

COURT OF APPEALS OF OHIO, TWELFTH APPELLATE DISTRICT, BUTLER COUNTY

State v. Wysong

2026-Ohio-2450 · No. CA2025-12-136 · Decided June 29, 2026

SUMMARY

The Twelfth District Court of Appeals of Ohio reviewed Joshua Wysong's criminal appeal under an Anders brief. The court found no prejudicial error, granted appointed counsel's motion to withdraw, and dismissed the appeal as wholly frivolous, assessing costs to Wysong.

CASE DETAILS

COURT	Court of Appeals of Ohio, Twelfth Appellate District, Butler County
WRITING FOR THE COURT	Matthew R. Byrne, Presiding Judge; Robin N. Piper, Judge; Mike Powell, Judge
JURISDICTION	Ohio Court of Appeals, Twelfth Appellate District, Butler County
DECIDED	June 29, 2026
DOCKET	CA2025-12-136
DISPOSITION	dismissed
PROCEDURAL POSTURE	Criminal appeal from the Butler County Court of Common Pleas. Appointed appellate counsel filed an Anders brief, identified a potential issue, requested independent review, and moved to withdraw.
STANDARD OF REVIEW	Under the Anders procedure, the appellate court independently reviews the record to determine whether prejudicial error occurred or the appellant's constitutional rights were infringed.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Joshua Wysong v. State of Ohio

TOPICS

- appellate procedure
- criminal procedure
- right to counsel

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure
- appointed counsel

QUESTIONS PRESENTED

1. Whether independent review of the record under *Anders v. California* disclosed any prejudicial error or constitutional violation requiring appellate relief.
2. Whether appointed appellate counsel should be permitted to withdraw when the appeal is wholly frivolous.

HOLDINGS

1. Independent review of the record disclosed no error prejudicial to Wysong's rights in the trial-court proceedings.
2. The motion of Wysong's counsel to withdraw was properly granted because the appeal was wholly frivolous.

KEY QUOTATIONS

“Having allowed appellant sufficient time to respond, and no response having been received, we have accordingly examined the record and find no error prejudicial to appellant's rights in the proceedings in the trial court.” (§3)

“The motion of counsel for appellant requesting to withdraw as counsel is granted, and this appeal is dismissed for the reason that it is wholly frivolous.” (§3)

FACTUAL BACKGROUND

The opinion does not describe the underlying criminal conduct or trial facts. The appellate record was submitted for independent review after appointed counsel concluded that no prejudicial error appeared and identified only a potential issue that might arguably support the appeal.

PROCEDURAL HISTORY

Wysong appealed from proceedings in the Butler County Court of Common Pleas. After reviewing the *Anders* brief, the record, and allowing Wysong time to respond without receiving a response, the court independently examined the record, found no prejudicial error, granted counsel's motion to withdraw, and dismissed the appeal as wholly frivolous.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

A mandate was ordered sent to the Butler County Court of Common Pleas for execution upon the judgment. The certified Decision and Judgment Entry was designated to constitute the mandate under App.R. 27.

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)

OPINION

PER CURIAM.

[Cite as State v. Wysong, 2026-Ohio-2450.] IN THE COURT OF APPEALS TWELFTH APPELLATE DISTRICT OF OHIO BUTLER COUNTY STATE OF OHIO,: Appellee,: CASE NO. CA2025-12-136: DECISION AND - vs - JUDGMENT ENTRY: 6/29/2026 JOSHUA WYSONG,: Appellant,: CRIMINAL APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS Case No. CR2025-09-1221 Michael T. Gmoser, Butler County Prosecuting Attorney, and Willa Concannon, Assistant Prosecuting Attorney, for appellee.

Susannah M. Meyer, for appellant. _ _ DECISION Per Curiam. {¶1} This cause came on to be considered upon a notice of appeal filed by appellant, Joshua Wysong, the transcript of the docket and journal entries, the transcript Butler CA2025-12-136 of proceedings and original papers from the Butler County Court of Common Pleas, and upon the brief filed by appellant's counsel. {¶2} Appellant's counsel has filed a brief with this court pursuant to Anders v. California, 386 U.S. 738 (1967), which (1) indicates that a careful review of the record from the proceedings below fails to disclose any errors by the trial court prejudicial to the rights of appellant upon which an assignment of error may be predicated; (2) lists one potential error "that might arguably support the appeal," Anders at 744; (3) requests that this court review the record independently to determine whether the proceedings are free from prejudicial error and without infringement of appellant's constitutional rights; (4) requests permission to withdraw as counsel for appellant on the basis that the appeal is wholly frivolous; and (5) certifies that a copy of both the brief and motion to withdraw have been served upon appellant. {¶3} Having allowed appellant sufficient time to respond, and no response having been received, we have accordingly examined the record and find no error prejudicial to appellant's rights in the proceedings in the trial court.

The motion of counsel for appellant requesting to withdraw as counsel is granted, and this appeal is dismissed for the reason that it is wholly frivolous. BYRNE, P.J., PIPER and M. POWELL, JJ., concur. -2- Butler CA2025-12-136 _ _ JUDGMENT ENTRY The brief of appellant, filed pursuant to Anders v. California, 386 U.S. 738 (1967), properly before this court and having been considered by the court, it is ordered that the motion of counsel for appellant requesting to withdraw as counsel is granted, and this appeal is hereby dismissed for the reason that it is wholly frivolous.

It is further ordered that a mandate be sent to the Butler County Court of Common Pleas for execution upon this judgment and that a certified copy of this Decision and Judgment Entry shall constitute the mandate pursuant to App.R. 27. Costs to be taxed to appellant. /s/ Matthew R. Byrne, Presiding Judge /s/ Robin N. Piper, Judge /s/ Mike Powell, Judge -3-

