

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

STATE OF OHIO

Appellee

v.

SONJIA J. WALDRON

Appellant

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C.A. No. 30728

Trial Court Case No. 2025 TRC 3758

(Criminal Appeal from Municipal Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on August 28, 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,



MICHAEL L. TUCKER, JUDGE

LEWIS, P.J., and HANSEMAN, J., concur.

OPINION
MONTGOMERY C.A. No. 30728

ARVIN S. MILLER, Attorney for Appellant
DONALD HURST, Attorney for Appellee

TUCKER, J.

{¶ 1} Sonjia Waldron appeals from her conviction on one count of driving while under an administrative license suspension in violation of R.C. 4510.14(A). She challenges the validity of the suspension and argues that the trial court erred in applying strict liability. She contends the State was required to prove that she acted recklessly.

{¶ 2} We conclude that Waldron’s administrative license suspension was valid and immediately effective despite a police officer’s subsequent failure to report it to the Bureau of Motor Vehicles (“BMV”), and that R.C. 4510.14(A) imposes strict liability. Accordingly, we affirm the trial court’s judgment.

I. Background

{¶ 3} Waldron was charged with operating a vehicle while under the influence of alcohol (“OVI”), failure to stop prior to driving across a sidewalk, and driving while under an administrative license suspension. The charges stemmed from a traffic stop that occurred after a police officer observed her pulling out of a bar’s parking lot around 1:00 a.m. on September 2, 2025. The State later dismissed the OVI charge and the charge for not stopping before driving across the sidewalk.

{¶ 4} The case proceeded with a bench trial on the remaining charge of driving while under an administrative license suspension, a first-degree misdemeanor. Germantown police officer Sierra Hudson testified that, around 12:30 a.m. on August 12, 2025, she responded to an automobile accident involving Waldron’s vehicle. Waldron underwent field-

sobriety tests, which she failed, and Hudson arrested her at the scene. At that time, Hudson read Waldron BMV Form 2255. It explained that Waldron's driver's license would be suspended administratively if she took and failed a breathalyzer test.

{¶ 5} According to Hudson, Waldron then took a breathalyzer test and "blew a .164." Hudson proceeded to complete Form 2255, administratively suspending Waldron's driver's license. The officer marked a box indicating an administrative license suspension, explained the form to Waldron, assured her understanding of the form, obtained her signature on it, and gave her a copy of the form. Hudson also advised Waldron that the suspension was effective immediately. On cross-examination, Hudson acknowledged that she had not notified the BMV of the suspension or filed Form 2255 with the BMV. Hudson testified that the form went to "administration."

{¶ 6} The State's only other witness was Dayton police officer Kenneth Webster. He testified that he saw Waldron's vehicle exit a bar's parking lot in the early morning hours of September 2, 2025. Waldron did not stop before crossing the sidewalk and nearly struck Webster's cruiser. The officer responded by making a traffic stop, which confirmed that Waldron was driving the vehicle. On cross-examination, Webster acknowledged that Waldron's driver's license "returned as valid" with no record of an administrative license suspension when he checked it.

{¶ 7} Following Webster's testimony, Waldron moved for judgment of acquittal under Crim.R. 29. The trial court overruled the motion. Waldron then testified in her own defense. She stated that she contacted the BMV several times after the August 12, 2025 incident and was told she had a "noncompliance" suspension but no administrative license suspension. Waldron testified that she remedied the noncompliance suspension before September 2, 2025. She stated that she was stopped by police on August 30, 2025, for a brake light

violation and was told her license was valid. Therefore, she believed her driver's license was valid on September 2, 2025, when Officer Webster stopped her.

{¶ 8} On cross-examination, Waldron admitted signing BMV Form 2255 on August 12, 2025, acknowledging the administrative suspension of her driver's license. She also acknowledged attending court hearings in connection with the August 12, 2025 incident and never being told that the suspension had been stayed or that she had permission to drive. On redirect examination, she testified that "the Miamisburg court" never told her that her license was suspended. She also stated that the BMV only mentioned the noncompliance suspension, which she addressed.

