

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

STATE OF OHIO,	:	APPEAL NO. C-180187
Plaintiff-Appellee,	:	TRIAL NO. B-9608475
vs.	:	<i>JUDGMENT ENTRY.</i>
QUINCY L. DENNIS,	:	
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 Quincy L. Dennis presents on appeal a single assignment of error, challenging the Hamilton County Common Pleas Court’s judgment overruling his 2017 “Motion for Return of Property.” We affirm the court’s judgment.

In his motion, filed in the cases numbered B-9608475 and B-9608474, Dennis requested under R.C. 2925.45(B) the return of \$2700 in currency that he alleged had been seized during his October 30, 1996 arrest for receiving stolen property, tampering with evidence, and drug abuse. He asserted that those charges had been dismissed in March 2016 without the court ordering the return of his \$2700. And he argued that R.C. 2925.45 required, and permitted him to move for, return of that property, because its forfeiture was unlawful under R.C. 2925.42, when he had not been convicted of receiving stolen property, tampering with evidence, or drug abuse, as charged in those cases. He supported the motion with a copy of a letter from the city prosecutor dated

March 17, 2016, acknowledging receipt of Dennis's January 2016 correspondence concerning the 1996 charges in the cases numbered 96TRD-44082A (operating a motor vehicle without a license), C-96TRD-51948A and B (operating a motor vehicle without a license and failing to stop after an accident), and 96CRB-38332A through C (resisting arrest, public gaming, minor-misdemeanor drug abuse). In that letter, the city prosecutor affirmed that the city had dismissed those charges on March 14, 2016, and that "[t]he other cases in your correspondence fall under the jurisdiction of the Hamilton County Prosecutor's Office which has dismissed those cases separately." Dennis also attached to his motion copies of what appear to be entries in the cases numbered C-96CRA-37593A and C. Those entries did not specify the offenses charged in those cases, but indicated that the unstated offenses had, on October 30, 1996, been "ignored."

Although Dennis filed his motion in the cases numbered B-9608475 and B-9608474, he here appeals the overruling of the motion in the case numbered B-9608475. We hold that the common pleas court did not err in overruling the motion.

Since 2007, R.C. Chapter 2981 has governed the forfeiture process, and we have held that it applies to cases then "pending." *State v. North*, 2012-Ohio-5200, 980 N.E.2d 566 (1st Dist.), ¶ 4-5. Those statutes "contemplate a postconviction adjudication * * * by providing for, among other things, an extension of the time for filing a civil-forfeiture complaint by agreement of the parties or upon a showing of good cause." *North* at ¶ 12 (citing R.C. 2981.03(F)). And the statutes would have required the common pleas court to order the civil-forfeiture filing time extended and to provide Dennis with the procedural protections afforded by the civil-forfeiture statutes, if the record could be said to demonstrate his claim in his motion that \$2700

in currency had been seized during his October 30, 1996 arrest for receiving stolen property, tampering with evidence, and drug abuse, that those charges had been dismissed in March 2016, and that the state had retained that currency without complying with R.C. Chapter 2981. *See id.*

But the record certified to us in this appeal consists of only the motion and its attachments, the state’s response, Dennis’s reply, the entry overruling the motion, and the notice of appeal. It does not demonstrate the alleged arrest or seizure of currency or even the institution or disposition of receiving-stolen-property, tampering, or drug-abuse charges in the cases numbered B-9608475 or B-9608474.

Because the record before the common pleas court did not demonstrate an entitlement to relief under R.C. Chapter 2981, we cannot say that the court erred in overruling Dennis’s “Motion for Return of Property.” Accordingly, we overrule the assignment of error and affirm the judgment of the common pleas court.

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

MOCK, P.J., ZAYAS and BERGERON, JJ.

To the clerk:

Enter upon the journal of the court on March 27, 2019,
per order of the court _____.
Presiding Judge