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

STATE OF OHIO,	:	APPEAL NOS. C-150202
		C-150203
Plaintiff-Appellant,	:	TRIAL NOS. 14CRB-29377
		14CRB-27152
vs.	:	
		JUDGMENT ENTRY.
EDWARD ANUFORD,	:	
Defendant-Appellee.	:	

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Bringing forth a single assignment of error, the state of Ohio appeals the trial court's judgment dismissing criminal charges against defendant-appellee Edward Anuford. Because the trial court did not abuse its discretion in dismissing the charges, we affirm.

Anuford was charged with two counts of interference with custody in violation of R.C. 2913.23. The charges were based on alleged violations of two court orders—an order issued by the domestic relations court, following an ex-parte hearing, that declared the mother the residential parent of the children, and an order issued by the juvenile court granting interim custody of the children to Anuford and granting visitation to the mother. Following a motion by Anuford, the trial court dismissed the

charges under Crim.R. 48(B). The state now appeals, arguing in a single assignment of error that the trial court abused its discretion in dismissing the charges.

Generally, "[a] court has the 'inherent power to regulate the practice before it and protect the integrity of its proceedings." *State v. Busch*, 76 Ohio St.3d 613, 615, 669 N.E.2d 1125 (1996), quoting *Royal Indem. Co. v. J.C. Penney Co.*, 27 Ohio St.3d 31, 33-34, 501 N.E.2d 617 (1986). Crim.R. 48(B) provides that "[i]f the court over objection of the state dismisses an indictment, information, or complaint, it shall state on the record its findings of fact and reasons for the dismissal." The Ohio Supreme Court explained the effect of Crim.R. 48(B) in *Busch,* "Crim.R. 48(B) recognizes by implication that trial judges may sua sponte dismiss a criminal action over the objection of the prosecution, since the rule sets forth the trial court's procedure for doing so. The rule does not limit the reasons for which a trial judge might dismiss a case, and we are convinced that a judge may dismiss a case if a dismissal serves the interests of justice." *Busch* at 615.

A trial court's decision to dismiss a case under Crim.R. 48(B) is reviewed for an abuse of discretion. *Id.* at 616. An abuse of discretion implies that the trial court's attitude, as evidenced by its decision, was unreasonable, arbitrary, or unconscionable. *State v. Jenkins*, 15 Ohio St.3d 164, 222, 473 N.E.2d 264 (1984).

Here, the state contends that the trial court dismissed the charges arbitrarily, simply because the trial court had a "preference" that the juvenile court should interpret and enforce its own orders. But the record does not reflect this. The trial court explained on the record its reasons for dismissing the charges stating that, given the specific circumstances, it may be possible that the criminal charges had been brought by the other parent to gain the upper hand in the custody battle pending in juvenile court, and there were already contempt motions pending in

juvenile court based on the same facts that were underlying the criminal charges. Nothing in the trial court's reasoning indicates that it was automatically dismissing the charges simply because another court had issued the order from which Anuford's criminal charges arose. Because we cannot say that the trial court acted in an arbitrary fashion by dismissing the criminal charges, we overrule the single assignment of error.

The judgments of the trial court are affirmed.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., CUNNINGHAM and **MOCK, JJ.**

To the clerk:

Enter upon the journal of the court on November 13, 2015
per order of the court _____.
                        Presiding Judge