

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
SCIOTO COUNTY

State of Ohio,	:	
	:	
Plaintiff-Appellee,	:	Case Nos. 25CA4129
	:	25CA4130
v.	:	
	:	
Roneisha C. Anderson, et al.,	:	<u>DECISION AND</u>
	:	<u>JUDGMENT ENTRY</u>
	:	
Defendants-Appellants. ¹	:	

APPEARANCES:

Sterling E. Gill, II, Columbus, Ohio, for appellant, Chuck Brown Bail Bonds and U.S. Fire and Insurance Company.²

Randy Dupree, Jackson County Prosecuting Attorney, Jackson, Ohio, and Isaac Beller, Gallia County Assistant Prosecuting Attorney/Of Counsel, Gallipolis, Ohio, for appellee.

Smith, P.J.

{¶1} Appellants, Chuck Brown Bail Bonds and U.S. Fire and Insurance Company, are appealing the judgments of the Scioto County Court of Common Pleas which denied their motions for remission of penalty related to bail bonds that

¹ This is an appeal from the denial of motions for remission of penalty stemming from forfeited bail bonds that were issued by Chuck Brown Bail Bonds and U.S. Fire and Insurance Company on behalf of Roneisha Anderson and Darrius Marrow, who were named defendants in two Scioto County Common Pleas Court cases identified as 22CR00317(A) and (B), respectively. Appeals from the denial of motions for remission of penalty filed in both lower court cases were appealed to this Court and were sua sponte consolidated by this Court on November 3, 2025.

² On January 9, 2026, Sterling Gill filed a document entitled “Notification of Suspension and Disqualification from the Practice of Law for 180 Days from 12/04/2025 (effective date).” No other attorney subsequently entered an appearance of behalf of appellants.

were ordered to be forfeited in two separate cases due to Roneisha Anderson's and Darrius Morrow's failure to appear for their scheduled jury trials and their subsequent abscondment from the country. On appeal, appellants raise three assignments of error contending that 1) the trial court abused its discretion in denying appellants' motion for remission of bond under R.C. 2937.39 by failing to properly consider appellants' diligent and costly efforts to secure the return of the defendants, thereby misapplying the standards governing remission of bond; 2) the trial court erred as a matter of law by misapplying the standard under R.C. 2937.39 and *State v. Hardin*, 2003-Ohio-7263 (6th Dist.), effectively treating remission as unavailable despite the surety's demonstrated diligence and expense; and 3) the trial court denied remission of bond in violation of appellants' right to due process by failing to consider the statutory factors under R.C. 2937.39, including appellants' substantial expenditures and efforts to secure the defendants' return.

{¶2} However, because we find no merit to the arguments raised by appellants on appeal, their assignments of error are overruled. Accordingly, the judgments of the trial court are affirmed.

FACTS

{¶3} This is an appeal by two bail bonding/surety companies (Chuck Brown, Bail Bonds and United States Fire and Insurance Company) from a denial of motions for remission of penalty that were filed subsequent to bond forfeiture

orders issued in two separate underlying cases related to two criminal defendants, Roneisha Anderson and Darrius Morrow. The record before us reveals that Roneisha Anderson was the named defendant in Scioto County Common Pleas Court Case No. 22CR000317(A) and Darrius Morrow was the named defendant in Scioto County Common Pleas Court Case No. 22CR000317(B). Appellants, the bondsmen/sureties, posted a bond of \$50,000 for Anderson and \$75,000 for Morrow, referenced as the defendants herein.

{¶4} After defendants failed to appear for their scheduled jury trial on November 14, 2022, the trial court set the matter for show cause hearings as to why the bonds should not be declared forfeited. The trial court twice granted extensions in an effort to allow appellants time to secure defendants and avoid forfeiture. However, when appellants were ultimately unable to locate the defendants, the trial court ordered the bonds in both cases be forfeited on March 23, 2023. Appellants did not appeal or otherwise challenge the forfeiture order.

