

**IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
HENRY COUNTY**

STATE OF OHIO,

CASE NO. 7-26-04

PLAINTIFF-APPELLEE,

v.

TYLER D. BUNN,

**OPINION AND
JUDGMENT ENTRY**

DEFENDANT-APPELLANT.

**Appeal from Henry County Common Pleas Court
Trial Court No. 25 CR 0154**

Judgment Affirmed

Date of Decision: October 5, 2026

APPEARANCES:

***Jeffrey P. Nunnari* for Appellant**

***Gwen Howe-Gebers* for Appellee**

WALDICK, J.

{¶1} Defendant-appellant, Tyler Bunn (“Bunn”), brings this appeal from the March 17, 2026, judgment of the Henry County Common Pleas Court sentencing him to two years of community control. For the reasons that follow, we affirm the judgment of the trial court.

Background

{¶2} On November 19, 2025, Bunn was indicted for Tampering with Evidence in violation of R.C. 2921.12(A)(1), a third degree felony (Count 1), Possessing Criminal Tools in violation of R.C. 2923.24(A), a fifth degree felony (Count 2), Grand Theft of a Motor Vehicle in violation of R.C. 2913.02(A)(1), a fourth degree felony (Count 3), and Criminal Damaging in violation of R.C. 2909.06(A)(1), a second degree misdemeanor (Count 4). It was alleged that Bunn cut the internet wire to his estranged wife’s home, and that Bunn attached a chain to his mother-in-law’s vehicle, which was at the same home, and unlawfully towed the vehicle away from the residence. Bunn’s actions “totaled” his mother-in-law’s vehicle and damaged the home’s garden in the process. Further, it was alleged that Bunn placed a padlock on his estranged wife’s gate. Bunn originally pled not guilty to the charges.

{¶3} On February 4, 2026, Bunn entered into a written negotiated plea agreement wherein Bunn agreed to plead guilty to Possessing Criminal Tools,

Grand Theft of a Motor Vehicle, and Criminal Damaging in Counts 2, 3, and 4 of the indictment. In exchange for Bunn's guilty pleas, the State agreed to dismiss Count 1 of the indictment, the most serious charge, and the State agreed to recommend that Bunn be placed on community control at sentencing. The trial court held a Crim.R. 11 hearing and determined that Bunn was entering knowing, intelligent, and voluntary pleas.

{¶4} Bunn proceeded to sentencing on March 11, 2026. The trial court sentenced Bunn to serve two years of community control with numerous conditions and notified Bunn of potential prison terms that could be imposed if Bunn violated his community control. A final judgment entry memorializing Bunn's sentence was filed March 17, 2026. It is from this judgment that Bunn appeals, asserting the following assignment of error for our review.

Assignment of Error

The trial court erred by not conducting an on-the-record investigation into appellant's concerns about his court-appointed counsel, thereby necessitating a remand for the purposes of such an investigation.

{¶5} On appeal, Bunn argues that the trial court erred by not conducting an investigation into Bunn's concerns about his court-appointed counsel. Bunn contends that after his plea, but prior to sentencing, he sent a letter to the trial court indicating he had doubts regarding his attorney's representation. Bunn contends that

the trial court erred by not more specifically addressing Bunn's concerns at the sentencing hearing.

Analysis

{¶6} During Bunn's change-of-plea hearing, Bunn unequivocally stated that he had enough time to speak with his attorney, that he had enough time to review the plea agreement, that he was not threatened or coerced, that he had reviewed discovery, that his attorney had answered all his questions, and that he was satisfied with his representation. After the trial court discussed all the rights Bunn was waving by changing his pleas, the trial court *again* asked Bunn if he needed any additional time to speak with his attorney, and Bunn indicated he did not. The trial court thus found that Bunn was entering knowing, intelligent, and voluntary pleas. The trial court found Bunn guilty of the crimes he pled guilty to, then set the matter for sentencing.

