¶ 20 (9th Dist.). "The issue of whether an accused's constitutional right to a speedy trial has been violated is analyzed under a reasonableness standard." *Brownlee*, 2015-Ohio-2616, at ¶ 7 (9th Dist.). The factors that must be assessed are: "(1) the length of the delay, (2) the reason for the delay, (3) the defendant's assertion of his right to a speedy trial, and (4) the prejudice to the defendant." *State v. Hull*, 2006-Ohio-4252, ¶ 22, citing *Barker v. Wingo*, 407 U.S. 514, 530 (1972).

{¶25} The record reflects that Mr. Salsbury only asserted his statutory speedy trial rights in the lower court. He did not raise a constitutional argument under the reasonableness standard or the four-factor test set forth in *Barker*. Thus, the trial court did not perform any analysis regarding his constitutional right to a speedy trial.

{¶26} "In general, this Court will not consider constitutional arguments for the first time on appeal save for a claim of plain error." *State v. Ward*, 2026-Ohio-2973, ¶ 30 (9th Dist.). Because we sit as a reviewing court, we are loathe to determine issues the trial court has had no opportunity to decide. *State v. Hoessle*, 2025-Ohio-5565, ¶ 17 (9th Dist.). Mr. Salsbury failed to preserve his constitutional argument for review and has not argued plain error. This Court will not construct a claim of plain error on his behalf. *State v. Fleckenstein*, 2023-Ohio-4347, ¶ 10 (9th Dist.). Accordingly, his third assignment of error is overruled.

ASSIGNMENT OF ERROR IV

> THE TRIAL COURT ERRED BY IMPOSING A LICENSE SUSPENSION WITHOUT CONSIDERING CREDIT FOR TIME ALREADY SERVED UNDER A PRIOR SUSPENSION ARISING FROM THE SAME INCIDENT.

{¶27} In his fourth assignment of error, Mr. Salsbury argues that the trial court erred by issuing him a one-year license suspension. Because his argument is moot, we decline to address it.

{¶28} Mr. Salsbury was convicted of two counts of vehicular assault, fourth-degree felonies in violation of R.C. 2903.08(A)(2)(b). At his sentencing hearing, he asked the trial court not to impose a license suspension. He indicated that he had already served a license suspension in connection with the Incident. He asked the court to credit him with that time and not issue a further suspension.

{¶29} The trial court suspended Mr. Salsbury's license for one year. The court noted that, by statute, Mr. Salsbury's convictions required it to impose a class four license suspension for a minimum of one year. It ordered Mr. Salsbury's license to be suspended from August 25, 2025, until August 24, 2026. Mr. Salsbury did not request a stay of the execution of that sentence.

{¶30} "When an actual controversy no longer exists before this Court, we must dismiss a case as moot." *State v. Rintala*, 2026-Ohio-3010, ¶ 3 (9th Dist.). "A case is moot when, without any fault of the respondent, an event occurs which renders it impossible for this Court to grant any relief to the relator." *Id.* "'[I]f an individual has already served his sentence and is only questioning whether or not the sentence was correct, there is no remedy that can be applied that would have any effect in the absence of a reversal of the underlying conviction.'" *State v. Bellomy*, 2013-Ohio-3187, ¶ 23 (9th Dist.), quoting *City of Columbus v. Duff*, 2005-Ohio-2299, ¶ 12 (10th Dist.). *Accord Minney v. Caltrider*, 2004-Ohio-4320, ¶ 10 (9th Dist.) (appeal from license suspension moot where defendant completed suspension and failed to raise any claim of collateral disability).

{¶31} Our review of the record supports the conclusion that Mr. Salsbury's license suspension has already expired. He has not argued that the suspension will result in a collateral disability. Because his suspension has already expired, this Court is unable to afford him any relief. Accordingly, his fourth assignment of error is moot.

III.

{¶32} Mr. Salsbury's fourth assignment of error is moot. His remaining assignments of error are overruled. The judgment of the Medina County Court of Common Pleas is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Medina, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

NATHAN MANNING
FOR THE COURT

HENSAL, P. J.
SUTTON, J.
CONCUR.

APPEARANCES:

YU KIM-REYNOLDS, Attorney at Law, for Appellant.

S. FORREST THOMPSON, Prosecuting Attorney, and STEFANIE H. ZARANEC, Assistant Prosecuting Attorney, for Appellee.