

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

State v. Gainer

2026-Ohio-1537 · No. 31435 · Decided April 29, 2026

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed Dezmond Gainer’s convictions and sentence following his guilty pleas to cocaine trafficking and possession of a fentanyl-related compound. Applying *Anders v. California*, the court found no nonfrivolous issues for direct appeal, granted appellate counsel’s motion to withdraw, and noted that Gainer’s ineffective-assistance claim was more suitable for post-conviction relief.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Donna J. Carr; Jennifer Hensal; J. Flagg Lanzinger
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	April 29, 2026
DOCKET	31435
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gainer appealed his criminal convictions and sentence after entering a plea agreement. Appellate counsel filed an <i>Anders</i> brief and moved to withdraw, asserting that no nonfrivolous issues existed for direct appeal.
STANDARD OF REVIEW	The court conducted a thorough and independent examination of the record under <i>Anders</i> to determine whether any nonfrivolous issue supported a direct appeal.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Dezmond Gainer v. State of Ohio

TOPICS

- appellate procedure
- post-conviction relief
- ineffective assistance
- criminal procedure
- suppression of evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether appellate counsel could withdraw under Anders after determining, based on an independent review of the record, that no nonfrivolous issue existed for direct appeal.
2. Whether the record supported a direct-appeal claim that trial counsel was ineffective in withdrawing the motion to suppress.

HOLDINGS

1. After independently examining the record, the court determined that the appeal presented no nonfrivolous issues and granted appellate counsel's motion to withdraw.
2. The record did not support the claim on direct appeal; the issue was more suitable for post-conviction relief.

KEY QUOTATIONS

“Having reviewed the relevant portions of the record and determined that no appealable issues exist, this Court concludes that Gainer’s appeal is meritless and wholly frivolous under Anders.” (¶ 9)

FACTUAL BACKGROUND

Gainer was indicted on multiple cocaine- and fentanyl-related trafficking and possession charges, with attendant specifications. He initially pleaded not guilty and filed a motion to suppress, but after continuances he withdrew that motion and entered a plea agreement. He pleaded guilty to cocaine trafficking with forfeiture specifications and fentanyl-related-compound possession; the other charges and specifications were dismissed. The trial court sentenced him to five to seven and one-half years in prison and ordered forfeiture of drug money and six firearms.

PROCEDURAL HISTORY

A Summit County grand jury indicted Gainer on drug-trafficking, drug-possession, and related specification charges. After filing and later withdrawing a motion to suppress, Gainer pleaded guilty pursuant to an agreement; the remaining charges were dismissed, and the trial court imposed a prison term of five to seven and one-half years and entered forfeiture orders. Several months later, the appellate court granted Gainer's motion for a delayed appeal. The Ninth District independently reviewed the record, granted counsel's motion to withdraw, and affirmed.

DISPOSITION

affirmed

CASES CITED

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

- State v. Randles, 2008-Ohio-662, ¶ 6 (9th Dist.)
- State v. Ross, 2024-Ohio-4531, ¶ 8 (9th Dist.)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/ohio-court-of-appeals-ninth-judicial-district-ohio-court-of-appeals-ninth-judicial-district/2026/state-v-gainer-k3mv1wft>