

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
FULTON COUNTY

State of Ohio

Court of Appeals No. {26}F-26-001

Appellee

Trial Court No. CRB2500169

v.

Amanda Romero

DECISION AND JUDGMENT

Appellant

Decided: October 2, 2026

* * * * *

T. Luke Jones, Fulton County Prosecuting Attorney,
and Allma-Tadema Miller, Assistant Prosecuting Attorney,
for appellee.

Michael G. Aird, for appellant.

* * * * *

OSOWIK, P.J.

{¶ 1} This is an appeal from the judgment by the Municipal Court of Fulton County, which sentenced appellant, Amanda K. Romero, to 30 days in jail, and ordered she pay a \$250 fine, \$4,286.05 in costs, \$22,549.19 in reimbursement to appellee, and forfeiture of six impounded animals (two horses, two ponies, and two goats), after a jury conviction for animal cruelty for a deceased horse. For the reasons set forth below, this court affirms the trial court's judgment.

{¶ 2} Appellant sets forth three assignments of error:

1. The conviction in this case is insufficient of evidence.
2. The trial court abused its discretion in permitting testimony regarding prior wrongs/acts of Ms. Romero during the cross examination of witness Ida Romero.
3. The trial court erred in ordering Ms. Romero to reimburse the county \$22,549.19 for the costs incurred for the impounded animals.

I. Background

{¶ 3} On July 30, 2025, appellee, the Fulton County dog warden, filed a criminal complaint against appellant for 11 counts of companion animal cruelty, each a violation of R.C. 959.131(D)(2), and a second-degree misdemeanor under R.C. 959.99(E)(3), and one count of animal cruelty, a violation of R.C. 959.13(A)(1), and a second-degree misdemeanor under R.C. 959.99(D). The dog warden's probable-cause affidavit explained:

On Friday, July 25, 2025¹ I was called to check on the welfare of animals located at 14319 County Road L, Wauseon Ohio. I was advised the owner was incarcerated until August 4, 2025, and there was no one else able to care for the animals. Once at the property, I observed that 2 horses, 2 goats and 2 ponies were without water and had been for some time. I observed a dead horse that was just left in an open run in shelter² to rot. I have had prior encounters with the owner of these animals and based upon that I had reason to be concerned that these were not the only animals. I went to the residence at 5602 County Road 19, Wauseon, Ohio after speaking with the homeowner (relative to the animal owner). At this time, the homeowner expressed concern over the well-being of animals in a camper that had been used by the animal owner, Amanda Romero, prior to her incarceration. The homeowner was unable to get around and care for the animals and asked that I open the camper to check the animals as it had

¹ This appears to be a typographical error where the record otherwise indicates the dog warden was notified by appellant's sister the previous week, on July 18, 2025.

² Described in the record as "a three-sided shelter with no door on it . . . that they can get out of the weather conditions."

been at least several days that anyone had checked the animals. Upon opening the camper, I observed at least 6 dead cats in various places throughout the camper and 3 dead chickens that were confined in cages. I was then advised that there were dogs that nobody knew where they were. I went back to L to search for the dogs. I located two deceased dogs that had been locked inside. The door holding them in had been clawed by the dogs during their futile attempts to escape. Upon further discussions with the homeowner, it was determined that Amanda knew that the animals were in serious risk of physical harm while she was confined. Amanda knew that the person she left responsible for the animals was unlikely to provide adequate food and water to the animals. As a result, the animals died from starvation. Wherefore, I have reason to believe there is probable cause to believe Amanda Romero recklessly left her 2 dogs, 6 cats and 3 chickens (all companion animals confined by Amanda) and one horse (non-companion animal) deprived of water and food resulting in death. These are violations of cruelty to Animals in violations of 959.12(A)(1) and 959.131(D)(2).

{¶ 4} Appellant entered not-guilty pleas, and the matter proceeded to a jury trial on November 21, 2025, at which seven witnesses testified and the trial court admitted 19 exhibits into evidence. The Fulton County dog warden, assistant dog warden, and deputy sheriff each testified as to their involvement with the discovery of 12 deceased animals³ between July 18 and 20, 2025, at two locations in Wauseon, Fulton County, Ohio. Appellant, appellant's sister, appellant's daughter, and appellant's mother each testified as to their involvement with appellant and those animals while appellant was in jail between April 4 and August 4, 2025, for another matter. The testimony and admitted evidence collectively verified the observations in the dog warden's probable-cause affidavit.

