

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT, LICKING
COUNTY

State v. Mosser

2025-Ohio-5536 · No. 2025 CA 00028 · Decided December 11, 2025

SUMMARY

The Fifth District Court of Appeals of Ohio affirmed Destiny Mosser’s misdemeanor convictions and community-control sentence arising from violations of a protection order, aggravated menacing, and unlawful restraint. Applying *Anders v. California*, the court independently reviewed the record, concluded that the appeal was frivolous, approved appellate counsel’s withdrawal, and found that the guilty-plea proceedings and sentence complied with Ohio law.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District, Licking County
WRITING FOR THE COURT	David M. Gormley, J.; Andrew J. King, P.J.; Robert G. Montgomery, J.
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Licking County
DECIDED	December 11, 2025
DOCKET	2025 CA 00028
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed her misdemeanor convictions entered after guilty pleas and the resulting community-control sentence. Appointed appellate counsel filed an <i>Anders</i> brief stating that no nonfrivolous appellate issues existed.
STANDARD OF REVIEW	The appellate court independently examined the record under <i>Anders v. California</i> to determine whether the appeal was frivolous. For misdemeanor sentencing, trial courts have broad discretion; when a sentence is within statutory limits, the reviewing court presumes that the trial court followed the applicable sentencing standards absent a showing to the contrary.
PRECEDENTIAL VALUE	precedential
PARTIES	Destiny R. Mosser v. State of Ohio

TOPICS

criminal procedure

plea bargaining

sentencing

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

misdemeanor sentencing

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QUESTIONS PRESENTED

1. Whether the trial court properly accepted Mosser's guilty pleas under Ohio law and Criminal Rules 11(E) and 11(F).
2. Whether Mosser's misdemeanor sentence was contrary to law.
3. Whether the record contained any nonfrivolous issue requiring reversal under *Anders v. California*.

HOLDINGS

1. The trial court properly accepted Mosser's guilty pleas because the plea-change hearing was conducted on the record, the court addressed the relevant rights, charges, and consequences, and Mosser entered the pleas knowingly, intelligently, and voluntarily.
2. Mosser's sentence was not contrary to law because the jail terms and supervision period were within the applicable statutory limits and the community-control conditions were reasonably related to the purposes and principles of misdemeanor sentencing.
3. The appeal was frivolous after the court independently examined the record, and appointed counsel was permitted to withdraw.

KEY QUOTATIONS

"In short, the plea fully comported with Ohio law." (§ 13)

"For the reasons explained above, we agree with the assessment of Mosser's appellate counsel and conclude that this appeal is frivolous." (§ 18)

FACTUAL BACKGROUND

In February 2025, M.W. reported that Mosser was at M.W.'s residence with a machete despite a protection order barring Mosser from coming within 500 feet of M.W. or her home. A cellphone video showed Mosser standing behind M.W.'s vehicle and swinging the machete. After officers arrived at M.W.'s home, Mosser returned to her residence across the street, refused to speak with officers, and jammed her door with a metal pipe before officers entered and arrested her. Mosser later pleaded guilty to violating a protection order, aggravated menacing, and unlawful restraint.

PROCEDURAL HISTORY

Mosser was charged in the Licking County Municipal Court with five misdemeanors arising from an incident involving an alleged protection-order violation, aggravated menacing, and unlawful restraint. Pursuant to a plea agreement, she pleaded guilty to two first-degree misdemeanors and one third-degree misdemeanor. The municipal court accepted the pleas, entered findings of guilt, and imposed jail time, one year of community-

control supervision, inpatient treatment, and related conditions. Mosser timely appealed; appointed counsel filed an Anders brief, the court gave Mosser an opportunity to file a pro se brief, and no additional briefs were filed.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- State v. Sargent, 2016-Ohio-2696, ¶ 8 n.1
- State v. Engle, 74 Ohio St. 3d 525, 527 (1996)
- State v. Todd, 2025-Ohio-2559, ¶ 48 (12th Dist.)
- State v. Inman, 2021-Ohio-1573, ¶ 8 (4th Dist.)
- State v. Downie, 2009-Ohio-4643, ¶ 48 (7th Dist.)

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