{¶5} The defendants were eventually returned to Scioto County on January 24, 2024, after they were apprehended by border security when trying to cross back into the country from Mexico. Although appellants argue that they expended great time and effort in personally searching and sending bounty hunters to Michigan, Georgia, and Texas in search of the defendants, it was ultimately border security who apprehended them and it was the Scioto County Sheriff's Office that retrieved

them from Texas and bore the cost of transportation to bring them back to stand trial. The record reveals that the defendants were held in the Scioto County jail for approximately two months before they both pled guilty to the charges and were sent to prison in March of 2024.

{¶6} Nearly one year later, on February 4, 2025, appellants filed motions for remission of the forfeited bonds. The trial court held a hearing on the motions on March 14, 2025. Counsel for appellants argued the motions before the trial court but offered no evidence in support of its motions. After considering the arguments of the parties, the trial court issued a judgment entry on March 20, 2025, denying appellants' motions and finding that it was "just" for "the total amount of the penalty" to remain "forfeited under these circumstances." It is from the trial court's judgments in both cases that appellants now bring their timely appeals, setting forth three assignments of error for our review. This Court sua sponte consolidated the appeals on November 3, 2025.

ASSIGNMENTS OF ERROR

- I. THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING APPELLANT'S MOTION FOR REMISSION OF BOND UNDER R.C. 2937.39 BY FAILING TO PROPERLY CONSIDER APPELLANTS' DILIGENT AND COSTLY EFFORTS TO SECURE THE RETURN OF THE DEFENDANTS, THEREBY MISAPPLYING THE STANDARDS GOVERNING REMISSION OF BOND.

- II. THE TRIAL COURT ERRED AS A MATTER OF LAW BY MISAPPLYING THE STANDARD UNDER R.C. 2937.39 AND STATE V. HARDIN, 2003-OHIO-7263, EFFECTIVELY TREATING REMISSION AS UNAVAILABLE DESPITE THE SURETY'S DEMONSTRATED DILIGENCE AND EXPENSE.
- III. THE TRIAL COURT DENIED REMISSION OF BOND IN VIOLATION OF APPELLANTS' RIGHT TO DUE PROCESS BY FAILING TO CONSIDER THE STATUTORY FACTORS UNDER R.C. 2937.39, INCLUDING APPELLANT'S SUBSTANTIAL EXPENDITURES AND EFFORTS TO SECURE THE DEENDANTS' RETURN.

ASSIGNMENTS OF ERROR I AND III

{¶7} For ease of analysis and because they are interrelated, we address appellants' first and third assignments of error in conjunction with one another. In their first assignment of error, appellants contend that the trial court abused its discretion in denying their motions for remission of bond by failing to properly consider their efforts to secure the return of the defendants. In their third assignment of error, appellants contend that in denying their motions for remission of bond, the trial court violated their rights to due process by "failing to consider the statutory factors under R.C. 2937.39, including [a]ppellants' substantial expenditures and efforts to secure the defendants' return." The State contends there was no abuse of discretion on the part of the trial court in denying the motions, especially considering that appellants did not offer any actual evidence

into the record to support their claims for remission, and further argues there was no denial of due process as appellants were provided a meaningful opportunity to be heard, but chose to solely rely upon bare assertions unsupported by any evidence.

Threshold Issues

{¶8} We initially note two potentially dispositive threshold issues that have been raised and considered by this Court sua sponte. First, we have determined that “the denial of a motion for remission of bond is a final appealable order.” *State v. Jackson*, 2022-Ohio-1306, ¶ 16 (7th Dist.), citing *State v. Sinkfield*, 2009-Ohio-1033, ¶ 12 (7th Dist.), in turn citing *State v. Smith*, 2006-Ohio-4614, ¶ 22 (7th Dist.). Next, we further note that the greater weight of authority has held that the payment of a bond forfeiture order, although it arguably results in a satisfaction of judgment, does not foreclose subsequent relief in the form of the granting of a motion for remission of bond filed pursuant to R.C. 2937.39. *See State v. McKay*, 2017-Ohio-7918, ¶ 10 (9th Dist.), citing *State v. Cheadle*, 2012-Ohio-2965, ¶ 11 (2d Dist.); *but see State v. Auber*, 2024-Ohio-2741, ¶ 14-18 (7th Dist.) (failing to cite any case law in support of the position that payment of a forfeited bond results in a satisfaction of judgment which precludes remission of penalty under R.C.

