

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

State of Ohio

Court of Appeals No. WD-10-022

Appellee

Trial Court No. 2005CR0012

v.

Jeffrey Thomas

**DECISION AND JUDGMENT**

Appellant

Decided: August 29, 2011

\* \* \* \* \*

Jeffrey Thomas, pro se.

\* \* \* \* \*

SINGER, J.

{¶ 1} This matter comes before the court on appellant, Jeffrey Thomas', "motion to stay expenses of appeal." In *State v. Thomas*, 6th Dist. No. WD-10-022, 2010-Ohio-6522, this court affirmed appellant's convictions for rape and gross sexual imposition for which he is now serving a term of nine years in prison.

{¶ 2} Appellant contends the costs of his appeal should be stayed because he is indigent. 6th Dist.Loc.App.R. 7(B) allows an indigent party to proceed with his appeal without paying the deposit for costs; it does not, however, relieve him of the responsibility of paying the costs when the case is over. App.R. 24(A) states that the court may order an appellant to pay costs if the trial court's judgment is affirmed.

{¶ 3} This court correctly assessed court costs to appellant when the judgment he appealed was affirmed. While there is no provision in App.R. 24 requiring an appellate court to waive or stay costs when a party is indigent, there is also no provision prohibiting waiver of appellate costs for an indigent party. Therefore, based on defendant's indigency, his disability and the length of his incarceration, we hereby sua sponte order appellant's appellate court costs waived. Accordingly, appellant's "motion to stay expenses of appeal" is moot.

MOTION MOOT.

Peter M. Handwork, J.

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JUDGE

Mark L. Pietrykowski, J.

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JUDGE

Arlene Singer, J.  
CONCUR.

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JUDGE

<p>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: <a href="http://www.sconet.state.oh.us/rod/newpdf/?source=6">http://www.sconet.state.oh.us/rod/newpdf/?source=6</a>.</p>
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