{¶ 9} Based on the evidence presented, the trial court found Waldron guilty of driving under an administrative license suspension and sentenced her accordingly. In support of its decision, the trial court reasoned:

Officer Hudson testified that on August 12, 2025, Waldron tested over the legal limit and was charged with an OVI offense. Officer Hudson also testified that she prepared and served the BMV 2255 form, read the BMV 2255 form to Waldron and advised her of the immediate suspension. There is no credible evidence that Officer Hudson did not perform the requirements of ORC 4511.192. Waldron's license was effectively suspended as of August 12, 2025. There is no evidence that in the days before September 2, 2025, the ALS suspension was stayed, vacated, terminated due to disposition of the OVI case, or that driving privileges were in effect.

December 5, 2025 Decision and Entry, p. 3.

{¶ 10} The trial court imposed a partially suspended jail term and a fine. It also suspended Waldron's driver's license for 90 days and placed her on six months of non-

reporting probation. Waldron timely appealed and unsuccessfully sought a stay of execution of sentence in the trial court and this court. She advances two assignments of error.

II. Analysis

{¶ 11} The first assignment of error states:

**THE TRIAL COURT ERRED BY NOT GRANTING THE DEFENDANT’S
RULE 29 MOTION FOR ACQUITTAL WHEN THE STATE FAILED TO
PROVIDE SUFFICIENT EVIDENCE THAT THE DEFENDANT WAS
DRIVING WITH A SUSPENDED LICENSE WHEN STOPPED BY THE
POLICE ON SEPTEMBER 2, 2025.**

{¶ 12} Waldron challenges the legal sufficiency of the State’s evidence to sustain her conviction. She claims the record contains no evidence that she was driving under an administrative license suspension on September 2, 2025. She points to Officer Webster’s testimony that her license returned as valid when he checked it. She also notes that she was not cited for driving under an administrative license suspension until later. Waldron additionally notes the absence of evidence from the BMV establishing an administrative license suspension on September 2, 2025, the State’s failure to introduce a “certified copy” of Form 2255 at trial, and Officer Hudson’s testimony about not filing the form with the BMV or notifying the agency. Finally, Waldron stresses Hudson’s acknowledgement at trial that a suspended license can be reinstated.

{¶ 13} “An appellate court’s function when reviewing the sufficiency of the evidence to support a criminal conviction is to examine the evidence admitted at trial to determine whether such evidence, if believed, would convince the average mind of the defendant’s guilt beyond a reasonable doubt. The relevant inquiry is whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the

essential elements of the crime proven beyond a reasonable doubt.” *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus.

{¶ 14} With the foregoing standards in mind, we reject Waldron’s legal-sufficiency argument. She admits operating her car on a public road on September 2, 2025. The issue she raises is whether she was under an administrative license suspension. The answer is found in R.C. 4511.192(D)(1). When a driver fails a breathalyzer test after being advised of the consequences, the statute provides that a police officer, acting “[o]n behalf of the registrar of motor vehicles,” shall “notify the person that, independent of any penalties or sanctions imposed upon the person, the person’s Ohio driver’s or commercial driver’s license . . . is suspended immediately.” Consequently, Waldron’s suspension was effective on August 12, 2025, immediately following her failure of a breathalyzer test. The record contains no evidence that it was vacated prior to September 2, 2025.

{¶ 15} Waldron’s driver’s license appeared to be valid when Officer Webster checked it on September 2, 2025, only because the BMV apparently had not been notified of the suspension, as also required by R.C. 4511.192(D)(1). But nothing in the Revised Code nullifies an immediate administrative license suspension based on an officer’s subsequent failure to provide notice to the BMV. Another statute, R.C. 4511.197, specifies grounds on which a driver may challenge an administrative license suspension, and an officer’s failure to report the suspension to the BMV is not among them. Even if a lack of notice to the BMV were grounds to challenge a suspension, the immediate suspension would remain in effect until vacated. Waldron herself received required notice of her administrative license suspension on August 12, 2025. An officer’s act of notifying the BMV simply creates a public record of a suspension that already exists. *State v. Clinger*, 2005-Ohio-2277, ¶ 16 (4th Dist.)