2937.39).³ Thus, we find appellants are not procedurally precluded from seeking appellate review of the judgments at issue.

Legal Principles

{¶9} R.C. 2937.22(A) governs “Forms of bail,” states that bail may take several different forms, but generally defines “bail” as:

security for the appearance of an accused to appear and answer to a specific criminal or quasi-criminal charge in any court or before any magistrate at a specific time or at any time to which a case may be continued, and not depart without leave.

This Court has observed that “ ‘[t]he purpose of bail is to [ensure] that the accused appears at all stages of the criminal proceedings.’ ” *State v. Slider*, 2009-Ohio-4179, ¶ 17 (4th Dist.), quoting *State v. Hardin*, 2003-Ohio-7263, ¶ 10 (6th Dist.), in turn citing *State v. Hughes*, 27 Ohio St.3d 19, 20 (1986). The Fifth District Court of Appeals has very recently observed that “[t]he purpose of bail is to ensure the appearance of a criminal defendant before the court at a specific time.” *State v. Lambert*, 2025-Ohio-208, ¶ 20 (5th Dist.). “ ‘Furthermore, the purpose of bail is not punitive but to secure the presence of the defendant.’ ” *Slider* at ¶ 17, quoting *State v. Christensen*, 1999 WL 218146 (2d Dist. Apr. 16, 1999), in turn citing *Dudley v. United States*, 242 F.2d 656 (5th Cir. 1957).

³ We acknowledge the holding in *Auber*, however, we conclude that such a result is at odds with the interests of justice to the extent that it in effect encourages a surety’s noncompliance with a court order that requires immediate payment of a forfeiture judgment while a criminal defendant remains missing because if payment is made, later remission is foreclosed once the defendant is brought back before the court.

{¶10} R.C. 2937.35 governs “Forfeit of bail” and provides as follows:

Upon the failure of the accused or witness to appear in accordance with its terms the bail may in open court be adjudged forfeit, in whole or in part by the court or magistrate before whom he is to appear. But such court or magistrate may, in its discretion, continue the cause to a later date certain, giving notice of such date to him and the bail depositor or sureties, and adjudge the bail forfeit upon failure to appear at such later date.

{¶11} R.C. 2937.36 and R.C. 2937.39 respectively govern “Forfeiture proceedings” and “Remission of Penalty.” With respect to forfeiture, R.C. 2937.36 provides, in pertinent part, as follows:

(C) As to recognizances the magistrate or clerk shall notify the accused and each surety within fifteen days after the declaration of the forfeiture by ordinary mail at the address shown by them in their affidavits of qualification or on the record of the case, of the default of the accused and the adjudication of forfeiture and require each of them to show cause on or before a date certain to be stated in the notice, and which shall be not less than forty-five nor more than sixty days from the date of mailing notice, why judgment should not be entered against each of them for the penalty stated in the recognizance. If good cause by production of the body of the accused or otherwise is not shown, the court or magistrate shall thereupon enter judgment against the sureties or either of them, so notified, in such amount, not exceeding the penalty of the bond, as has been set in the adjudication of forfeiture, and shall award execution therefor as in civil cases. The proceeds of sale shall be received by the clerk or magistrate and distributed as on forfeiture of cash bail.

Appellant has not challenged the underlying declaration of forfeiture of the bonds at issue and expressly conceded below in its motion for remission that the forfeitures of the bonds were valid.

{¶12} With respect to remission of penalty, R.C. 2937.39 provides as follows:

After judgment has been rendered against surety or after securities sold or cash bail applied, the court or magistrate, on the appearance, surrender, or re-arrest of the accused on the charge, *may* remit all or such portion of the penalty *as it deems just* and in the case of previous application and transfer of cash or proceeds, the magistrate or clerk may deduct an amount equal to the amount so transferred from subsequent payments to the agencies receiving such proceeds of forfeiture until the amount is recouped for the benefit of the person or persons entitled thereto under order or remission.

(Emphasis added.).