³ One horse, six cats, three chickens, and two dogs.

{¶ 5} The jury found appellant was not guilty of the 11 counts of companion animal cruelty for the deceased six cats, three chickens, and two dogs, but found her guilty of one count of animal cruelty for the deceased horse.

{¶ 6} Sentencing occurred on December 8, 2025. Prior to the start of sentencing, the trial court held a hearing on the costs of impounding appellant's six animals for 142 days. Among other sentencing matters, the trial court, under R.C. 959.99, ordered appellant to pay \$22,549.19 to Fulton County in reimbursement "for the costs incurred for care for animals seized as part of the investigation ordered forfeited" and ordered those six animals forfeited to be sold and potentially pay the reimbursement order. The trial court described the foregoing expenses as "absolutely necessary, absolutely proper and absolutely should be subject to reimbursement" and explained:

Ms. Romero, I really don't know what to say. The fact of the matter is I got a presentence report that shows the status of your income. The status of your income doesn't support taking care of yourself, barely, let alone yourself and your daughter or other family members.

It certainly doesn't support taking care of livestock. You simply don't have the means to do this. No matter how much you might love these animals, you lack the means to do it.

So even if you set aside any intentions, it doesn't work. And the results are foreseeable. These animals weren't doing well before you went to jail. Whether you agree with that or not, they weren't. The conditions of the animals that were taken that we're talking about in some degree today, those didn't start when you went to CCNO. It's been a pattern. And they deserve better.

Again, ma'am, the costs associated with this, while there may be some disagreement, are substantial. And the reasons why the Court is going to order that is because you should be responsible for reimbursing the costs related to these animals. Not just the dead one but all of them that were taken and cared for and rehabilitated because you couldn't and wouldn't do what you should have been doing, which was not had them at all in the first place. But if you're going to have them, you've got to take care of them.

{¶ 7} Appellant timely appealed, and the discussion below will be limited to appellant’s conviction for animal cruelty for the deceased horse and the reimbursement portion of her sentence.

II. Sufficiency of Evidence

The test for sufficiency of the evidence 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.” “‘Proof beyond a reasonable doubt’ is proof of such character that an ordinary person would be willing to rely and act upon it in the most important of the person’s own affairs.” A sufficiency-of-the-evidence challenge asks whether the evidence adduced at trial “is legally sufficient to support the jury verdict as a matter of law.” (Citations omitted.)

State v. Worley, 2021-Ohio-2207, ¶ 57.

{¶ 8} All evidence admitted against the appellant at trial may be considered on a claim of insufficient evidence. *State v. Yarbrough*, 2002-Ohio-2126, ¶ 80. “Appellee could meet its burden at trial using circumstantial evidence.” *State v. Duke*, 2021-Ohio-1552, ¶ 26 (6th Dist.). “Circumstantial evidence and direct evidence inherently possess the same probative value and therefore should be subjected to the same standard of proof.” *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph one of the syllabus.

{¶ 9} Appellant challenges the sufficiency of appellee’s evidence for the jury’s conviction under R.C. 959.13(A)(1), which states. “No person shall . . . confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water.” The required mens rea element for a violation of R.C. 959.13(A)(1) is recklessness, as defined under R.C. 2901.22(C). *State v. Dixon*, 2006-

Ohio-2114, ¶ 19-20 (6th Dist.). ““A person acts recklessly when, with heedless indifference to the consequences, he perversely disregards a known risk that his conduct is likely to cause a certain result or is likely to be of a certain nature.”” *Id.* at ¶ 20, quoting R.C. 2901.22(C).

{¶ 10} In support of her first assignment of error, appellant argues her conviction for animal cruelty must be reversed because there was no evidence of cruelty, the deceased horse was old and had health problems, and there was no definitive investigation into how the horse died. Citing *State v. Dixon*, 2006-Ohio-2114, ¶ 21 (6th Dist.), appellant argues “there was no testimony provided by a veterinarian or otherwise that the horse’s condition/death was caused by neglect or any reckless action of Ms. Romero. Nobody knows why this horse died.” Further, appellant argues that there was no evidence “that the horse was ever denied necessary sustenance or confined without a sufficient quantity of good wholesome food and water,” even though she acknowledged the dog warden testified that no good, wholesome food and water was observed near the dead horse, Cody, which had been dead for several weeks upon its discovery on July 18, 2025.