(“When the BMV receives [an officer’s] sworn report, it merely makes a record of the suspension that was already effected by the arresting officer.”).

{¶ 16} Finally, the State’s failure to introduce a “certified copy” of BMV Form 2255 at trial did not preclude Waldron’s conviction. A sworn and certified copy of the form constitutes prima facie proof of the information and statements it contains. *Langen v. Caltrider*, 1999 WL 957749, at *4 (2d Dist. Aug. 20, 1999). Alternatively, an arresting officer may testify under oath about matters contained in the form. *Id.* Here the State introduced a copy of the form that Hudson served on Waldron. The officer testified under oath that this was the form she completed, explained to Waldron, and had Waldron sign. The lack of certification affected neither the validity of the suspension nor the admissibility of the form. *Compare Clinger* at ¶ 21 (reasoning in the context of an appeal from an administrative suspension that “even if the report failed as a sworn report, the officer was present to testify and did testify regarding the completion of all requirements covered by the report”). For the foregoing reasons, the first assignment of error is overruled.

{¶ 17} Waldron’s second assignment of error states:

THE DEFENDANT’S CONVICTION FOR DRIVING WHILE HER LICENSE WAS SUSPENDED IS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.

{¶ 18} Waldron acknowledges that Officer Hudson testified about informing her of the ramifications of failing a breathalyzer test and reading her the information contained on Form 2255 regarding the suspension of her license. She argues, however, that the State presented no evidence of Hudson taking subsequent actions, including sending her driver’s license to the BMV or notifying the BMV of the suspension. Even if Waldron did drive under

an administrative suspension on September 2, 2025, she insists that she did not do so recklessly.

{¶ 19} Waldron claims a lack of notice of the suspension. She cites her testimony that she contacted the BMV between August 12, 2025, and September 2, 2025, and resolved a noncompliance suspension involving a different issue. She contends the BMV did not mention an administrative license suspension. Waldron also asserts that she was stopped for a brake light violation on August 30, 2025, and informed that her driver's license was valid. She notes too that her driver's license appeared to be valid even when Officer Webster checked it on September 2, 2025, and that she was not cited for driving while under an administrative license suspension until later. For the foregoing reasons, she contends her conviction is against the weight of the evidence.

{¶ 20} When a conviction is challenged on appeal as being against the weight of the evidence, an appellate court must review the entire record, weigh the evidence and all reasonable inferences, consider witness credibility, and determine whether, in resolving conflicts in the evidence, the trier of fact "clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered." *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997). A judgment should be reversed as being against the manifest weight of the evidence "only in the exceptional case in which the evidence weighs heavily against the conviction." *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983).

{¶ 21} Here the evidence does not weigh heavily against a finding that Waldron was driving while under an administrative license suspension. As explained above, Officer Hudson lawfully suspended Waldron's license effective immediately on August 12, 2025. Any shortcomings in the officer's subsequent actions regarding the BMV did not nullify the

suspension, which remained in effect when Officer Webster stopped her on September 2, 2025.

