

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

State v. Davy

2025-Ohio-5750 · No. CT2025-0052 · Decided December 22, 2025

SUMMARY

The Ohio Fifth District Court of Appeals affirmed Joshua Davy’s convictions and consecutive sentences for two fifth-degree felony forgery counts. In an Anders review, the court found that the trial court complied with Criminal Rule 11, imposed sentences within the statutory range, and that no meritorious appellate issue existed.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	Robert G. Montgomery; Craig R. Baldwin; David M. Gormley
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Muskingum County
DECIDED	December 22, 2025
DOCKET	CT2025-0052
DISPOSITION	affirmed
PROCEDURAL POSTURE	Davy appealed from his convictions and consecutive sentences following guilty pleas to two fifth-degree felony forgery counts. Appellate counsel filed an Anders brief and moved to withdraw, asserting that no meritorious appellate issue existed.
STANDARD OF REVIEW	Under Anders v. California, the appellate court must conduct a full independent examination of the proceedings and determine whether the appeal is wholly frivolous. The court reviewed the plea hearing and sentence for arguable meritorious error.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Joshua M. Davy v. State of Ohio

TOPICS

- appellate procedure
- criminal procedure
- sentencing
- plea bargaining

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate procedure
- sentencing

QUESTIONS PRESENTED

1. Whether the trial court complied with Ohio Criminal Rule 11 when accepting Davy's guilty pleas.
2. Whether Davy's consecutive twelve-month sentences were imposed within the applicable statutory range and presented an arguable meritorious appellate issue under Anders.

HOLDINGS

1. The trial court complied with Criminal Rule 11 in accepting Davy's guilty pleas.
2. Davy's consecutive twelve-month sentences were within the statutory range, and the record presented no arguable meritorious sentencing issue.
3. Because independent review disclosed no arguably meritorious appellate claim, the appeal was wholly frivolous and counsel's motion to withdraw was properly granted.

KEY QUOTATIONS

“The appellate court must conduct a full examination of the proceedings and decide if the appeal is indeed wholly frivolous.” (2025-Ohio-5750, ¶ 10)

“After independently reviewing the record, we agree with Davy’s counsel's conclusion that no arguably meritorious claims exist upon which to base an appeal.” (2025-Ohio-5750, ¶ 21)

FACTUAL BACKGROUND

Davy cashed a bad check for \$1,945 at The Community Bank in Fazeysburg on June 7, 2023. On August 3, 2023, he attempted to cash another bad check at the same bank; after an employee recognized him, he snatched the check and fled. He was indicted on two fifth-degree felony forgery counts, pleaded guilty, and received consecutive twelve-month sentences.

PROCEDURAL HISTORY

Davy was indicted in the Muskingum County Court of Common Pleas on two fifth-degree felony forgery counts. He pleaded guilty to both counts, and the trial court imposed consecutive twelve-month prison terms. On appeal, appointed counsel filed an Anders brief and motion to withdraw; Davy did not file a pro se brief. The Fifth District independently reviewed the record, granted counsel's motion to withdraw, found the appeal wholly frivolous, and affirmed.

DISPOSITION

affirmed

CASES CITED

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

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