{¶ 11} Appellant further argues that she was not reckless in her “whole plan” for animal care during her four-month incarceration. Both her young daughter and elderly mother were her selected caretakers who “assumed the responsibility for the animals, not independently or at separate times, but as part of a team. . . . Each of them had different roles and responsibilities. . . . a young, able bodied woman with ample experience caring

for animals of all variety combined with an older person to drive and supervise.”

Appellant’s defense at trial was that her “team” repeatedly lied to her when she called her mother from jail. Appellant argues, “Where a defendant cannot know that an animal is in distress, the defendant is not reckless,” citing *State v. York*, 1998 WL 257055, *4 (11th Dist. May 1, 1998). Appellant claims she was unaware of the true condition of her animals due to the lies from her “team.” If she had known the truth, then “there were other people in place by her that her mother and daughter could have requested assistance from to help with the animals.” Yet when questioned as to who those other people were, appellant did not identify them, and the record does not show that either appellant’s mother or appellant’s daughter knew who to call or the phone number(s) to call them.

{¶ 12} Rather, appellant’s sister testified that on July 18, 2025, appellant’s mother asked her to check on the animals because, “She was curious as to how they were being fed and checking on them to make sure everybody was healthy and alive.” She gagged at the smell of death from Cody when she found it in the run-in shelter. She knew that Cody had been dead for a while because “there was bones sticking out.” There was hay for the horses, but inaccessible to them. The water troughs were empty long enough that they were dry in the summer heat. She then reported the situation to the dog warden and to her mother.

{¶ 13} Appellee responds that sufficient evidence was given to the jury to support appellant’s conviction beyond a reasonable doubt for violating R.C. 959.13(A)(1). The offense occurred in Fulton County, Ohio. Cody was a horse owned by appellant and was

found dead on appellant's property. "The inquiry is whether the State met its burden in proving that Appellant recklessly deprived the animal of necessary sustenance or confined it without supplying it during such confinement, with a sufficient quantity of good wholesome food and water." Appellee concluded that it did and pointed out that no element of R.C. 959.13(A)(1) required appellee to prove that an animal died, let alone how it died if found deceased. Citing *State v. Kapcar*, 2022-Ohio-3959, ¶ 13-15 (9th Dist.) and *State v. Morgan*, 2014-Ohio-2472 (12th Dist.), appellee also notes that Ohio courts "rejected the defense of delegating care when the chosen caretakers are inadequate and the defendant was aware or should have been aware of the inadequate care and failed to intervene."

{¶ 14} We find there was sufficient evidence to support appellant's conviction beyond a reasonable doubt for the essential elements of R.C. 959.13(A)(1). First, the dead horse, Cody, was owned by appellant and was found on July 18, 2025, confined to a "run-in shelter" on appellant's property located in Fulton County, Ohio.

{¶ 15} Second, in the area of Cody's confinement, there was not a sufficient quantity of good, wholesome food and water. The existing hay, which was old and covered in cobwebs, was 70 to 80 feet outside the shelter's gate, so Cody could not access the hay even if it were somehow good and wholesome. The only water accessible to Cody was a dry trough with a trace of undrinkable rainwater covered in horse manure.

{¶ 16} In addition, Cody was an older horse that required a special high-protein diet and feed texture, and no such feed was found near Cody. Cody died with a cribbing

collar, which indicated a behavioral problem “that starved horses tend to exhibit if they are not getting enough food.” *State v. Morgan*, 2014-Ohio-2472, ¶ 25 (12th Dist.).

According to the dog warden, a horse begins to crib because it gnaws and sucks on wood or anything solid nearby to ingest air, which ruins their teeth and causes potentially deadly colic and bloat.

{¶ 17} Third, appellant acted recklessly. Appellant knew her lack of funds. She knew for a while of the possibility of being jailed on April 4 for four months after a community control revocation hearing in a different criminal matter. Appellant testified, “Like I said, this was an ongoing battle with probation department for several months prior to that. It wasn’t like I was completely and utterly snowballed on the 28th of March [2025] on what . . . was going to happen.” Appellant knew she had dozens of animals under her care prior to her incarceration, and among those many animals was Cody, an elderly, special-needs horse.

{¶ 18} After appellant’s incarceration, her phone calls from jail were recorded, of which three were from one month into her four-month incarceration, and were played for the jury and admitted into evidence. On at least one occasion, in speaking with her mother, appellant knew the animals were not being fed because there was no hay for them. Appellant thought the solution was for her to use her work-release privileges from jail to care for the animals, but that was not possible. The deputy sheriff testified, “You’re only supposed to be released to go to work and come back to work. Not care for your animals. It’s supposed to be arranged beforehand.”

