

[Cite as *State v. Dorsey*, 2021-Ohio-143.]

**IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY**

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	Appellate Case No. 28754
	:	
v.	:	Trial Court Case No. 2018-CR-2032
	:	
DEJANAE LEECHE DORSEY	:	(Criminal Appeal from
	:	Common Pleas Court)
Defendant-Appellant	:	
	:	

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OPINION

Rendered on the 22nd day of January, 2021.

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MATHIAS H. HECK, JR., by ANDREW T. FRENCH, Atty. Reg. No. 0069384, Assistant Prosecuting Attorney, Montgomery County Prosecutor's Office, Appellate Division, Montgomery County Courts Building, 301 West Third Street, Dayton, Ohio 45422
Attorney for Plaintiff-Appellee

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Attorney for Defendant-Appellant

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WELBAUM, J.

{¶ 1} On June 19, 2018, a Montgomery County grand jury returned an indictment charging Dejanae Leech Dorsey with one count of improperly handling a firearm in a motor vehicle in violation of R.C. 2923.16(B), a fourth-degree felony, one count of aggravated menacing in violation of R.C. 2903.21(A), a first-degree misdemeanor, and one count of assault in violation of R.C. 2903.13(A), also a first-degree misdemeanor. The charges stemmed from allegations that Dorsey got into a physical altercation with a female at a parking lot in Miami Township during which Dorsey punched the female in the face. It was further alleged that Dorsey retrieved a loaded firearm from a nearby vehicle and pointed it at the female.

{¶ 2} On April 10, 2019, Dorsey entered into a plea agreement with the State and pled guilty to improperly handling a firearm in a motor vehicle. In exchange for Dorsey's guilty plea, the State agreed to dismiss the two remaining charges. After conducting a Crim.R. 11 plea colloquy, the trial court accepted Dorsey's guilty plea as knowingly, intelligently, and voluntarily entered.

{¶ 3} Approximately one month later, Dorsey pled guilty to felonious assault in Montgomery C.P. No. 2018-CR-4041. In negotiating that plea, Dorsey and the State agreed that if Dorsey pled guilty to felonious assault, she would receive no more than five years in prison for that offense and for the improperly handling a firearm offense in the instant case. As a result of that global resolution, both cases were sentenced together on June 11, 2019. The trial court sentenced Dorsey to five years in prison for the felonious assault and 18 months in prison for improperly handling a firearm in a motor vehicle, to be served concurrently for a total term of five years in prison.

{¶ 4} Three days after sentencing, Dorsey filed a motion to withdraw her guilty plea

in Case No. 2018-CR-4041. Dorsey did not file a similar motion in the instant case and never requested to withdraw her guilty plea to the charge of improperly handling a firearm in a motor vehicle. At the hearing on Dorsey’s motion to withdraw her guilty plea, the trial court confirmed that the motion only pertained to Case No. 2018-CR-4041. See Motion to Withdraw Plea Hearing Trans., p. 4 and 55. Despite this, the trial court’s order overruling Dorsey’s motion to withdraw guilty plea was filed in both this case and in Case No. 2018-CR-4041. As a result, Dorsey filed notices of appeal in both cases when she appealed from the trial court’s order.

{¶ 5} In proceeding with the appeals, Dorsey’s appellate counsel filed briefs under the authority of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), asserting the absence of any non-frivolous issues for appeal. The *Anders* briefs in both cases are identical and raise the single issue of whether the trial court abused its discretion in overruling Dorsey’s motion to withdraw her guilty plea in Case No. 2018-CR-4041. Because that judgment only pertains to Case No. 2018-CR-4041, and because Dorsey never moved to withdraw her guilty plea in the instant case, there is no judgment for this court to review on appeal. Dorsey’s appeal in Case No. 2018-CR-2032 is therefore dismissed.

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DONOVAN, J. and HALL, J., concur.

Copies sent to:

- Mathias H. Heck, Jr.
- Andrew T. French
- Steven H. Eckstein
- Dejanae Leeche Dorsey
- Hon. Mary Katherine Huffman