

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

STATE OF OHIO

Appellee

v.

TAMARA DALLAS

Appellant

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C.A. No. 30740

Trial Court Case No. 2025 CR 02431

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on August 21, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



ROBERT G. HANSEMAN, JUDGE

EPLEY, J., and HUFFMAN, J., concur.

OPINION
MONTGOMERY C.A. No. 30740

CHRISTOPHER BAZELEY, Attorney for Appellant
ANDREW T. FRENCH, Attorney for Appellee

HANSEMAN, J.

{¶ 1} Tamara Dallas appeals from the sentence she received in the Montgomery County Common Pleas Court after pleading guilty to having weapons while under disability, domestic violence, and aggravated assault. Dallas argues that the trial court abused its discretion by rejecting her indigency claim and ordering her to pay court costs as part of her sentence. For the reasons outlined below, we disagree with Dallas and affirm the judgment of the trial court.

Facts and Course of Proceedings

{¶ 2} On November 18, 2025, Dallas entered negotiated guilty pleas to single counts of having weapons while under disability, domestic violence, and aggravated assault. The trial court accepted Dallas' guilty pleas and found her guilty of those offenses. In preparation for sentencing, the trial court ordered a presentence investigation report ("PSI"), which included information about Dallas' education, employment history, and health status.

{¶ 3} At the sentencing hearing, Dallas' counsel moved the trial court to waive any fines and costs, claiming that Dallas was indigent. The trial court indicated that it had reviewed the PSI, found that Dallas had the ability to pay court costs, and ordered her to pay those costs as part of her sentence. The trial court also sentenced Dallas to an aggregate term of 54 months in prison. Dallas now appeals from her sentence and raises a single assignment of error for review.

Assignment of Error

{¶ 4} Under her assignment of error, Dallas claims that the trial court erred by denying her motion to waive court costs, because she was indigent. We disagree.

{¶ 5} “R.C. 2947.23 governs the trial court’s authority to impose costs on a defendant convicted of a felony.” *State v. Dennis*, 2023-Ohio-3815, ¶ 6 (2d Dist.). Section (A)(1)(a) of the statute provides: “In all criminal cases, including violations of ordinances, the judge or magistrate shall include in the sentence the costs of prosecution . . . and render a judgment against the defendant for such costs.” R.C. 2947.23(A)(1)(a). The Supreme Court of Ohio has explained that under R.C. 2947.23, the imposition of court costs on all convicted defendants is mandatory, whether “indigent or not.” *State v. Taylor*, 2020-Ohio-3514, ¶ 6; *State v. Dean*, 2015-Ohio-4347, ¶ 231 (“R.C. 2947.23 requires a trial court to assess costs against all criminal defendants, even if the defendant is indigent.”), citing *State v. White*, 2004-Ohio-5989, ¶ 8.

{¶ 6} R.C. 2947.23(C), however, provides that a trial court “retains jurisdiction to waive, suspend, or modify the payment of the costs of prosecution . . . at the time of sentencing or any time thereafter.” So, “[w]hile the imposition of those costs is mandatory, the court may waive the payment of all costs when the defendant is determined to be indigent.” *State v. Davis*, 2020-Ohio-309, ¶ 13, citing *White* at ¶ 14. Although waiver of costs is permitted if a defendant is indigent, it is not required. *Taylor* at ¶ 7, citing *White* at ¶ 14.

{¶ 7} When assessing a motion to waive, suspend, or modify court costs under R.C. 2947.23, a trial court is not required to consider the defendant’s ability to pay. *Id.* at ¶ 16. In fact, R.C. 2947.23(C) “provides no explicit criteria that a court should use in deciding whether to waive, suspend, or modify costs.” *Id.* at ¶ 8. The trial court’s decision simply “must

not be arbitrary and cannot be based on considerations wholly unrelated to the decision it is tasked with making.” *Id.* at ¶ 16.