{¶ 19} Appellant chose to place the great responsibility for Cody's care, along with dozens of other animals including cats, dogs, horses, ponies, goats, and chickens, on her 82-year-old, house-bound mother who lived 10 miles from appellant's property. In turn, while appellant was in jail, appellant's mother essentially had informal, temporary custody of appellant's 15-year-old daughter, who lived in her grandmother's home. In turn, appellant and her mother placed the responsibility for Cody's direct care on the 15-year-old child, who testified she was busy with school and sports. Appellant's daughter was too young to drive, so she relied on the bus to travel to and from school and sports . At the end of a long day, she then relied on her grandmother to drive her to her mother's property to check on the animals, including Cody, which was not done daily. Appellant and appellant's mother knew that the stress of the responsibilities for her mother's animals placed on appellant's daughter caused appellant's daughter to have a mental health crisis requiring a five-day hospitalization in July 2025.⁴

{¶ 20} Still, appellant did nothing to make arrangements with other adults. She testified, "I had other people, other adults ready, in place to come in and care for them. I had people that could deliver hay. I had people that could come in and take care of any sort of vermin trouble or literally anything. I had safe checks and safeguards in place. There was people reaching out while I was in CCNO to try and make sure everything was

⁴ The deputy sheriff testified, "Our office had dealt with her on July 18th where she was taken to a psych ward. She threatened suicide. And for a 15-year-old to be taken to a psych ward, I mean, that's pretty serious. And she said a lot of it stemmed around the stress and pressure from her mother. She didn't want to live there anymore and the living conditions."

okay and whether or not help was needed, other adults.” Yet appellant did not contact those people and does not identify them in the record.

{¶ 21} Based on the direct and circumstantial evidence in the record, we find that sufficient evidence was submitted to the jury such that, after viewing the evidence in a light most favorable to appellee, any rational trier of fact could have found the essential elements of the crime of animal cruelty beyond a reasonable doubt and to find that appellant acted recklessly for that offense.

{¶ 22} Appellant’s first assignment of error is not well-taken.

III. Other Acts Evidence

{¶ 23} Evid.R. 404(B) states,

(1) Prohibited uses. Evidence of any other crime, wrong, or act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.

(2) Permitted uses; notice. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. The proponent of evidence to be offered under this rule shall . . . provide reasonable notice of any such evidence . . . in any form during trial if the court, for good cause, excuses lack of pretrial notice.

{¶ 24} Appellant’s second assignment of error argues the trial court violated Evid.R. 404(B) when it allowed testimony of appellant’s prior animal-cruelty criminal case from 2021. Appellant urges us to find the testimony from appellant’s mother was highly prejudicial because it was improperly used to prove her character to commit animal cruelty.

{¶ 25} Appellant first argues that she did not “open the door” when appellant’s mother responded to the question, “Would Amanda ever do anything like this to her animals intentionally?” with, “Never. Never. Never. Never. She never mistreated animals. She loved animals more than people sometimes, I think.” Appellant argues the foregoing did not invite the prejudicial questioning, “Isn’t it true that . . . in October 2021, Amanda had a similar experience with animal cruelty?” Appellant insists that the question “Would Amanda ever do anything like this to her animals intentionally?” was merely eliciting her mother’s opinion if appellant would ever starve her animals to the point of death, i.e., “her mother’s own objective opinion regarding her daughter’s caretaking skills,” not whether appellant had been accused or investigated for animal cruelty in the past.

{¶ 26} Appellant then argues reversible prejudice occurred even if she had “opened the door” because appellee went too far with its questions beyond whether appellant mistreated animals by “offering specific past acts of the same crime alleged in the case.”

{¶ 27} Appellee responds that there was no trial court error because the questions regarding appellant’s prior acts were both relevant and admissible under Evid.R. 404(A)(1)⁵ to rebut appellant’s character evidence offered at trial, citing *State v. Jacobs*,

⁵ Evid.R. 404(A)(1): “Evidence of a person’s character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion, subject to the following exceptions: (1) Character of accused. Evidence of a pertinent trait of character offered by an accused, or by the prosecution to rebut the same is admissible[.]”

