



**For Immediate Release**  
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## **LDF Files Amicus Brief in Support of Requiring Courts to Assess Defendants' Ability to Pay Court Costs**

The NAACP Legal Defense and Educational Fund, Inc (LDF) filed an amicus brief in the Ohio Supreme Court today arguing that courts must assess a defendant's ability to pay when considering whether to suspend, waive, or modify court costs imposed at sentencing.

“When a state insists on pursuing court costs despite a person's inability to pay, it can trigger a cascade of burdens that harm formerly incarcerated people trying to reenter society, as well as their families. Court costs can be steep—especially for poor Ohioans—and can force formerly incarcerated people to choose between paying that legal debt and paying expenses like rent, car payments, or childcare,” said Kerrel Murray, Appellate Litigation and Policy Fellow at LDF. “Given the disproportionate poverty rates of Black Ohioans and the persistent impact of racism on the criminal justice system, permitting costs to be collected despite indigency has its greatest effect on African-American families and communities. The Ohio Supreme Court must halt this practice by ruling that no court can deny a request to suspend, waive, or modify payment of court costs without considering a person's ability to pay.”

In *State of Ohio v. Darren Taylor*, Mr. Taylor asked the Ohio courts to suspend, modify, or waive his obligation to pay court costs, explaining that his indigence left him unable to afford repayment. The trial court rejected his request without considering whether his inability to pay warranted a modification of the costs. The Ohio Court of Appeals reversed that decision, ruling that trial courts must consider ability to pay in deciding such motions.

LDF's brief calls on the Ohio Supreme Court to affirm the Court of Appeals' ruling. A contrary decision would contradict not only the statute's text but also the goals of the legislature that enacted it. Because statutes must be interpreted, when possible, to avoid constitutional issues, the brief also explains that failing to require consideration of ability to pay could violate Ohioans' state and federal constitutional rights.

Read LDF's amicus brief [here](#).

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the*

*NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*

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