

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT, TUSCARAWAS COUNTY

State v. Bartos

2026-Ohio-1219 · No. 2025 AP 06 0025 · Decided April 2, 2026

SUMMARY

The Fifth District Court of Appeals of Ohio affirmed Warren D. Bartos’s convictions and one-year community control sentence following his guilty pleas to trespass in a habitation, drug possession offenses, and resisting arrest. Applying *Anders v. California*, the court independently reviewed the record, found no nonfrivolous appellate issues, and granted appellate counsel’s motion to withdraw.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District, Tuscarawas County
WRITING FOR THE COURT	Kevin W. Popham; Craig R. Baldwin; David M. Gormley
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Tuscarawas County
DECIDED	April 2, 2026
DOCKET	2025 AP 06 0025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Anders appeal from guilty pleas and a jointly recommended community-control sentence.
STANDARD OF REVIEW	Under <i>Anders v. California</i> , the appellate court independently examines the record to determine whether any nonfrivolous appellate issue exists. The court also reviewed the validity of the guilty pleas under Ohio Criminal Rule 11(C) and the appealability of the jointly recommended sentence under Ohio Revised Code section 2953.08(D) (1).
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Warren D. Bartos v. State of Ohio

TOPICS

- criminal procedure
- appellate procedure
- plea bargaining
- sentencing
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court properly accepted Bartos's guilty pleas under Ohio Criminal Rule 11(C).
2. Whether the jointly recommended community-control sentence was authorized by law and appealable.
3. Whether the record contained any nonfrivolous issue warranting relief under *Anders v. California*.

HOLDINGS

1. The trial court properly accepted Bartos's guilty pleas because the plea-change hearing complied with Ohio Criminal Rule 11(C), and the record showed that the pleas were knowing, intelligent, and voluntary.
2. The sentence was not subject to successful appellate challenge because it was jointly recommended, imposed by the sentencing judge, authorized by law, and compliant with mandatory sentencing provisions.
3. The appeal was frivolous because appointed counsel complied with *Anders* and the appellate court independently examined the record and found no nonfrivolous issue.

KEY QUOTATIONS

“Finally, the appellate court itself should fully examine the case record to determine whether the appeal is frivolous.” (¶ 9)

“In short, the plea fully complied with Ohio law.” (¶ 13)

FACTUAL BACKGROUND

On May 10, 2024, Warren D. Bartos entered his mother's residence while she was away on vacation, despite having previously been evicted from the home. When police arrived, Bartos hid in a crawl space and was found possessing a fentanyl-related compound and methamphetamine. He pleaded guilty under an agreement dismissing the burglary charge, and the trial court imposed one year of community control.

PROCEDURAL HISTORY

Bartos was indicted in the Tuscarawas County Court of Common Pleas on burglary, trespass in a habitation, drug-possession offenses, and resisting arrest. Pursuant to a plea agreement, the State dismissed the burglary charge and Bartos pleaded guilty to the remaining charges; the trial court imposed one year of community control as jointly recommended. Appointed appellate counsel filed an *Anders* brief and moved to withdraw, and the Court of Appeals independently reviewed the record and affirmed.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- State v. Sargent, 2016-Ohio-2696, ¶ 8, fn. 1
- State v. Veney, 2008-Ohio-5200, ¶ 8
- State v. Engle, 74 Ohio St. 3d 525, 527 (1996)
- State v. Owens, 2016-Ohio-1203, ¶ 8 (5th Dist.)
- State v. Underwood, 2010-Ohio-

OPINION

PER CURIAM.

[Cite as State v. Bartos, 2026-Ohio-1219.] COURT OF APPEALS TUSCARAWAS COUNTY, OHIO FIFTH APPELLATE DISTRICT STATE OF OHIO Case No. 2025 AP 06 0025 Plaintiff - Appellee Opinion And Judgment Entry -vs- Appeal from the Tuscarawas County Court of Common Pleas, WARREN D. BARTOS Case No. 2024 CR 09 0308 Defendant - Appellant Judgment: Affirmed Date of Judgment Entry: April 2, 2026 BEFORE: Craig R. Baldwin, Kevin W. Popham, and David M. Gormley, Judges APPEARANCES: NO APPEARANCE, for Plaintiff-Appellee; GEORGE URBAN, for Defendant-Appellant OPINION Popham, J., {¶1} Defendant-appellant Warren D. Bartos pled guilty in Tuscarawas County to the following charges: (1) Trespass in a Habitation when a person is present or likely to be present, a fourth degree felony, (2) Possession of a Controlled Substance (fentanyl- related compound), a fifth degree felony; (3) Aggravated Possession of Drugs (methamphetamine), a fifth degree felony; (4) and Resisting Arrest, a second degree misdemeanor.

The trial court then imposed a community control sanction on Bartos. Finding no error in the trial court's acceptance of Bartos' guilty pleas and no error in the sentence imposed, we now affirm. Facts & Procedural History {¶2} On May 10, 2024, Bartos entered his mother's residence while she was on vacation and after he had previously been evicted from the home.

When the police arrived, Bartos ran into the crawl space to hide. The police found Bartos in possession of a fentanyl-related compound and methamphetamine. {¶3} Bartos was indicted on one count of burglary, one count of trespass in a habitation when a person is present or likely to be present, one count of possession of a controlled substance (fentanyl-related compound), one count of aggravated possession of drugs (methamphetamine), and one count of resisting arrest.