2004-Ohio-3393, ¶ 17 (4th Dist.). Appellee argues its questions were specifically limited to rebut direct testimony of appellant's relevant character trait for never mistreating animals and for no prior experiences with animal cruelty investigations, citing *State v. McCray*, 103 Ohio App.3d 109 (9th Dist. 1995) and Evid.R. 405(A)⁶.

{¶ 28} The following is the extent of what the jury heard immediately following appellant's mother's "Never. Never. Never. Never. She never mistreated animals" testimony on direct examination:

Q. Would you be surprised to learn that she has had past experiences with animal cruelty?

MR. GRONSKY: Objection.

THE COURT: What's the objection?

MR. GRONSKY: Intrinsic evidence and (inaudible) evidence.

MS. MILLER: Your Honor. . . . Under 404, we would argue that the door has been opened when he asked about mistreatment of animals. We're clearly allowed to be able to rebut that.

THE COURT: I would agree, Mr. Gransky. You did open the door by asking about her propensity for never mistreating animals. So here we are. The objection is overruled.

Q. Isn't it true that . . . in October 2021, Amanda had a similar experience with animal cruelty?

A. Like what?

Q. Would you be surprised to learn that at that time, she had a horse that was stuck in mud and injured?

A. And she was trying to save the horse.

Q. But isn't it true that a veterinarian came out to the property, looked at the horse, and instructed her to put the horse down, and she did not?

A. She also had a guy --

Q. Isn't that true? It's a yes or no.

A. Well, the vet said that. But she also talked to another guy.

⁶ Evid.R. 405(A): "Reputation or opinion. In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by testimony as to reputation or by testimony in the form of an opinion. On cross-examination, inquiry is allowable into relevant specific instances of conduct."

Q. Okay. So that would be a yes. Isn't it true that she let that horse lay there for four days after she had been told to put that horse down?

A. Well, this guy thought that he could help her.

Q. Yes or no? Isn't it true she let that horse lay there for four days?

A. I don't know. I wasn't there. I didn't see the horse. I don't know. All I know is the guy promised he would probably get it better if she took it somewhere. He knew a friend.

Q. Isn't it true that on that same occasion, she had another horse that was visibly malnourished?

A. I would say no. Because he was about 30 years old. He was getting special food.

Q. So it's not true that she had had a mare that was at the property that was malnourished?

A. A mare?

Q. A mare.

A. I don't know which one you're talking about.

Q. Has there been more than one?

A. They're all (inaudible).

Q. Has there been more than one occasion where she has let animals go malnourished?

A. No.

Q. No? So you would be surprised to find out that she had animals that had ribs that were visible, that had hip bones that were showing?

A. That was because [appellant's daughter] wasn't feeding them.

Q. So this was in 2021. So how old would [appellant's daughter] have been in 2021?

A. I don't know what I don't know who that was with the ribs showing in 2021.

Q. Okay. So she's 15 now, and it's 2025. So what age does that put her at? Like 10 or 11. And it's still her responsibility to take care of these animals?

A. I didn't know anything about any horse with the ribs showing then. I don't know what horse that would have been.

{¶ 29} The admission of evidence, as well as the regulation of the examination of witnesses, rests within the sound discretion of the trial court, and we will not reverse those rulings without a clear demonstration of an abuse of that discretion resulting in material prejudice to a party. *State v. Thompson*, 2014-Ohio-4751, ¶ 111.

{¶ 30} We find that appellee’s questions to appellant’s mother were fair rebuttals to her “Never. Never. Never. Never. She never mistreated animals” testimony. *State v. Diar*, 2008-Ohio-6266, ¶ 217. Even if we find the trial court erred by admitting testimony about appellant’s 2021 investigation for mistreating animals, we find no prejudice. There is no reasonable basis for us to conclude that the result of the trial would have been different in the absence of the rebuttal inquiry. *Id.* at ¶ 222. Although appellant argues on appeal that her mother was a part of the two-person caretaker “team” of appellant’s animals who repeatedly lied by reassuring appellant her animals were fine, the jury heard appellant’s mother staunchly defend appellant’s treatment of her animals in the past and never conceded the existence of any incident of mistreatment. Moreover, as discussed for appellant’s first assignment of error, there was sufficient evidence, without any prior-acts evidence, with which to convict appellant beyond a reasonable doubt for animal cruelty towards Cody.

{¶ 31} Appellant’s second assignment of error is not well-taken.

IV. Misdemeanor Sentencing

{¶ 32} “We review misdemeanor sentences for an abuse of discretion.” *State v. Williamson*, 2018-Ohio-4905, ¶ 6 (6th Dist.). In support of her third assignment of error, appellant argues her misdemeanor sentence must be reversed for three reasons.

