

COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT, ALLEN COUNTY

State v. Powell

2026-Ohio-2142 · No. 1-25-39 · Decided June 8, 2026

SUMMARY

The Ohio Third District Court of Appeals affirmed the dismissal with prejudice of an indictment against Ronald D. Powell, Jr. The court held that Powell satisfied his obligations under Ohio Revised Code section 2941.401 by delivering his notice and request for final disposition to the prison warden, and that the State failed to bring the matter to trial within the resulting 180-day period. The court therefore concluded that the trial court lacked jurisdiction and overruled the State’s assignment of error.

CASE DETAILS

COURT	Court of Appeals of Ohio, Third Appellate District, Allen County
WRITING FOR THE COURT	Mark C. Miller; William R. Zimmerman; Ronald C. Lewis
JURISDICTION	Ohio Court of Appeals, Third Appellate District, Allen County
DECIDED	June 8, 2026
DOCKET	1-25-39
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State of Ohio appealed the Allen County Common Pleas Court's order dismissing Powell's indictment with prejudice for violation of the 180-day speedy-trial period under R.C. 2941.401.
STANDARD OF REVIEW	A motion to dismiss is generally reviewed for abuse of discretion, but speedy-trial issues present mixed questions of law and fact; legal issues are reviewed de novo, while factual findings receive deference if supported by competent, credible evidence.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion; binding as to the Third District subject to controlling Ohio Supreme Court precedent.
PARTIES	State of Ohio v. Ronald D. Powell, Jr.

TOPICS

- speedy trial
- criminal procedure
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

criminal procedure

speedy trial

appellate procedure

QUESTIONS PRESENTED

1. Whether Powell satisfied R.C. 2941.401 by delivering written notice of his imprisonment and a request for final disposition to the warden or superintendent having custody of him.
2. Whether the State's failure to deliver the request to the prosecuting attorney prevented commencement of the 180-day statutory speedy-trial period.
3. Whether the trial court properly dismissed the action with prejudice after the 180-day period expired.

HOLDINGS

1. A prisoner satisfies the delivery requirement of R.C. 2941.401 when he provides written notice of the place of imprisonment and a request for final disposition to the warden or superintendent having custody of him. Powell fulfilled that duty by signing and returning the pre-filled notice and request to ODRC personnel.
2. The 180-day statutory speedy-trial period begins when the prisoner causes the notice and request for final disposition to be delivered to the warden, not when the prosecutor actually receives the documents.
3. The trial court properly dismissed the action with prejudice because the 180-day period under R.C. 2941.401 expired without the matter being brought to trial, leaving the court without jurisdiction.

KEY QUOTATIONS

“A prisoner satisfies the ‘causes to be delivered’ requirement in R.C. 2941.401 by providing written notice of the place of his imprisonment and a request for final disposition to the warden of the institution where he is incarcerated.” (¶ 10)

“Upon such delivery, the duty inured to the State to ensure the form was delivered to the address provided.” (¶ 16)

“As an intermediate appellate court, we are bound to follow precedent set by the Supreme Court of Ohio and we cannot issue a decision in conflict with a decision of the Supreme Court that has not been reversed or overruled.” (¶ 17)

FACTUAL BACKGROUND

Powell was incarcerated in an Ohio correctional institution when an untried Lima Municipal Court complaint was pending against him. ODRC staff pre-filled a notice and request for final disposition, including an address for the municipal court and prosecutor; Powell signed the forms and returned them to an ODRC employee, who sent them by certified mail. The municipal court received its copy, but the prosecutor did not, apparently because the prosecutor's office address had changed and the mailing was not delivered. The case was not brought to trial within 180 days after Powell's delivery of the forms to the warden or ODRC employee.

PROCEDURAL HISTORY

A criminal complaint was filed in Lima Municipal Court in December 2021. After Powell entered state custody in January 2024, he signed pre-filled forms requesting final disposition, which ODRC staff sent by certified mail to the municipal court and the prosecutor. The prosecutor did not receive the request, and the matter was not bound over and indicted until 2025. The common pleas court granted Powell's motion to dismiss with prejudice, and the appellate court affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The cause is remanded to the trial court solely for execution of the judgment for costs. The appellate clerk shall certify the judgment and opinion to the trial court as the mandate under App.R. 27 and serve the parties under App.R. 30.

CASES CITED

- State v. Thompson, 2017-Ohio-8686
- State v. Hemingway, 2012-Ohio-476
- State v. Shaffer, 2022-Ohio-421
- State v. Gartrell, 2014-Ohio-5203
- State v. Williams, 2023-Ohio-3647
- State v. Jarvis, 2023-Ohio-4229
- State v. Dehass, 10 Ohio St.2d 230 (1967)
- State v. Thompson, 127 Ohio App.3d 511 (8th Dist. 1998)
- Starkey v. St. Rita's Med. Ctr., 117 Ohio App.3d 164 (3d Dist. 1997)
- State v. Bruce, 2022-Ohio-909
- State v. Tatom, 2018-Ohio-5143