{¶13} Although R.C. 2937.39 contains no express framework for the trial court's consideration of a motion for remission of penalty, case law on the subject has evolved to set forth certain factors that should be considered when granting or denying remission.⁴ *See State v. Slider, supra*, at ¶ 17. This Court has set forth those factors, as follows:

“[I]n determining whether to remit a forfeited bond, the trial court should consider (1) the circumstances surrounding the reappearance of the accused, including timing and whether that reappearance was voluntary; (2) the reasons for the accused's failure to appear; (3) the inconvenience, expense, delay, and prejudice to the prosecution caused by the accused's disappearance; (4) whether the surety was instrumental in securing the appearance of the accused; (5) any mitigating

⁴ In this case, the underlying motion that was filed in the trial court was entitled “Motion for Remittance of Surety Bond Forfeiture.” The trial court characterized the motion as a motion for remission of penalty in accordance with R.C. 2937.39.

circumstances; and (6) whether justice requires that the total amount of the bond remain forfeited.”

Slider at ¶ 17, quoting *State v. Am. Bail Bond Agency*, 129 Ohio App.3d 708, 712-713 (10th Dist. 1998); *State v. Duran*, 143 Ohio App.3d 601, 604 (6th Dist. 2001).

Standard of Review

{¶14} A plain reading of the remission of penalty statute reveals that the grant or denial of a motion for remission rests in the sound discretion of the trial court provided that, according to relevant case law, the court appropriately considers certain factors in rendering its decision. *See State v. Hardin, supra*, at ¶ 9 (“ ‘The disposition of a motion to remit a forfeited bond is a matter within the discretion of the court.’ ”), quoting *State v. Patton*, 60 Ohio App.3d 99, 101 (6th Dist. 1989). *See also Slider, supra*, at ¶ 17. Therefore, our review is limited to whether the trial court abused its discretion. *See Am. Bail Bond Agency, supra*, at 713. *See also State v. Wane*, 2020-Ohio-4874, ¶ 22 (12th Dist.)

{¶15} “An abuse of discretion implies that a court's attitude is unreasonable, arbitrary or unconscionable.” *State v. Hall*, 2025-Ohio-3199, ¶ 55 (4th Dist.), citing *State v. Beasley*, 2018-Ohio-16, ¶ 12. “ ‘A decision is unreasonable if there is no sound reasoning process that would support that decision.’ ” *State v. Ford*, 2019-Ohio-4539, ¶ 106, quoting *AAAA Ents., Inc. v. River Place Community Urban Redevelopment Corp.*, 50 Ohio St.3d 157, 161 (1990). “[A]n ‘arbitrary’

decision is one made ‘without consideration of or regard for facts [or] circumstances.’ ” *State v. Beasley, supra*, at ¶ 12, quoting Black's Law Dictionary 125 (10th Ed.2014), and citing *Dayton ex rel. Scandrick v. McGee*, 67 Ohio St.2d 356, 359 (1981), in turn quoting Black's Law Dictionary 96 (5th Ed.1979) (“arbitrary” means “ ‘without adequate determining principle; * * * not governed by any fixed rules or standard’ ”). An unconscionable decision is one “showing no regard for conscience” or “affronting the sense of justice, decency, or reasonableness.” Black's Law Dictionary (12th ed. 2024). An unconscionable decision also may be characterized as “[s]hockingly unjust or unfair.” *Id.* Moreover, when reviewing for an abuse of discretion, appellate courts must not substitute their judgment for that of the trial court. *See State v. Grate*, 2020-Ohio-5584, ¶ 187; *In re Jane Doe I*, 57 Ohio St.3d 135, 137-138 (1991).

Legal Analysis

{¶16} As set forth above, appellants’ first and third assignments of error argue that the trial court abused its discretion and denied them due process of law in 1) failing to properly consider their efforts to secure the return of the defendants; and 2) failing to properly consider the “statutory factors under R.C. 2937.39,” including appellants’ “substantial expenditures and efforts to secure the defendants’ return.” For the following reasons, we find no merit to the arguments raised under either of these assignments of error.