A. Impounding Agency

{¶ 33} First, appellant argues that the dog warden was not an “impounding agency” within the meaning of R.C. 959.99(E)(6)⁷ and 959.132(A)⁸ because the dog warden did not impound companion animals, but goats, horses and ponies. Alternatively, appellant argues that where R.C. 959.99(E)(6)(b) contemplates the impoundment of livestock, there is “an ambiguity in the law, which means that the rule of lenity should apply, and the statute should be strictly construed against the state and liberally construed in favor of the accused,” citing R.C. 2901.04(A) and *City of Columbus v. Mitchell*, 2016-Ohio-7873, 16 (10th Dist.).

{¶ 34} Appellee responds there is no statutory ambiguity of the Fulton County dog warden as the “impounding agency” because R.C. 959.99(E)(6)(b) explicitly references a violation of R.C. 959.13(A), which is not limited to companion animals. In addition, R.C. 959.99 was amended by the General Assembly in April 2021 to remove a reference to “companion animal” and replaced it with “an animal or livestock.” Appellee concludes:

⁷ R.C. 959.99(6): “(a) A court may order a person who is convicted of or pleads guilty to a violation of [R.C. 959.131] to forfeit to an impounding agency, as defined in [R.C. 959.132], any or all of the companion animals in that person’s ownership or care. The court also may prohibit or place limitations on the person’s ability to own or care for any companion animals for a specified or indefinite period of time. (b) A court may order a person who is convicted of or pleads guilty to a violation of [R.C. 959.13(A)] or [R.C. 959.131] to reimburse an impounding agency for the reasonable and necessary costs incurred by the agency for the care of an animal or livestock that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under [R.C. 959.132].”

⁸ R.C. 959.132(A): “As used in this section . . . ‘Impounding agency’ means a county humane society organized under [R.C. 1717.05], an animal shelter, or a law enforcement agency that has impounded a companion animal in accordance with this section.”

The State argues that the narrow definition of the term “impounding agency” does not prevent the ordering of reimbursement costs pursuant to R. C. 959.99(E)(6)(b) as the statute does not require that the impounding agency meet the definition provided under R.C. 959.132(A). The statute simply references R.C. 959.132(A) to ensure that costs were not otherwise paid.

{¶ 35} We agree with appellee. R.C.959.99(E)(6)(b) specifically states that for a conviction under R.C. 959.13(A), a court may order reimbursement to an impounding agency, which includes a law enforcement agency such as the Fulton County dog warden, ““for the reasonable and necessary costs incurred by the agency for the care of an animal or livestock that the agency impounded as a result of the investigation or prosecution of the violation.”” *State v. Caroline’s Kids Pet Rescue*, 2023-Ohio-761, ¶ 17 (11th Dist.), quoting R.C.959.99(E)(6)(b).

B. Due Process

{¶ 36} For her second reason, appellant argues that her due process rights were violated under R.C. 959.132(E)⁹ because there was no probable-cause hearing for the

⁹ R.C. 959.132(E): “(1) Not later than ten days after notice is provided or at the next available court date, the court shall hold a hearing to determine whether the officer impounding an animal had probable cause to seize the animal. If the court determines that probable cause exists, the court shall determine the amount of a bond or cash deposit that is necessary and reasonable to provide for the animal's care and keeping for not less than thirty days beginning on the date on which the animal was impounded. (2) If the court determines that probable cause does not exist, the court immediately shall order the impounding agency to return the animal to its owner if possible. . . . (3) If the court determines that probable cause exists and determines the amount of a bond or cash deposit, the case shall continue and the owner shall post a bond or cash deposit to provide for the animal’s care and keeping for not less than thirty days beginning on the date on which the animal was impounded. . . . If no bond or cash deposit is posted or if a bond or cash deposit expires and is not renewed, the impounding agency may determine the disposition of the animal unless the court issues an order that specifies otherwise.”

