

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

State v. Scott

2026-Ohio-1856 · No. 2025 CA 00093 · Decided May 20, 2026

SUMMARY

The Ohio Fifth District Court of Appeals affirmed the Licking County Court of Common Pleas' denial of Anthony Scott's request to waive or suspend court costs. The court held that the trial court acted within its discretion under Ohio Revised Code section 2947.23 and afforded Scott an opportunity to be heard. The court also rejected Scott's due process claim.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	Robert G. Montgomery; William B. Hoffman; Kevin W. Popham
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Licking County
DECIDED	May 20, 2026
DOCKET	2025 CA 00093
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from the Licking County Court of Common Pleas judgment denying his request to waive or suspend court costs while waiving previously imposed mandatory fines and court-appointed attorney fees.
STANDARD OF REVIEW	Abuse of discretion. A court abuses its discretion when its ruling is arbitrary, unreasonable, or unconscionable.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Anthony A. Scott v. State of Ohio

TOPICS

- criminal procedure
- procedural due process
- standard of review
- appellate procedure

PRACTICE AREAS

- criminal law
- appellate practice
- constitutional law

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by refusing to waive or suspend Scott's court costs.
2. Whether the trial court violated Scott's due process rights by allegedly denying him an opportunity to be heard and submit evidence at the costs-waiver hearing.

HOLDINGS

1. The trial court acted within its sound discretion in refusing to waive or suspend Scott's court costs; Scott failed to show that the decision was arbitrary, unreasonable, or unconscionable.
2. The trial court did not violate Scott's due process rights because it provided him an opportunity to be heard and to submit evidence at the hearing.

KEY QUOTATIONS

“The trial court considered the affidavits that were submitted with Appellant’s motion and waived mandatory fines and court appointed counsel fees. The trial court’s decision not to waive court costs was within its sound discretion.” (¶18)

“Appellant’s due process rights were not violated and his second assignment of error is overruled.” (¶23)

FACTUAL BACKGROUND

Scott was convicted after pleading guilty in 2013 to charges arising from two consolidated criminal cases. His sentence required payment of a \$10,000 mandatory fine, court costs, and other costs of prosecution. In 2025, Scott submitted a letter and affidavit of indigency seeking waiver of the previously imposed costs and fees. The trial court waived the mandatory fine and court-appointed attorney fees but ordered him to pay court costs after a hearing at which he was given an opportunity to speak.

PROCEDURAL HISTORY

Scott pleaded guilty in 2013 to multiple charges in two consolidated criminal cases, including possession of cocaine, attempted murder, felonious assault, trafficking in cocaine, possession of drug paraphernalia, and having weapons while under disability. The trial court imposed a mandatory fine, court costs, and other costs of prosecution. Twelve years later, Scott requested waiver of the costs and fees based on indigency. After a hearing, the trial court waived the mandatory fine and court-appointed attorney fees but refused to waive court costs. The Fifth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Braden, 2019-Ohio-4204, ¶30
- Blakemore v. Blakemore, 5 Ohio St.3d 217 (1983)
- State v. Scott, 2015-Ohio-456 (5th Dist.)

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