{¶17} As argued by the State, appellants were provided a hearing on their motion for remission and despite the trial court expressly asking appellants' counsel if he wished to put on any evidence, he declined. Instead, counsel stated that he had "a narrative that [he] would ask the Court to consider." He went to argue that appellants had spent "upwards of 5-6,000.00" to find the defendants and that they had sent bounty hunters to Michigan, Georgia, and Texas, essentially forcing the defendants to flee across the border into Mexico. Counsel conceded that appellants were not the ones that ultimately secured the defendants' return, but rather the defendants were intercepted by border agents while trying to cross back into the United States. Counsel claimed that the defendants ultimately returned to the country due to pressure placed on them by appellants.

{¶18} In response, the State explained that the Scioto County Sheriff's Office had to send two deputies to Texas to retrieve the defendants and that the cost for their food, lodging, and airfare was \$2033.04. After listening to counsels' arguments, the trial court again inquired whether appellants wished to put on any evidence. Their counsel again declined.

{¶19} The trial court orally noted on the record that it was required to consider a list of factors, as set forth in *State v. Hardin, supra*, in rendering its decision. The court reiterated that it was of the understanding that the defendants were apprehended by border security, and it asked appellants' counsel to again

explain how the defendants were eventually arrested. The court then inquired of the State as to whether it had a cost estimate for the two deputies' time that was dedicated to retrieving the defendants, however, the State did not have that information.

{¶20} The trial court issued a judgment entry on March 20, 2025, denying appellants' motion for remission of bond. The trial court set forth the timeline of events, including that the defendants' cases were bound over to the common pleas court on April 22, 2022, that appellants had posted bonds of \$50,000 and \$75,000 for Anderson and Marrow, respectively, and that both defendants failed to appear for their scheduled jury trials on November 14, 2022. The entry stated that despite the trial court having granted appellants two extensions of time to try to locate the defendants and avoid forfeiture, appellants were unsuccessful and the bonds had been forfeited on March 23, 2023. The court noted that appellants paid the penalty judgments on May 26, 2023, and that the defendants were not returned to Scioto County until January 4, 2024. The entry further noted the manner in which the defendants were apprehended. The court stated that the defendants were held in jail from January 4, 2024 until March of 2024, when they entered guilty pleas and were sent to prison. The entry further stated that appellants did not request remission until February 4, 2025.

{¶21} Importantly, the entry expressly stated that the trial court had considered 1) the circumstances surrounding the reapprehension; 2) the reasons for their failure to appear; 3) the inconvenience, expense, and prejudice to the prosecution; 4) whether the surety was instrumental in securing the return of the defendants; 5) any mitigating circumstances; and 6) whether justice required the total bond remain forfeited. The trial court went on to expressly find that the defendants absconded to avoid prosecution, that they were apprehended by border agents when they were trying to enter the U.S. and not through the efforts of the bail bondsmen, that the State bore the expense of transporting them back to Scioto County and also the cost of maintaining them in jail for two months pending their new trial date. The trial court further found that the defendants absconded for a total of 416 days, that 250 days had elapsed from the time the forfeiture judgment was issued and when the defendants were returned, and that 223 days had elapsed between payment of the forfeiture penalty and the filing of the motion for remission. The court further found that appellants had presented no mitigating circumstances. Importantly, the trial court concluded that under these circumstances, it was “just that the total amount of the penalty remains forfeited.”

{¶22} Based upon the foregoing, we cannot conclude that the trial court abused its discretion in denying appellants’ motion for remission of bond. Despite appellants’ claims that the trial court either did not consider or did not fully

consider the effort and expense they put forth in trying to secure the defendants' return, it is clear that the trial court considered the arguments made by counsel in rendering its decision. However, the efforts of appellants were but one factor in a whole list of factors considered by the trial court.

{¶23} Nor can we conclude that the trial court deprived appellants of due process. Contrary to appellant's due process argument, the trial court clearly considered the relevant and required factors in reaching its decision. Not only did the trial court consider the factors, but the judgment entry also contained express findings related to the factors. Further, and importantly, appellants did not support their motion with any evidence, despite the trial court twice asking if counsel wished to present evidence. As argued by the State, appellants' burden required that they support their motion with more than just bare allegations that they were entitled to relief. *See State v. Hardin, supra*, at ¶ 13, quoting *Kay v. Marc Glassman, Inc.*, 76 Ohio St.3d 18, 20 (1996) (" 'although the movant is not required to support its motion with evidentiary materials, the movant must do more than make bare allegations that he or she is entitled to relief' "). Moreover, there is support in the record for the trial court's decision.

