

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-

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