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**IN THE
COURT OF APPEALS OF INDIANA**

BILLY ADAMS,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A02-1205-CR-422
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Mark D. Stoner, Judge
Cause No. 49G06-0904-FC-38406

December 26, 2012

MEMORANDUM DECISION - NOT FOR PUBLICATION

SHARPNACK, Senior Judge

In this belated appeal, Billy Adams challenges his convictions for Class C felony criminal confinement and Class D felony domestic battery on grounds that his right to a speedy trial pursuant to Indiana Criminal Rule 4(B) was violated. Finding the issue waived for review, we affirm.

The State charged Adams with multiple offenses arising from an incident involving his girlfriend Heather Lemen and her three children. At an initial hearing, Adams requested a speedy trial, which set the seventy-day deadline for trial at June 22, 2009. His jury trial was scheduled for June 17, 2009.

On June 11, 2009, the State filed a motion requesting a thirty-day continuance. In the motion, the State asserted that Lemen and two of her children were primary witnesses in the case, that Lemen's father was found murdered in Lemen's home the day before, and that the family needed time to grieve. At a hearing on June 16, 2009, the trial court granted the continuance over Adams's objection and released him on his own recognizance with restrictions.

After a bifurcated trial in November and December 2009, Adams was convicted, adjudicated a habitual offender, and sentenced to an aggregate term of fifteen years with nine years suspended.

Adams now contends that his right to a speedy trial was violated because he was not brought to trial within the seventy-day period. However, a defendant waives review of this issue on appeal if he does not make a timely motion for discharge or dismissal before trial. *Lloyd v. State*, 448 N.E.2d 1062, 1066 (Ind. 1983). Adams failed to move for discharge or dismissal before trial. His claim is therefore waived. *See Parker v.*

State, 965 N.E.2d 50, 52 (Ind. Ct. App. 2012) (waiving speedy trial issue where record did not show that defendant moved for discharge or dismissal before trial), *trans. denied*.

Affirmed.

FRIEDLANDER, J., and CRONE, J., concur.