{¶24} Thus, having found no abuse of discretion or deprivation of due process on the part of the trial court, we find no merit to appellant's first and third assignments of error. Accordingly, they are overruled.

ASSIGNMENT OF ERROR II

{¶25} In their second assignment of error, appellants contend that the trial court erred as a matter of law by misapplying the standard under R.C. 2937.39 and *State v. Hardin, supra*, effectively treating remission of bond as unavailable despite the sureties' demonstrated diligence and expense. Appellants essentially argue that the trial court applied the wrong legal standard in rendering its decision and that, as a result, the standard of review by this Court is de novo. More specifically, appellants seem to argue that the trial court misunderstood *State v. Hardin* to stand for the proposition that if a defendant remains a fugitive, or if the surety is not the one that ultimately secured the return of a defendant, that remission is barred. Appellants argue that *Hardin* does not stand for such a proposition but instead that it affirms "remission requires consideration of the totality of the circumstances and is a matter of justice, not automatic forfeiture."

{¶26} We find that the record does not support the arguments made under this assignment of error. Contrary to appellant's argument, the trial court clearly and expressly considered all of the factors set forth in *Hardin, supra*, as have been more recently affirmed by this Court in *State v. Slider, supra*. Moreover, with respect to appellants' argument that remission is a matter of justice, the trial court expressly stated in its entry that complete forfeiture was a just result under these circumstances.

{¶27} Importantly, although “forfeiture should bear a reasonable relationship to the costs and inconvenience in regaining custody of the accused and again preparing for trial[,]” the *Hardin* court observed as follows:

“ ‘the public also has an interest in insuring that bail bond companies devote sufficient time and resources to the posting of bail bonds for person[s] accused of committing serious crimes. Holding bail bond companies harmless when an accused fails to appear for a preliminary hearing would encourage bail bond companies to post bonds without considering whether an accused person intends to fully fulfill his or her bond obligations.’ ”

Hardin at ¶ 11, quoting *State v. Patton*, 60 Ohio App.3d 99, 101 (6th Dist. 1989), in turn quoting *Am. Bail Bond Agency, supra*, at 715.

{¶28} Here there is simply nothing in the remission hearing transcript or the judgment entry to suggest that the trial court misunderstood *Hardin* to state that remission is barred when a defendant is eventually brought to justice by some other means than being secured and returned by the surety. As discussed in detail in our analysis of the arguments raised under appellants’ first and third assignments of error, the trial court referenced the correct statutory and case law in rendering its decision and considered the required factors. The trial court did not find that remission was barred because the surety in this case failed to secure the defendants’ return. That factor was but one factor considered by the trial court. Accordingly, because we find no merit to the argument raised under this assignment of error, it is overruled

{¶29} Having overruled all three of appellants' assignments of error, the judgment of the trial court is affirmed.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENTS BE AFFIRMED. Costs are to be assessed to appellants.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Scioto County Common Pleas Court to carry this judgment into execution.

IF A STAY OF EXECUTION OF SENTENCE AND RELEASE UPON BAIL HAS BEEN PREVIOUSLY GRANTED BY THE TRIAL COURT OR THIS COURT, it is temporarily continued for a period not to exceed 60 days upon the bail previously posted. The purpose of a continued stay is to allow Appellant to file with the Supreme Court of Ohio an application for a stay during the pendency of proceedings in that court. If a stay is continued by this entry, it will terminate at the earlier of the expiration of the 60-day period, or the failure of the Appellant to file a notice of appeal with the Supreme Court of Ohio in the 45-day appeal period set forth in the Rules of Practice of the Supreme Court of Ohio. Additionally, if the Supreme Court of Ohio dismisses the appeal prior to expiration of 60 days, the stay will terminate as of the date of such dismissal.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Abele, J., and Hess, J., concur in Judgment and Opinion.

For the Court,

Jason P. Smith
Presiding Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 22, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.