{¶7} Prior to sentencing in this case, Bunn sent a letter to the trial court. It is unclear when the trial court received the letter, but the trial court made reference to having received the letter at the sentencing hearing, so the trial court evidently received the letter prior to sentencing. Bunn did not attempt to file the letter with the clerk of courts, so the letter was not included in the docket. However, the letter was included in the record transmitted to this Court along with the pre-sentence investigation. We ordered that the record be supplemented with the letter in order

to resolve this assignment of error on the merits.¹ The letter reads, in its entirety, as follows:

Good morning to the court,

First off, I would like to say that I am not only ashamed, but also incredibly disappointed in myself to be in this situation. I have overwhelming sadness at times along with immense moments of guilt and sorrow that I am working through with activities involving bible study and counseling. I am sincerely apologetic for my actions that have led me to this day in March. There has been one thing bothering me that I would like to bring up regarding communications with my attorney. I feel as though I have not been represented sufficiently by my attorney, and the following describes the court appearances along with some communication between, Mr. Spitler and me. I understand I agreed to a plea deal, but my dissatisfaction with my attorney has been causing me abundant amounts of stress. I appreciate any consideration of the following statements.

My first court appearance was obviously my arraignment. Not much is done here, but I still of course had questions I would have liked answered. I attempted to ask my attorney, Steve Spitler, these questions, but he responded multiple times with “I know nothing about the case yet.” This of course was not what I wanted to hear. So, ok its step one, maybe I will be able to ask questions next time. At this point, my attorney did say that the next step is for the case to be sent over to the common pleas court in Napoleon, OH. The first court date occurred at the Napoleon, OH Municipal court.

The next court date occurred at the Napoleon, OH courthouse downtown and here again I was not able to ask questions. My attorney again stated he, “knew nothing about the case yet” as he had not yet filed for discovery. This was done after court adjourned. I attempted to communicate regarding my case, yet I was unable to per my attorney. At this point I am still wearing an ankle monitor GPS, and

¹ If the letter was not included in the record, we could not consider it on appeal and the proper avenue for Bunn to seek a remedy would be for Bunn to file a petition for postconviction relief. *See State v. Goney*, 2018-Ohio-2115, ¶ 60 (2d Dist.) (“Matters outside the record must be addressed in a petition for postconviction relief.”).

he did not even ask or attempt to have it removed. So here I was again with no questions asked or answered, only charges read to me once again. I attempted to ask to have it removed and to see my kids, but I was blown off by my attorney once again.

Let's fast forward to the next court appearance. This is where my attorney gave me a copy of the discovery file. Fortunately, my ankle monitor was removed the day after we adjourned court. I was inherently surprised as both my attorney and the prosecuting [attorney] were confused as to why I even had a monitor at all. I again attempted to ask questions, but my attorney again stated he had no clue about the case, and he would have to work on a defense after investigating the discovery file. Once again, no questions answered.

At the following court date a deal was being worked on with my attorney and the prosecuting attorney in the law library as I waited in the common area outside the court room. After a few minutes went by, my attorney came out and sat down next to me. He pulled out a few documents and stated what charges would be dropped and which convicted. I attempted to ask questions, but my attorney told me to, "focus and let's concentrate on the big picture. She is in there waiting on me." I again attempted to ask questions, and he again said focus here. SO, I agreed to the deal because he stated, "no jail time."

[]Next, we went into the court room and waited for court to be held. After all obligations and procedures ended, I was asked if I was able to ask all questions and if I was pleased with the work of my attorney. I said yes to both questions, but I did so out of fear. I was very intimidated being alone (no family) and the fact I had very little communication at all regarding my case and any possible outcomes with my court appointed attorney.

In conclusion, I truly regret the decisions I made that night, and I am extremely sorry for the damage I have created. I am terrified to have felonies on my record, but a man must accept responsibility for his actions. I intend to do just that, but unfortunately, I don't feel as though my attorney helped me very much. Thank you for your time and consideration.

