

OHIO COURT OF APPEALS, THIRD APPELLATE DISTRICT, CRAWFORD COUNTY

State v. Bernard

2026-Ohio-1614 · No. 3-25-06 · Decided May 4, 2026

SUMMARY

The Ohio Third District Court of Appeals affirmed the Crawford County Court of Common Pleas judgment in James J. Bernard’s criminal case. The court held that Bernard’s guilty plea waived his statutory and constitutional speedy-trial claims. The court alternatively concluded that the Barker factors did not establish a constitutional speedy-trial violation.

CASE DETAILS

COURT	Ohio Court of Appeals, Third Appellate District, Crawford County
WRITING FOR THE COURT	Mark C. Miller; John R. Willamowski; Juergen A. Waldick
JURISDICTION	Ohio Court of Appeals, Third Appellate District, Crawford County
DECIDED	May 4, 2026
DOCKET	3-25-06
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bernard appealed from the Crawford County Court of Common Pleas' denial of his motion to dismiss for an alleged violation of his constitutional speedy-trial right. He subsequently pleaded guilty pursuant to a negotiated plea agreement and challenged the denial on appeal.
STANDARD OF REVIEW	Speedy-trial issues present mixed questions of law and fact; legal issues are reviewed de novo, while factual findings of the trial court receive deference.
PRECEDENTIAL VALUE	published
PARTIES	James J. Bernard v. State of Ohio

TOPICS

- speedy trial
- criminal procedure
- appellate procedure
- plea bargaining
- sixth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Bernard's guilty plea waived his constitutional and statutory speedy-trial claims on appeal.
2. Alternatively, whether the delay between Bernard's indictment and service of the indictment violated his constitutional right to a speedy trial under the four-factor Barker analysis.

HOLDINGS

1. By entering a guilty plea, Bernard waived his constitutional and statutory rights to a speedy trial and therefore could not obtain appellate review of his speedy-trial challenge.
2. Even if Bernard had not waived the claim, the record did not establish a constitutional speedy-trial violation because the Barker factors did not weigh in his favor.

KEY QUOTATIONS

“As a general matter, ‘a defendant [who] enters a plea of guilty as a part of a plea bargain . . . waives all appealable errors which may have occurred, unless such errors are shown to have precluded the defendant from entering a knowing and voluntary plea.’” (¶ 9)

“To determine whether a defendant has been deprived of [his] constitutional speedy-trial rights, a court must balance four factors: (1) the length of the delay, (2) the reason for the delay, (3) the defendant’s assertion of a speedy-trial right, and (4) the prejudice to the defendant.” (¶ 13)

FACTUAL BACKGROUND

A Crawford County grand jury indicted Bernard on nine theft counts and one identity-fraud count on July 10, 2018, and an arrest warrant was issued, but the indictment was not served for several years. While incarcerated on unrelated offenses, Bernard filed a notice of imprisonment and request for disposition under R.C. 2941.401 on February 5, 2024; he was arraigned in March 2024 and moved to dismiss based on the delay. He later pleaded guilty to an amended fifth-degree felony theft charge under a negotiated agreement, with the remaining counts dismissed.

PROCEDURAL HISTORY

A Crawford County grand jury indicted Bernard in 2018, but the indictment was not served until several years later. After Bernard filed a request for disposition under R.C. 2941.401, he was arraigned and moved to dismiss for undue delay; the trial court denied the motion. Bernard then pleaded guilty to an amended theft charge in exchange for dismissal of the remaining counts, was sentenced to twelve months consecutive to a Wood County sentence, and appealed. The Third District affirmed, holding that the guilty plea waived the speedy-trial claim and, alternatively, that the constitutional claim failed under the Barker factors.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The cause was remanded to the trial court solely for execution of the judgment for appellate costs, with the appellate clerk directed to certify and serve the judgment entry and opinion as the mandate under App.R. 27 and App.R. 30.

CASES CITED

- State v. Marr, 2018-Ohio-5061, ¶ 15 (3d Dist.)
- State v. Irish, 2019-Ohio-2765, ¶¶ 11, 33, 42 (3d Dist.)
- State v. Dahms, 2017-Ohio-4221, ¶ 102 (3d Dist.)
- State v. King, 70 Ohio St.3d 158, 160 (1994)
- State v. O'Brien, 34 Ohio St.3d 7, 9 (1987)
- State v. Sessom, 2024-Ohio-130, ¶ 9 (3d Dist.)
- State v. Kitzler, 2002-Ohio-5253, ¶ 12 (3d Dist.)
- State v. Watson, 2018-Ohio-4971, ¶¶ 6-7 (1st Dist.)
- State v. Mize, 2022-Ohio-3163, ¶¶ 34-35 (2d Dist.)
- State v. Glanton, 2020-Ohio-834, ¶¶ 21-23, 26, 32-33 (6th Dist.)
- State v. Murphy, 2025-Ohio-4713, ¶ 25 (3d Dist.)
- State v. Dickens, 2006-Ohio-4920, ¶ 6 (4th Dist.)
- State v. Phelps, 2022-Ohio-3025, ¶ 35 (5th Dist.)
- State v. Smith, 2007-Ohio-6913, ¶ 10 (7th Dist.)
- State v. Hall, 2024-Ohio-4914, ¶¶ 25-26, 30 (10th Dist.)
- State v. Forrest, 2021-Ohio-122, ¶ 10 (8th Dist.)
- State v. Williams, 1994 Ohio App. LEXIS 1738, *4 (9th Dist. Apr. 20, 1994)
- State v. Adams, 2015-Ohio-3954, ¶ 88
- State v. Selvage, 80 Ohio St.3d 465, 467
- Barker v. Wingo, 407 U.S. 514, 530, 92 S.Ct. 2182 (1972)
- State v. Long, 2020-Ohio-5363, ¶ 14
- Doggett v. United States, 505 U.S. 647, 112 S.Ct. 2686 (1992), fn. 1
- State v. Hairston, 2004-Ohio-969, ¶¶ 20-22