

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

State v. Johnson

2026-Ohio-206 · No. C.A. No. 30536 · Decided January 23, 2026

SUMMARY

The Ohio Second District Court of Appeals affirmed Danzel Leon Johnson’s convictions for aggravated vehicular assault and failure to stop after an accident following his no-contest plea. The court held that neither Ohio’s statutory speedy-trial requirements nor the constitutional speedy-trial guarantee was violated, applying statutory arrest-based timing rules and the Barker v. Wingo balancing test.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Michael L. Tucker; P.J. Lewis; J. Huffman
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	January 23, 2026
DOCKET	C.A. No. 30536
DISPOSITION	affirmed
PROCEDURAL POSTURE	Johnson appealed from convictions entered after his no-contest plea to aggravated vehicular assault and failure to stop after an accident, challenging the denial of his motion to dismiss the indictment on statutory and constitutional speedy-trial grounds.
STANDARD OF REVIEW	Speedy-trial claims present a mixed question of law and fact. The appellate court defers to factual findings supported by competent, credible evidence but reviews the application of law to those facts de novo.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Danzel Leon Johnson v. State of Ohio

TOPICS

speedy trial

criminal procedure

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether Ohio's statutory speedy-trial period began when the felony indictment and arrest warrant were issued or when Johnson was arrested on the new charges.
2. Whether the delay between the initial arrest, indictment, and arrest on the indictment violated Johnson's constitutional right to a speedy trial under the Barker v. Wingo balancing test.

HOLDINGS

1. Ohio statutory speedy-trial time on new charges begins when the defendant is arrested or served with summons on those charges, not when the indictment and arrest warrant are filed. The period between dismissal without prejudice of the original charges and Johnson's arrest on the later felony indictment therefore was not counted.
2. Johnson failed to establish a constitutional speedy-trial violation under the Barker v. Wingo four-factor balancing test because, although the delay was presumptively prejudicial and post-indictment governmental negligence weighed somewhat in his favor, he did not demonstrate particularized actual prejudice and the totality of the circumstances did not support dismissal.

KEY QUOTATIONS

“Moreover, speedy trial time does not commence upon the filing of new charges. Instead, “it begins to run when the defendant is arrested or receives service of summons on the new charge[s].”” (§ 10)

“None of the factors is controlling because a ‘balancing test necessarily compels’ a court to evaluate an alleged speedy trial violation ‘on an ad hoc basis,’ meaning that the court must consider the totality of the circumstances.” (§ 12)

“Under these circumstances, we see no violation of Johnson’s constitutional right to a speedy trial absent a showing of particularized prejudice.” (§ 23)

FACTUAL BACKGROUND

On April 30, 2021, Johnson allegedly drove while intoxicated, struck a motorcyclist, and fled. He was arrested on May 1, 2021, released the next day, and initially charged by misdemeanor complaint; those charges were dismissed without prejudice on July 21, 2021. A grand jury indicted him on May 25, 2022, but he was not arrested on the indictment until July 3, 2023. He alleged that the resulting delays violated statutory and constitutional speedy-trial rights, but presented no evidence of actual prejudice and the crash-investigation evidence remained available.

PROCEDURAL HISTORY

Johnson was indicted in the Montgomery County Common Pleas Court on felony charges and misdemeanors arising from a motor-vehicle accident. The trial court denied his motion to dismiss for speedy-trial violations, after which he pleaded no contest to the two felony charges in exchange for dismissal of the misdemeanor charges and received an aggregate prison sentence of two to three years. The Second District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Azbell, 2006-Ohio-6552, ¶ 17
- State v. Radabaugh, 2007-Ohio-153, ¶ 12 (4th Dist.)
- State v. Knott, 2024-Ohio-2289, ¶ 19 (2d Dist.)
- Barker v. Wingo, 407 U.S. 514, 530, 532 (1972)
- State v. Wagner, 2021-Ohio-1671, ¶¶ 14-15 (2d Dist.)
- Doggett v. United States, 505 U.S. 647, 651-52, 658 (1992)
- State v. Adams, 2015-Ohio-3954, ¶ 88
- State v. Lee, 2024-Ohio-1802, ¶ 9 (2d Dist.)
- State v. Triplett, 78 Ohio St. 3d 566, 569-70 (1997)
- State v. Duncan, 2021-Ohio-3229, ¶ 16 (1st Dist.)
- State v. Rentas, 2022-Ohio-2412, ¶ 32 (8th Dist.)
- State v. Perkins, 2009-Ohio-3033, ¶ 12 (2d Dist.)
- Partsch v. Haskins, 175 Ohio St. 139, 140 (1963)
- State v. Long, 2020-Ohio-5363, ¶ 15
- State v. Barnes, 2008-Ohio-5472, ¶ 17 (8th Dist.)
- State v. Clay, 2016-Ohio-424, ¶ 5 (2d Dist.)
- Jackson v. Internatl. Fiber, 2006-Ohio-5799, ¶ 17
- State v. Ellis, 1997 WL 282313, at *3 (2d Dist. May 30, 1997)
- State v. Sherrer, 2016-Ohio-3198, ¶¶ 15-16 (2d Dist.)
- State v. Bailey, 2005-Ohio-5506, ¶¶ 19-21 (2d Dist.)

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