

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellee,	:	
v.	:	No. 25AP-852 (C.P.C. No. 17CR-3225)
Kayode W. Mosley,	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on October 27, 2026

On brief: *Shayla D. Favor*, Prosecuting Attorney, and *Kimberly M. Bond*, for appellee.

On brief: *Carpenter Lipps, LLP*, *Kort Gatterdam*, and *Michael Rogers*, for appellant.

On brief: *Kayode W. Mosley*, pro se.

APPEAL from the Franklin County Court of Common Pleas

BEATTY BLUNT, J.

{¶ 1} Defendant-appellant, Kayode W. Mosley, appeals the September 23, 2026 judgment of the Franklin County Court of Common Pleas finding him guilty of the stipulated lesser offense of nonsupport of dependents in violation of R.C. 2919.21 as a misdemeanor of the first degree, pursuant to his plea of guilty in accordance with *N. Carolina v. Alford*, 400 U.S. 25 (1970). The trial court imposed a sentence of nine days of incarceration but granted Mosley jail-time credit for the entire term. The court did not impose a fine or court costs and did not impose any community control sanctions on Mosley.

{¶ 2} Mosley appealed, and his appointed counsel filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Appointed counsel stated that they had

“conscientiously reviewed the entirety of the 823-page record to determine if there is arguable merit in challenging Mosley’s guilty plea and sentence,” but found that “there is none.” (Appellant’s Anders Brief at 6.) In accordance with Anders, appointed counsel identified a single potential arguable assignment of error:

The trial court erred in accepting Mosley’s guilty plea because it was not entered knowingly, voluntarily and intelligently.

Upon receipt of his appointed counsel’s *Anders* brief, Mosley filed a *pro se* brief and argued that his appointed counsel’s brief “Does Not Establish That Appellant’s Appeal Is Wholly Frivolous.” Mosley asserted that the record “Demonstrates Numerous Arguable Issues That Required Adversarial Briefing [sic],” that “Multiple Appointed Attorneys Reached the Same Conclusion Without Demonstrating Why Appellant’s Defenses Were Frivolous [sic].” (Appellant’s Supp. Brief at 1.) Mosley went on to assert that the record contained numerous arguable issues, specifying that these issues included, “among others”:

- whether appointed trial counsel rendered ineffective assistance by repeatedly refusing to investigate or present Appellant’s asserted defenses;
- whether the trial court improperly restricted the presentation of evidence concerning Appellant’s inability to pay, willfulness, and statutory affirmative defense under R.C. 2919.21(D);
- whether Appellant’s compliance with court-directed Title IV-A work-participation activities was adequately investigated;
- whether the prosecution failed to disclose or investigate governmental records allegedly favorable to the defense;
- whether the record before this Court is complete for purposes of meaningful appellate review;
- whether counsel accurately advised Appellant concerning the scope of the indictment and the legal consequences of the plea proceedings; and
- whether Appellant’s repeated factual assertions, many of which were never rebutted by the prosecution, present issues requiring adversarial briefing rather than summary dismissal.

Id. at 8.

{¶ 3} In response, the state filed a supplemental brief arguing that no non-frivolous issues existed for this court’s review. Addressing the above arguments, the state observed that Mosley was essentially arguing “that appellate litigation is needed because there is no authority in the record to show that his claims were meritless and because counsel did not explain on the record why his defense lacked merit.” (Appellee Supp. Brief at 2.) But the state properly noted that by entering a plea of guilty, even a so-called *Alford* plea, Mosley forfeited those arguments, citing, *inter alia*, *State v. Vale*, 2023-Ohio-4287 (10th Dist.):

Appellant pled guilty to the offenses at issue here, which limits the claims he may bring. As the United States Supreme Court explained in *Tollett v. Henderson*, 411 U.S. 258, 93 S. Ct. 1602, 36 L. Ed. 2d 235 (1973), “a guilty plea represents a break in the chain of events which has preceded it in the criminal process. When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea.” *Id.* at 267.

Vale at ¶ 24 (10th Dist.). Mosley, in turn, argued that his arguments were not forfeited, “[b]ecause Appellant’s arguments challenge the adequacy of counsel’s investigation and the knowing, intelligent, and voluntary nature of the plea itself” (Appellant’s Reply to the State’s Supp. Brief at 3.)

{¶ 4} But on review of the record and briefs, we do not believe it is necessary to address the merits of this appeal, as it is moot. It is firmly established that if a defendant “convicted of a misdemeanor has not moved for a stay of his sentence, and has completed the sentence and paid any fine or costs, his appeal is moot unless he is subject to a collateral legal disability stemming from the conviction.” *State v. Thatcher*, 2024-Ohio-5993, ¶ 9 (10th Dist.), quoting *State v. Collins*, 2013-Ohio-5642, ¶ 16 (7th Dist.). Accord *State v. Wilson*, 41 Ohio St.2d 236, 325 (1975), syllabus.

{¶ 5} Because Mosley has not identified any collateral disability to which he would be subject to, and because he has completed his misdemeanor jail sentence and was not

required to pay a fine or court costs, under longstanding Ohio law, his appeal is moot. We have found nothing in the law or record to indicate a contrary conclusion.

{¶ 6} Accordingly, we conclude that this appeal is moot and must be dismissed.

Appeal dismissed.

BOGGS, P.J., and EDELSTEIN, JJ., concur.
