

COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT, RICHLAND
COUNTY

State v. Oglesby

2026-Ohio-294 · No. 2024 CA 0087 · Decided January 30, 2026

SUMMARY

The Ohio Fifth District Court of Appeals dismissed Joseph J. Oglesby's criminal appeal as moot after counsel suggested his death and no party moved for substitution within a reasonable time. The court applied App.R. 29(A) and relied on Ohio Supreme Court and Fifth District precedent concerning substitution following an appellant's death.

CASE DETAILS

COURT	Court of Appeals of Ohio, Fifth Appellate District, Richland County
WRITING FOR THE COURT	Andrew J. King; Craig R. Baldwin; Robert G. Montgomery
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Richland County
DECIDED	January 30, 2026
DOCKET	2024 CA 0087
DISPOSITION	dismissed
PROCEDURAL POSTURE	Oglesby appealed his misdemeanor convictions and sentences from the Mansfield Municipal Court. After counsel filed a suggestion of Oglesby's death while the appeal was pending, no motion to substitute a personal representative or other proper party was filed, and the court considered whether to dismiss the appeal as moot.
STANDARD OF REVIEW	The court applied App.R. 29(A) and the governing procedure for substitution after the death of a party; dismissal was based on mootness and the absence of a timely substitution motion.
PRECEDENTIAL VALUE	Published and precedential Ohio Court of Appeals opinion
PARTIES	Joseph J. Oglesby v. State of Ohio

TOPICS

appellate procedure

mootness

criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed as moot when the appellant died during the pendency of the appeal and no motion for substitution was filed within a reasonable time.
2. What constitutes a reasonable time for filing a motion to substitute a party under App.R. 29(A) in this district.

HOLDINGS

1. When a criminal appellant dies during a pending appeal and no motion to substitute a personal representative or other proper party is filed within a reasonable time, the appellate court may dismiss the appeal as moot.
2. For purposes of this appeal, a reasonable time to file a substitution motion was sixty days after the suggestion of death.

KEY QUOTATIONS

“Affirmative action is required before substitution may be afforded.” (§ 6)

“Consequently, in a case where the appeal is pending, unless the proper motion(s) is made, the court of appeals may properly dismiss the appeal as moot and vacate the original conviction.” (§ 6)

FACTUAL BACKGROUND

Oglesby was charged with failure to disclose his identification, criminal trespassing, and disorderly conduct. A jury found him guilty of all three misdemeanors, and the municipal court imposed thirty-day jail sentences on each charge, with all but four days suspended and the sentence stayed pending appeal. While his appeal was pending, counsel filed a suggestion of Oglesby's death, but no party moved to substitute a personal representative or other proper party.

PROCEDURAL HISTORY

Oglesby was charged with three misdemeanors, tried before a jury, convicted on all charges, and sentenced by the Mansfield Municipal Court. He appealed and filed five assignments of error. After counsel suggested Oglesby's death shortly before scheduled oral argument, no motion for substitution was filed within the period the appellate court deemed reasonable, so the court dismissed the appeal as moot.

DISPOSITION

dismissed

CASES CITED

- State v. McGettrick, 31 Ohio St. 3d 138 (1987)

- State v. Murphy, 2024-Ohio-1716 (5th Dist.)
- State v. Studer, 2014-Ohio-591 (5th Dist.)
- State v. Mills, 2022-Ohio-369 (5th Dist.)

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