{¶ 22} As for Waldron’s belief that she was not under an administrative suspension, a threshold issue is whether a violation of R.C. 4510.14(A) is a strict liability offense or whether it requires recklessness. In *State v. Lammers*, 2006-Ohio-2125 (2d Dist.), this court held that driving while under suspension was “akin to” a strict liability offense. Although the specific type of suspension in *Lammers* is unspecified in the decision, we reasoned:

[E]ven assuming that the Kettering court records established a good faith basis for Lammers’s belief that she had limited driving privileges, such a belief would not have prevented her conviction of driving under suspension. “A driving under suspension case requires only that the person drive an automobile on a public highway while his license is suspended under a provision of the Ohio Revised Code. Therefore, a charge of driving under suspension is akin to a strict liability statute and requires no culpable mental state on the part of the defendant.” *State v. Morrison* (1982), 2 Ohio App.3d 364, 367, 442 N.E.2d 114. See, also, *State v. Harr* (1992), 81 Ohio App.3d 244, 249, 610 N.E.2d 1049; *Warrensville Heights v. Wulu* (Dec. 28, 1989), Cuyahoga App. No. 57783. Any good faith belief on Lammers’s part that she possessed limited driving privileges might have served as mitigating evidence for sentencing purposes, but it would not have prevented her conviction.

Id. at ¶ 10.

{¶ 23} We reached the same conclusion when reviewing a driving-under-suspension statute and a seatbelt statute in *State v. Eytcheson*, 2018-Ohio-2036 (2d Dist.). Those statutes, R.C. 4510.21(A) and R.C. 45.13.263(B), were structured like R.C. 4510.14(A), the

statute in Waldron’s case. In *Eytcheson*, we quoted *State v. Shaffer*, 114 Ohio App.3d 97 (3d Dist. 1996), for the proposition that strict liability often attaches to regulatory offenses designed to protect public health, safety, and well-being. *Eytcheson* at ¶ 51, quoting *Shaffer* at 102. Relying on *Shaffer*, we held that when a statute says “no person shall” engage in certain conduct, “absent any reference to a culpable mental state, the statute indicates a legislative intent to impose strict liability.” *Id.*, quoting *Shaffer* at 103. We then turned to the two statutes at issue in *Eytcheson* and reasoned:

R.C. 4510.21(A) provides: “*No person* whose driver’s license . . . has been suspended *shall* operate any motor vehicle upon a public road or highway” R.C. 4513.263(B) provides that “*No person shall* do any of the following: (1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device” (Emphasis added.)

We conclude that the traffic laws at issue herein are regulatory in nature and for the well-being of the community, and that strict liability attaches thereto. (Emphasis in original.) *Id.* at ¶ 52-53.

{¶ 24} We note, however, that each of the cases upon which this court relied in *Lammers* and *Eytcheson* predated the Ohio Supreme Court’s decisions in *State v. Collins*, 89 Ohio St.3d 524 (2000), and *State v. Moody*, 2004-Ohio-6395. In *Collins*, the Ohio Supreme Court considered whether failure to pay court-ordered child support was a strict liability offense. The statute at issue, R.C. 2919.21(B), provided: “No person shall abandon, or fail to provide support as established by a court order to, another person whom, by court order or decree, the person is legally obligated to support.” The majority found that the

statute required a showing of recklessness under R.C. 2901.21 because it neither specified a degree of culpability nor plainly indicated an intent to impose strict liability.

{¶ 25} The majority in *Collins* discounted the legal significance of “convincing public policy arguments . . . that failure to follow a court-ordered child support order should be a strict liability offense.” *Collins* at 529. It recognized that “the General Assembly itself has established the test for determining strict criminal liability in R.C. 2901.21(B).” *Id.* at 529-530. “It is not enough that the General Assembly in fact intended imposition of liability without proof of mental culpability. Rather the General Assembly *must plainly indicate that intention in the language of the statute.*” (Emphasis added.) *Id.* at 530. The majority found “no words in R.C. 2919.21(B) that do so.” *Id.*; *see also State v. Kelley*, 2008-Ohio-5167, ¶ 19 (2d Dist.) (applying *Collins*, finding “general legislative intent” and “public policy” immaterial, and holding that the offense of failing to comply with an order of a conservation specialist required a showing of recklessness).