impoundment, citing *In re Hirt*, 2026-Ohio-681, ¶ 27 and 39 (6th Dist.). The record contains the dog warden's probable cause affidavit with the evidence on which the complaint was issued against appellant. Appellant does not argue any aspect of the probable cause evidence, nor any other aspect of her misdemeanor sentence, but disputes the resulting reimbursement costs. "Had Appellant been informed of what the substantial costs were going to be, she may have elected an alternative course of action in an attempt to mitigate those costs. Instead, here, Appellant was never even given an opportunity to contest the impoundment of her animals under any sort of procedure, nor mitigate the potential costs." Here, appellant offers only speculation of what she might have done in lieu of the impoundment of the six animals found alive. And her speculation is neither for the probable cause for the impoundment itself nor for the maintenance bond never imposed on her, but for the ultimate costs of the care for those animals as a legitimate sanction upon her conviction. *State ex rel. Pottinger v. Cleveland Mun. Court*, 2026-Ohio-2414, ¶ 16 (8th Dist.), citing *In re Hirt*, 2026-Ohio-681, ¶ 38 and 44 (6th Dist.).

{¶ 37} Contrary to appellant's argument, this court acknowledged in *Hirt* that pet owners do not have a protected interest in a probable-cause hearing under R.C. 959.132, just in the pets themselves. *Id.* at ¶ 39. In fact, this court found no due process violation in that case. *Id.* at ¶ 51.

{¶ 38} In response, appellee concedes that no impoundment hearing was held by the trial court. However, appellee argues that the hearing contemplated by "R.C. 959.132 serves a different purpose than a sentencing hearing at which reimbursement is ordered."

Appellee argues, “An impoundment hearing functions to determine whether the animals should remain impounded during the pendency of the criminal case and may also require defendants to post bond for the ongoing care of any impounded animals.” Appellee further argues, nothing in R.C. 959.99(E)(6)(b) “requires an impoundment hearing either prior to or as a requirement for a later order for reimbursement costs. This statute creates independent sentencing authority.” We agree.

{¶ 39} Here, appellant’s argument for the lack of an impoundment hearing is rooted in her opinion the reimbursement cost for impounding appellant’s six live animals was excessive. Yet, it is undisputed that appellant’s attorney cross-examined the dog warden on his direct testimony of those impoundment costs at appellant’s sentencing hearing. *See State v. Hopkins*, 2023-Ohio-4443, ¶ 9-10 (2d Dist.) (analyzing R.C. 959.99(E)(6)(a), no due process violation when a statutorily authorized sanction is imposed at sentencing during which the defendant and counsel had an opportunity to be heard); *In re Hirt*, 2026-Ohio-681, ¶ 40 (6th Dist.) (factors for procedural due process claims). Appellant had an opportunity to be heard at her sentencing hearing, and R.C. 959.99(E)(6)(b) specifically authorizes a reimbursement sanction.

{¶ 40} The record shows that appellant was aware of problems with feeding the animals at least two months prior to the dog warden’s discovery of the unsafe conditions of appellant’s animals on July 18, 2025. Due to appellant’s incarceration, the dog warden was unable to directly speak with appellant about his investigation and removal of her six, starving animals, so he contacted appellant’s mother, whom he knew to be a keeper

of some of appellant's animals. For two days the dog warden called and left messages for appellant's mother, and they finally spoke by phone and in-person on July 20. "And I explained what was going on, that I had the animals safe, had them all fed and watered and everybody looked like, you know, they were content enough getting their bellies full . . . and [will] get them the medical attention that they needed." Appellant's mother specifically asked the dog warden to check on the welfare of appellant's animals located on her own property.

{¶ 41} Upon review of the record, we agree with appellee and find there was no due process violation as alleged by appellant.

C. Impoundment Costs

{¶ 42} For her third reason, appellant argues, "The record does not contain evidence that the costs incurred by the impounding agency totaling \$22,549.19 were reasonable and necessary. R.C. 959.99(E)(6)(b) permits only for the 'reasonable and necessary costs incurred by the agency' for impounded animals." Appellant argues there is no documentation to justify the market price of the impoundment expenses, claiming the dog warden "had a personal interest in the price."

{¶ 43} Appellant concedes the dog warden testified prior to the sentencing hearing to the costs for the six impounded animals. Regarding the feed, the dog warden testified that the animals ate a round bale of hay about every four days, and over the 142 days in care, he calculated that resulted in 36 bales of hay at a normal, average price of \$80 per bale, rounded down to \$2,850. Appellant disputes there is evidence to support finding

that \$80 is a reasonable market price for hay. Regarding the boarding cost and citing to *Caroline's Kids Pet Rescue*, 2023-Ohio-761, ¶ 39 (11th Dist.), she disputes there is detailed testimony from a shelter manager to support finding that \$20 is a reasonable price for daily boarding for each of the six animals, arguing “it was not justified by any analysis, comparative pricing, or assessment of actual costs incurred.” While appellant generally disputes miscellaneous expenses, she does not specifically dispute the farrier, feed, supplies, vaccines and deworming.