Sincerely,

Tyler Bunn [typewritten and unsigned]

{¶8} At the beginning of the sentencing hearing, the trial court acknowledged the letter and spoke with Bunn about it in the following dialogue:

THE COURT: This is case number 25CR0154; State of Ohio versus Tyler Bunn. This matter is coming on for sentencing on today's date. The defendant is present in open court along with his attorney Mr. Spitler. The State is being represented by Ms. Howe-Gebbers. Before we get started, Mr. Bunn you had submitted a letter to the Court, are you prepared to proceed today?

MR. BUNN: I am.

THE COURT: I'm sorry?

MR. BUNN: I am, yes Your Honor.

THE COURT: Do you wish to proceed with Mr. Spitler as your attorney?

MR. BUNN: Yes Your Honor.

(Mar. 11, 2026, Tr. at 2).

{¶9} On appeal, Bunn summarizes his argument that the trial court erred in this matter as follows:

The trial court did not enter Bunn's letter pertaining to his counsel into the record, did not memorialize what measures it undertook-if any-to address Bunn's concerns, and did not conduct an on-the-record inquiry into the basis for Bunn's concerns. This court therefore has nothing of substance to pass upon, and this matter should therefore be remanded to the trial court for reinvestigation, to be put on the record, regarding Bunn's concerns with his counsel, in accordance with the procedure set forth in State v. Deal (1969), 17 Ohio St.2d 17.

(Appt.’s Br. at 7).

{¶10} There are multiple issues directly undermining Bunn’s argument, beginning with the fact that at both the plea hearing and the sentencing hearing when Bunn was asked about his attorney and his desire to proceed, Bunn *unequivocally* did not raise any issues. His only complaints about his attorney came from an unsigned, undated, self-serving letter that he did not even attempt to file with the clerk of courts. Generally, a “[d]efendant’s own self-serving declarations or affidavits alleging a coerced guilty plea are insufficient to rebut the record on review which shows that his plea was voluntary.” *State v. Schultz*, 2023-Ohio-1713, ¶ 23 (11th Dist.).

{¶11} Moreover, although Bunn argues that the trial court should have engaged Bunn with a more thorough dialogue at the sentencing hearing, Bunn unequivocally stated at the sentencing hearing that he wanted to proceed *with his court-appointed attorney*. At no time did Bunn ever request new counsel or attempt to withdraw his plea.² In fact, it could be argued that Bunn’s unequivocal statements at the sentencing hearing indicated he was waiving any arguments made in his letter related to his attorney. Bunn essentially seeks to have this court ignore his words in open court based on unsworn statements made in a letter of, at best, dubious

² We note that while Bunn’s letter may have taken issue with some of his attorney’s actions, Bunn received a generous deal that dismissed the third degree felony and contained a recommended sentence of community control. If Bunn’s plea was vacated for any reason, he would be facing all charges again, including the third degree felony.

evidentiary value. We decline to ignore Bunn's clear and unequivocal statements in open court.

{¶12} Furthermore, we see no merit with Bunn's reliance on *Deal, supra*. Bunn specifically cites the following sentence from *Deal* as support for his position: "The right to counsel is important enough that in a situation such as this a reviewing court should have sufficient information in the record to determine whether a claim of inadequate counsel is justified." *Deal* at 20. In *Deal*, the trial court conducted no inquiry into an appellant's claims questioning the competency of counsel. Here, the trial court began the sentencing hearing specifically by asking Bunn about the letter, giving him a platform to voice any concerns. Bunn raised no concerns. *Deal* is thus unavailing. As Bunn has demonstrated no error, his assignment of error is overruled.

Conclusion

{¶13} Having found no error prejudicial to Bunn in the particulars assigned and argued, his assignment of error is overruled and the judgment of the Henry County Common Pleas Court is affirmed.

Judgment Affirmed

ZIMMERMAN, P.J. and WILLAMOWSKI, J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignment of error is overruled and it is the judgment and order of this Court that the judgment of the trial court is affirmed with costs assessed to Appellant for which judgment is hereby rendered. The cause is hereby remanded to the trial court for execution of the judgment for costs.

It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket. See App.R. 30.

Juergen A. Waldick, Judge

William R. Zimmerman, Judge

John R. Willamowski, Judge

DATED:
/jlm