

THE STATE OF OHIO, APPELLANT, v. MASSEY, APPELLEE.

[Cite as *State v. Massey*, 108 Ohio St.3d 530, 2006-Ohio-1708.]

Criminal procedure — Court costs — Collection from indigent defendant — Court of appeals’ judgment reversed and judgments of the trial court reinstated on the authority of State v. Threatt.

(Nos. 2004-1274 and 2004-1689 — Submitted

March 15, 2006 — Decided April 19, 2006.)

APPEAL from and CERTIFIED by the Court of Appeals for Stark County,

No. 2003CA00373, 2004-Ohio-3257.

{¶ 1} The certified question is answered in the affirmative, the judgment of the court of appeals is reversed on the authority of *State v. Threatt*, 108 Ohio St.3d 277, 2006-Ohio-905, 843 N.E.2d 164, and the judgments of the trial court denying appellee's motions to waive court costs and to vacate the order of garnishment are reinstated.

MOYER, C.J., RESNICK, LUNDBERG STRATTON, O’CONNOR, O’DONNELL and LANZINGER, JJ., concur.

PFEIFER, J., dissents for the reasons stated in his separate opinion in *State v. White*, 103 Ohio St.3d 580, 2004-Ohio-5989, 817 N.E.2d 393.

John D. Ferrero, Stark County Prosecuting Attorney, and Kathleen O. Tatarsky and Amy S. Andrews, Assistant Prosecuting Attorneys, for appellant.

J. Dean Carro, for appellee.