{¶ 26} Four years after *Collins*, the Ohio Supreme Court made clear in *Moody* that including “no person shall” language in a statute alone is insufficient to show clear legislative intent to impose strict liability. The statute in *Moody* was R.C. 2919.24, which prohibited contributing to the unruliness of a child. It provided that “[n]o person shall . . . [a]id, abet, induce, cause, encourage, or contribute” to a child becoming unruly. *Moody* at ¶ 7-9. Applying R.C. 2901.21, the Ohio Supreme Court held that the statute required a showing of recklessness. It reasoned:

The wording of former R.C. 2919.24 is clear and unambiguous. The statute does not specify a degree of mental culpability. Nor does it plainly indicate a purpose to impose strict liability. The fact that the statute contains the phrase “No person shall” does not mean that it is a strict criminal liability

offense. The statute in question in *Collins*, 89 Ohio St.3d 524, 733 N.E.2d 1118, contained the same wording yet we did not impose strict criminal liability. Instead, we stressed that there must be other language in the statute to evidence the General Assembly's intent to impose strict criminal liability.

No such intention is present in the wording of former R.C. 2919.24. In fact, if we were to interpret former R.C. 2919.24 in the manner suggested by the state, we would be violating well-settled principles of statutory construction by failing to construe the statute as written. Since former R.C. 2919.24 neither specifies a degree of culpability nor plainly indicates that the General Assembly intended to impose strict liability, we hold that former R.C. 2919.24 is not a strict criminal liability statute. Instead, we hold that the culpable mental state of recklessness applies to the offense of contributing to the unruliness or delinquency of a child under former R.C. 2919.24.

Id. at ¶ 16-17.

{¶ 27} The statute at issue in Waldron's case, R.C. 4510.14(A), states that "[n]o person" whose driver's license has been suspended for certain violations "shall operate any motor vehicle upon the public roads or highways within this state during the period of the suspension." Like the statutes at issue in *Collins* and *Moody*, it simply provides that no person shall engage in proscribed conduct. Beyond its no-person-shall language, which the Ohio Supreme Court found insufficient in *Collins* and *Moody*, R.C. 4510.14(A) contains no other language plainly indicating an intent to impose strict liability. Therefore, we are compelled to conclude that R.C. 4510.14(A) does not sufficiently evidence the General Assembly's intent to dispense with a mens rea requirement. But it also does not specify a degree of culpability.

{¶ 28} In these circumstances, we typically would import a mens rea of recklessness under R.C. 2901.21(C)(1), which provides: “When language defining an element of an offense . . . to which mens rea could fairly be applied neither specifies culpability nor plainly indicates a purpose to impose strict liability, the element of the offense is established only if a person acts recklessly.” Notably, the 2015 amendment to R.C. 2901.21 precludes us from doing so in Waldron’s case. Effective March 23, 2015, the General Assembly enacted a new R.C. 2901.21(C)(2), providing: “Division (C)(1) of this section does not apply to offenses defined in Title XLV of the Revised Code.” Waldron’s conviction for driving while under an administrative license suspension in violation of R.C. 4510.14(A) is a Title 45 offense. Therefore, R.C. 2901.21(C)(1) does not apply, and we cannot import a mens rea of recklessness.

{¶ 29} We are left with a statute, R.C. 4510.14(A), that does not plainly indicate a legislative intent to impose strict liability under the Ohio Supreme Court’s decisions in *Collins* and *Moody*, that lacks a culpable mental state, and that is exempt from importing recklessness. As a result, we simply must apply the statute as written. Although it may not *plainly* indicate a legislative intent to impose strict liability, in operation it necessarily *does* impose strict liability given the absence of a culpable mental state and our inability to apply recklessness. Because R.C. 2901.21(C)(2) precludes us from importing a mens rea of recklessness, the trial court did not err in treating Waldron’s violation of R.C. 4510.14(A) as a strict liability offense. Her professed good-faith belief about the validity of her license was irrelevant. The second assignment of error is overruled.

III. Conclusion

{¶ 30} The judgment of the Dayton Municipal Court is affirmed.

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LEWIS, P.J., and HANSEMAN, J., concur.