{¶ 44} She concludes, “The amount requested for reimbursement for the care of the animals ballooned in this case without any meaningful way for Appellant to challenge. or attempt to mitigate. those costs.” Appellant does not explain that despite acknowledging she learned of the terrible condition of her animals on July 18, 2025, and she was released from her incarceration 17 days later on August 4, she did not inquire about the care expenses for her impounded animals for the next 125 days.

{¶ 45} Appellee responds that R.C. 959.99(E)(6)(b) explicitly authorizes the trial court to order reimbursement to “an impounding agency for the reasonable care and necessary costs incurred by the agency for the care of an animal or livestock.” The trial court determined that \$22,549.19 were those reasonable and necessary costs. Appellee argues that the dog warden’s testimony provided the competent and credible evidence to support the reimbursement amount, and appellant had the opportunity to be heard on those costs when she cross-examined the dog warden about those expenses prior to her sentencing. We agree. *Caroline's Kids Pet Rescue* at ¶ 17. As discussed below, we find

no abuse of discretion when the trial court ordered the reimbursement amount to a reasonable degree of certainty because \$22,549.19 is supported by competent, credible evidence. *Id.* at ¶ 28.

{¶ 46} Reimbursement is a potential sentencing sanction paid to a government agency for costs incurred as a result of the offender’s actions, including animal-cruelty cases. *State v. Thames*, 2022-Ohio-1715, ¶ 23-24 (11th Dist.), *appeal not allowed*, 2022-Ohio-3135, citing R.C. 2929.28(A)(3)¹⁰ and R.C. 959.99(E)(6)(b); *Caroline’s Kids Pet Rescue* at ¶ 17. R.C. 2929.28(B)¹¹ contains no mandate for the trial court to hold a hearing regarding reimbursement to a government agency. *Thames* at ¶ 25-26. Here, the trial court conducted a reimbursement hearing prior to the sentencing hearing. The trial court heard testimony from the dog warden, who was subject to cross-examination. There were no exhibits admitted into evidence, although the dog warden testified he could

¹⁰ R.C. 2929.28(A): “In addition to imposing court costs . . . , the court imposing a sentence upon an offender for a misdemeanor . . . may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section If the court, in its discretion or as required by this section, imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following: . . . (3)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, . . . (b) The amount of reimbursement ordered under [R.C. 2929.28(A)(3)] shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. . . .

¹¹ R.C. 2929.28(B): “If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed pursuant to this section or court costs or is likely in the future to be able to pay the sanction or costs. . . .”

produce receipts, if necessary. We infer from the record the trial court was satisfied with the dog warden's testimony alone without reproducing the receipts.

{¶ 47} R.C. 959.99(E)(6)(b) requires that the trial court's \$22,549.19 reimbursement order be the "reasonable and necessary costs incurred by the agency for the care of an animal or livestock that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under" R.C. 959.132. There is no evidence that the costs were paid under R.C. 959.132. The dog warden testified the total, actual reimbursement cost for 142 days of care for appellant's six animals, who were on the brink of starvation with protruding bones, was \$22,549.19, comprised of hay, water, farrier services, supplies, boarding fees, de-worming procedures, vaccines, and other routine expenses. The expenses were placed on Fulton County charge accounts with Tractor Supply Company and J&B Feed Company for which receipts can be reproduced. The dog warden concluded his testimony as follows:

Q. What is the grand total, to the best of your estimate?

A. So that comes to \$22,549.19.

Q. And would you be able to provide the Court with copies of receipts, should they be requested?

A. We can do that, yeah.

Q. And do you believe that the amount that you're requesting is reasonable in light of the care that was provided to these animals?

A. Yes, I do. This is just basic care and maintenance of the animals.

{¶ 48} We find no abuse of discretion when the trial court found the dog warden's testimony was competent, credible evidence of the reasonable and necessary costs for the

142 days of care of appellant's animals. Appellant's third assignment of error is not well-taken,

V. Conclusion

{¶ 49} On consideration whereof, the judgment of the Fulton County Municipal Court is affirmed. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.

Thomas J. Osowik, P.J.

JUDGE

Myron C. Duhart, J.

JUDGE

Charles E. Sulek, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.supremecourt.ohio.gov/ROD/docs/.