{¶ 8} “Where a defendant moves to waive costs at the time of sentencing, the trial court’s decision will be reviewed under an abuse of discretion standard.” *Dennis*, 2023-Ohio-3815, at ¶ 8 (2d Dist.), citing *State v. Joseph*, 2010-Ohio-954, ¶ 12, citing *State v. Threatt*, 2006-Ohio-905, ¶ 23. “A trial court abuses its discretion when it makes a decision that is unreasonable, unconscionable, or arbitrary.” *State v. Darmond*, 2013-Ohio-966, ¶ 34, citing *State v. Adams*, 62 Ohio St.2d 151, 157 (1980). “Abuse-of-discretion review is deferential and does not permit an appellate court to simply substitute its judgment for that of the trial court.” *Id.*, citing *State v. Morris*, 2012-Ohio-2407, ¶ 14.

{¶ 9} In this case, Dallas does not identify anything unreasonable, unconscionable, or arbitrary about the trial court’s decision to not waive court costs. Dallas’ only point of contention is that the trial court made that decision despite her trial counsel advising the court that she was indigent. She claims that one of the factors establishing her indigence was that she was appointed counsel in the trial court proceedings and on appeal. However, we have previously explained that “[a] finding that Defendant is indigent for purposes of appointment of counsel does not shield a defendant from paying court costs which are required by law.” *State v. Ayers*, 2005-Ohio-44, ¶ 23 (2d Dist.), citing *White*, 2004-Ohio-5989; accord *State v. Felder*, 2006-Ohio-2330, ¶ 64 (2d Dist.) and *Dennis* at ¶ 11.

{¶ 10} The trial court was vested with the discretion to waive court costs, and it was not required to consider indigency or ability to pay when exercising its discretion. Despite this, the record indicates that the trial court did consider Dallas’ ability to pay court costs. Specifically, the trial court indicated that it had reviewed the PSI, which provided information

about Dallas' education, employment history, and health status, and it found that Dallas had the ability to pay court costs.

{¶ 11} According to the PSI, Dallas reported graduating from Foss High School in Seattle, Washington in 2008. The PSI indicated that during previous PSI examinations, Dallas had reported discontinuing her education at the eighth grade level, when she was 17 or 18 years old, due to her impending termination from foster care. Dallas also reported that she was never placed on an Individualized Education Plan and that she participated in track, volleyball, swimming, and basketball.

{¶ 12} Regarding employment history, the PSI indicated that Dallas had reported working at the Princess Hair Store from November 2022 until the time of her 2025 arrest. Dallas also reported being previously employed at Mahle, BDS Packaging, and various factories. In addition, Dallas reported receiving \$200 a month in SNAP benefits and \$771 in Social Security Income, which was for various mental health issues.

{¶ 13} In a prior PSI, Dallas reported that in 2013, she was diagnosed with bipolar disorder, schizophrenia, post-traumatic stress disorder, and anti-social stress disorder, for which she engaged in counseling until 2018. Relative to this case, Dallas underwent a psychological evaluation while in jail, where she was described as acutely agitated, hyper verbose, and animated when vocalizing about issues with cellmates. During the evaluation, Dallas displayed affective dysregulation (tearfulness and anger), which prevented the evaluation from being completed. The PSI indicates that Dallas had CareSource medical insurance and was prescribed various medications. The PSI examiner reported that Dallas stated that she was in fair mental and physical health.

{¶ 14} Given the information in the PSI, particularly Dallas' prior employment history, we find that it was reasonable and not unconscionable or arbitrary for the trial court to find

that Dallas had the ability to pay court costs. Therefore, we cannot say that the trial court abused its discretion by denying Dallas' motion to waive court costs on that basis.

{¶ 15} Dallas' assignment of error is overruled.

Conclusion

{¶ 16} Having overruled Dallas' assignment of error, the judgment of the trial court is affirmed.

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EPLEY, J., and HUFFMAN, J., concur.