

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-150764
	:	TRIAL NO. M-15TRD-43558
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
NICHOLAS HISLE,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Nicholas Hisle was issued a citation for speeding on March 18, 2015. The citation indicated that he was to appear in Addyston Mayor's Court on April 1, 2015. On that date, Hisle appeared but refused to enter a plea. He claimed that the citation was defective because the officer had printed his name on the signature line rather than "signing" it. The magistrate entered a plea of not guilty on his behalf, and instructed Hisle to remain until all the cases had had their initial call, at which point trials would be conducted. Instead of remaining, Hisle left. The magistrate issued a bench warrant for his failure to remain for trial, and the officer involved later recited Hisle to court on May 13.

On April 22, Hisle filed several different motions to dismiss. On May 8, he filed a notice with the mayor's court indicating that he would not be attending the court hearing because the court lacked jurisdiction over him. When he failed to appear on May 13, another bench warrant was issued. Hisle eventually appeared for trial on July 15, at which point he was convicted.

Hisle appealed his conviction to the Hamilton County Municipal Court. After filing motions to dismiss and to compel discovery, Hisle entered a plea of no contest and was again convicted. He now appeals, raising four assignments of error.

In his first assignment of error, Hisle claims that the court lacked jurisdiction because the officer had printed his name rather than signing it. Hisle claims that the printed name was not his official signature or mark, having offered several examples below of what he claimed was the officer's "true" signature. But the fact that what the officer wrote on the ticket did not match documents the officer had signed several years before is insufficient to show that the officer had not "signed" the ticket. The documents signed by the officer throughout this case are marked the same way as the ticket. Further, the Eighth Appellate District has held that a printed name can suffice as a signature, and we agree with that analysis. *See Cleveland v. Trzebuckowski*, 8th Dist. Cuyahoga No. 79677, 2002 Ohio App. LEXIS 550, 7-9 (Feb. 14, 2002), citing *Cleveland v. Higgins*, 8th Dist. Cuyahoga No. 56016, 1989 Ohio App. LEXIS 5048 (Oct. 26, 1989). We overrule Hisle's first assignment of error.

In his second assignment of error, Hisle claims that the officer was without authority to issue a second citation for Hisle's failure to remain for the trial on April 1. He argues that only the court can issue such a summons pursuant to Traf.R. 7. But the magistrate did issue a bench warrant as the result of Hisle's failure to remain for the trial. Once the bench warrant had issued, the officer was free to issue a summons for Hisle's reappearance "when issuance of a summons appears reasonably calculated to ensure the defendant's appearance." *See* Crim.R. 4(A)(2). The issuance of the summons was proper, and we overrule Hisle's second assignment of error.

In his third assignment of error, Hisle claims that the mayor's court erred when it attempted to follow its general practice and "force" him to go to trial the same day he was cited to appear for court. He argues that this practice violates Traf.R. 10(F), which states that a trial can be conducted immediately only "[u]pon written consent of defendant and the prosecuting attorney." But Hisle did not object

to the procedure on the day of the hearing. He simply left. When Hisle failed to raise this argument below, he “deprived the trial court of the opportunity to correct the alleged errors in the first instance and has thereby forfeited this argument on appeal.” *State v. Smith*, 9th Dist. Summit Nos. 23468 and 23464, 2007-Ohio-5524, ¶ 35. We overrule Hisle’s third assignment of error.

In his final assignment of error, Hisle claims that he was not timely brought to trial. Under R.C. 2945.71(A), a trial court must try a defendant charged with a minor misdemeanor within 30 days of the summons or arrest. Hisle received his citation on March 18 and was tried on July 15—clearly more than 30 days after his citation. But the computation is altered when a defendant fails to appear for trial. This court has held that the failure to appear on a trial date causes the speedy-trial time to begin running anew from the date of the accused’s reappearance. *State v. Meyer*, 1st Dist. Hamilton No. C-090802, 2011-Ohio-1357, ¶ 10. Once Hisle failed to appear for his trial on March 18, which was set within 30 days of the date of his citation, the speedy-trial time was reset and did not begin to run anew until he appeared on July 15. Since Hisle received his trial on that date, no time elapsed. We overrule Hisle’s fourth assignment of error, and affirm the judgment of the trial court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

FISCHER, P.J., HENDON and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on September 28, 2016
per order of the court _____.
Presiding Judge