IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ARTHUR DENNISON,

Petitioner,

v.

CASE NO. 2:15-CV-01344
JUDGE GEORGE C. SMITH
MAGISTRATE JUDGE KEMP

WARDEN, ROSS CORRECTIONAL INSTITUTION,

Respondent.

OPINION AND ORDER

On September 29, 2016, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed. (ECF No. 14). Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. (ECF Nos. 15, 16). Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons that follow, Petitioner's objections (ECF Nos. 15, 16) is **OVERRULED.** The *Report and Recommendation* (ECF No. 14) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED.**

Petitioner is serving a sentence of 74 years imprisonment based on his convictions after a jury trial in the Franklin County Court of Common Pleas on charges related to a home invasion robbery that occurred on March 15, 2009. The state courts have affirmed Petitioner's convictions and sentence. Petitioner asserts that he was denied his right to a speedy trial, denied a fair trial based on jury instructions on accomplice testimony and admission of allegedly perjured testimony, and on the basis of cumulative error. The Magistrate Judge recommended dismissal of Petitioner's claims as procedurally defaulted or without merit. Petitioner objects to the Magistrate Judge's recommendations.

Petitioner specifically objects to the Magistrate Judge's recommendation of dismissal on the merits of his claim regarding the denial of the right to a speedy trial. Petitioner maintains that he disagreed with his attorneys' requests for continuances of trial, repeatedly voiced his objection to the trial court, and again argues that the State forced such continuances in order to obtain additional evidence against him. Petitioner contends that much of the delay in bringing him to trial resulted from the inadequate representation of defense counsel. Petitioner has detailed some of the events preceding his trial in this regard and has attached portions of transcripts in support. Petitioner has also attached what appear to be copies of defense counsel's fee and expense statement and *Motion for Extraordinary Attorney's Fees.* (ECF No. 15, PageID# 2142-46). He argues that these documents show that counsel spent insufficient time on his case to justify the waiver of Petitioner's right to a speedy trial. Petitioner also has attached portions of the trial transcripts. (ECF No. 16, PageID# 2166-72).

Under 28 U.S.C. § 2254(d), this Court may grant relief only where the state appellate court contravened or unreasonably applied federal law, or based its decision on an unreasonable determination of the facts in light of the evidence presented. Upon review of the entire record, and for the reasons already well detailed in the Magistrate Judge's *Report and Recommendation*, balancing the factors set forth in *Barker v. Wingo*, 407 U.S. 514 (1972), the record fails to reflect that such are the circumstances here.

Therefore, Petitioner's objections (ECF Nos. 15, 16) are **OVERRULED.** The *Report and Recommendation* (ECF No. 14) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED.**

IT IS SO ORDERED.

s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT