

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

STATE OF OHIO,	:	APPEAL NOS. C-180396
		C-180397
Plaintiff-Appellant,	:	C-180398
		TRIAL NOS. C-18TRC-2125A
vs.	:	C-18TRC-2125B
		C-18TRC-2125C
SANTINOS UNDERWOOD,	:	
		<i>JUDGMENT ENTRY.</i>
Defendant-Appellee.	:	

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.

The state of Ohio appeals from the judgments of the Hamilton County Municipal Court dismissing without prejudice three related traffic charges filed against defendant-appellee Santinos Underwood. The court dismissed the charges for “want of prosecution” after the state’s forensic laboratory technician failed to appear at the first and second settings for a hearing on Underwood’s motion requesting suppression of the evidence in the three cases. In the motion to suppress, Underwood challenged the propriety of the stop, which affected all three charges, and the adequacy of the urine-testing procedure that showed the presence of a controlled substance, an element of two of the charged offenses.

In its sole assignment of error, the state argues that the court’s dismissal of all charges did not serve the interests of justice and was, therefore, an abuse of discretion. *See State v. Busch*, 76 Ohio St.3d 613, 669 N.E.2d 1125 (1996); *State v. Powell*, 1st Dist.

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Hamilton Nos. C-130389 and C-130390, 2014-Ohio-719. We overrule the assignment of error, because the court's decision to dismiss the three related cases for want of prosecution, when the state sought a second continuance of the suppression hearing, was supported by a sound reasoning process, and thus, was not an abuse of the trial court's discretion. *See Busch* at 616.

Accordingly, we affirm the trial court's judgments.

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.

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

To the clerk:

Enter upon the journal of the court on June 19, 2019
per order of the court _____.
Presiding Judge