The parties reached a plea deal that called for the State to dismiss the burglary charge and Bartos to plead guilty to the remaining charges. In their plea agreement, the parties jointly recommended that the trial judge impose community control sanctions. {¶4} The trial judge held the plea-change hearing on the record in accordance with Criminal Rule 22, and the judge also conducted the hearing in the way that Criminal Rule 11(C) requires, ensuring that Bartos was entering his guilty

pleas voluntarily, that he understood the nature of the criminal charges, that he understood the maximum penalties, and that he understood the effect of a guilty plea.

Additionally, the trial judge thoroughly addressed the constitutional rights spelled out in Criminal Rule 11(C)(2)(c), and Bartos expressed on the record his understanding of those rights and his desire to waive them. Bartos himself, along with his counsel, signed a plea of guilty form, and that document was promptly filed in the clerk's office in Tuscarawas County.

Once the trial judge accepted Bartos' guilty pleas, he ordered a pre-sentence investigation report. {¶5} At the sentencing hearing, the trial judge afforded the parties an opportunity to be heard in accordance with Criminal Rule 32(A).

The trial judge imposed the sentence the parties had jointly recommended: one year of community control. {¶6} Bartos requested counsel for an appeal. New counsel was then promptly appointed to represent him here. {¶7} Appellate counsel for Bartos filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), indicating that no colorable appellate issues exist that might prompt this Court to overturn Bartos' convictions and sentence.

Counsel also indicated in the brief that he had provided copies of it to both Bartos and the prosecutor. Appellate counsel also moved to withdraw as counsel in the case. {¶8} After receiving that *Anders* brief, this Court sent notice to the parties indicating that Bartos could file his own appellate brief, and the State was given an opportunity to respond to any such brief and to the *Anders* brief.

No additional briefs - from either Bartos himself or the State - have been filed. Our Review of the Record {¶9} Under *Anders*, court-appointed appellate counsel in a criminal case is permitted to indicate – after counsel has conscientiously reviewed the full record – that any possible grounds for an appeal in the case appear to be frivolous. See *Id.* at 744. When such a brief is filed, *Anders* instructs counsel to file a brief identifying anything in the record that might arguably support the appeal.

See *State v. Sargent*, 2016-Ohio-2696, ¶ 8, fn. 1. The court of appeals should then ensure that the indigent defendant receives a copy of that brief and should give the defendant an opportunity to raise any arguments that he or she would like to present in the appeal. *Anders* at 744.

Finally, the appellate court itself should fully examine the case record to determine whether the appeal is frivolous. *Id.* {¶10} All of those steps have occurred in this appeal. Although the *Anders* brief filed by Bartos' counsel indicates that counsel could find no issues that might arguably support the appeal, we have undertaken our duty to independently examine the record to determine whether the appeal is frivolous.

We find that it is. Guilty Plea Hearing {¶11} The trial judge properly conducted the plea-change hearing in this felony case on the record, and he addressed at that hearing the constitutional rights that must be discussed, the nature of the charges, the maximum penalties, and the effect of a guilty plea.

The trial judge's colloquy with Bartos demonstrates that Bartos entered his guilty pleas knowingly and voluntarily and with a full understanding of his rights and of the implications of the plea change. Bartos indicated to the trial judge that he was satisfied with the work that his attorney had done in the case. {¶12} Bartos signed a written plea of guilty form that the trial judge reviewed with Bartos during the hearing.

The written plea was also signed by Bartos' counsel and was filed with the Tuscarawas County Clerk of Courts after the hearing. {¶13} In short, the plea fully complied with Ohio law. See *State v. Veney*, 2008- Ohio-5200, ¶ 8 ("Crim.R. 11(C) governs the process that a trial court must use before accepting a felony plea of guilty or no contest"); *State v. Engle*, 74 Ohio St.3d 525, 527 (1996) ("When a defendant enters a plea in a criminal case, the plea must be made knowingly, intelligently, and voluntarily").

Sentence Not Contrary to Law {¶14} At the sentencing hearing, the trial judge gave the attorneys and Bartos an opportunity to address the court regarding the sentence before it was imposed. Counsel requested that the judge impose the joint recommendation, which, in fact, the court imposed. {¶15} "A sentence imposed upon a defendant is not subject to review under R.C.

2953.08 if the sentence is authorized by law, has been recommended jointly by the defendant and the prosecution in the case, and is imposed by a sentencing judge." R.C. 2953.08(D)(1). "A sentence is 'authorized by law' and not appealable within the meaning of R.C. 2953.08(D)(1) only if it comports with all mandatory sentencing provisions." *State v. Owens*, 2016-Ohio-1203, ¶ 8 (5th Dist.), citing *State v. Underwood*, 2010-Ohio- 1.

The sentence in this case comports with all mandatory sentencing provisions. {¶16} The sentence imposed by the trial judge was within the statutory range. The judge indicated he considered the case history, the statements of the parties, the pre- sentence investigation report, the principles and purposes of felony sentencing under R.C. 2929.11, and the seriousness and recidivism factors under R.C.

2929.12. Nothing about the sentence or its imposition was improper, and any challenge thereto is frivolous. {¶17} For the reasons explained above, we grant appellate counsel's motion to withdraw, and we affirm the judgment of the Tuscarawas County Court of Common Pleas.

For the reasons stated in our Opinion, the judgment of the Tuscarawas County Court of Common Pleas is affirmed. Costs are to be paid by Appellant Warren D. Bartos. By: Popham, J. Baldwin, P.J. and Gormley, J., concur

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/ohio-court-of-appeals-fifth-appellate-district-tuscarawas-county-ohio-court-of-appeals-fifth-appella/2026/state-v-bartos-ts2e9jh2>