

# **MEDINA MUNICIPAL COURT**

135 N. Elmwood Ave.  
Medina, Ohio 44256

## **LOCAL RULES OF COURT**

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**GARY F. WERNER, JUDGE**

January 2024  
(Last Revised 1.31.2024)

***Municipalities Served:*** Brunswick, Chippewa Lake, Medina, and Spencer

***Townships Served:*** Brunswick Hills, Chatham, Granger, Hinckley,  
Lafayette, Litchfield, Liverpool, Medina, Montville, Spencer, and York

# MEDINA MUNICIPAL COURT LOCAL RULES

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# GENERAL

## RULE 1 – OTHER RULES INCORPORATED

The following Ohio rules, and any amendments thereto, are incorporated by reference in these Local Rules of Court and cited throughout as indicated parenthetically:

Supreme Court Rules for the Government of the Bar (“Gov. Bar. R. \_\_\_\_.”)

Rules of Superintendence for the Courts of Ohio (“Sup. R. \_\_\_\_.”)

Ohio Rules of Professional Conduct (“Prof. Cond. R. \_\_\_\_.”)

Rules of Criminal Procedure (“Crim. R. \_\_\_\_.”)

Rules of Civil Procedure (“Civ. R. \_\_\_\_.”)

Ohio Rules of Evidence (“Evid. R. \_\_\_\_.”)

Ohio Traffic Rules (“Traf. R. \_\_\_\_.”)

These Local Rules and any amendments hereto not in conflict with any of the above shall govern practice and procedure in the Medina Municipal Court, subject to the Court’s inherent and lawful authority to govern judicial administration in this court.

## RULE 2 – PUBLICATION, CITATION, AND AMENDMENT OF LOCAL RULES

(A) Publication: The Clerk of Court shall order production of copies of these Rules and amendments made thereto. Such copies shall be made available by the Clerk of Court at the cost of production. A copy of these Rules will be available for download at the court’s web site, i.e., [www.medinamunicipalcourt.org](http://www.medinamunicipalcourt.org).

(B) Citation: These Local Rules shall be cited as “Medina Muni. Ct. Loc. R. \_\_\_\_” or in abbreviated form as “Loc. R. \_\_\_\_.” They may be referred to herein as “Rules.”

(C) Amendment: Subject to Sup. R. 5(A), additions to and amendments of these Rules may be promulgated from time to time and shall be effective upon adoption by the Court, with or without general re-publication. Notwithstanding the foregoing, if the Court determines that a party would be unreasonably prejudiced by the enforcement of any such change, due to a lack of reasonable opportunity for notice or otherwise, the Court may excuse compliance with such change.

## RULE 3 – DAYS AND TIMES OF SESSIONS

Medina Municipal Court sessions shall be from 8:00 a.m. until 4:30 p.m., Monday through Friday, except holidays as set by the Judge. Court hours may be extended or reduced at the Court’s discretion. The Court’s holiday schedule is posted at its website (i.e., [www.medinamunicipalcourt.org](http://www.medinamunicipalcourt.org)).

#### **RULE 4 – DECORUM, CONDUCT, AND CHILD RESTRAINT**

(A) Attire and Protocol: Unless excused by the Court, all persons in the courtroom shall appear in appropriate, business casual attire and shall stand upon the opening of any court session.

(B) Decorum: All persons in the courtroom shall conduct themselves in a manner appropriate to the dignity, civility, and order essential to the administration of justice. No person may interfere with or obstruct judicial proceedings or related activities, or otherwise loiter or behave in an unseemly or disorderly manner, anywhere in the courthouse or on the courthouse grounds. Witnesses, parties, and jurors shall not be addressed by first or given names during examination.

(C) Food/Drink: No eating or drinking is permitted in the courtroom, nor shall anyone bring food or drink of any kind into the courtroom, unless prior permission is obtained from the Bailiff.

(D) Electronic Devices: The use of all cell phones, pagers, and other electronic or soundproducing devices is prohibited in the courtrooms. All such devices must be silenced while in the courtrooms. Devices not kept silent in the courtroom during court proceedings may be confiscated by the Court, subject to return and upon conditions set at the Court's discretion.

(E) Restricted Access: No person, including without limitation attorneys with cases pending before the Court, may without Court or the Bailiff's permission be present in any courthouse area designated only for authorized personnel or court employees, including without limitation judicial chambers. All persons permitted into restricted areas must conduct themselves so as not to intrude upon, interfere with, or disrupt in any way the work of court personnel. Any person permitted into a restricted area may, at the discretion of the Court or the Bailiff, be directed to depart that restricted area to a public area of the courthouse.

(F) Child Restraint: No child appearing at any court proceeding need be physically restrained, subject to the following:

(1) Notwithstanding the foregoing, the Judge or Magistrate presiding over any proceeding in which a child is appearing may require physical restraint of such child. Such requirement shall be based upon an individualized determination on the record that physically restraining the child is necessary because either (a) the child presents a current and significant threat to his/her own safety or that of other persons in the courtroom, or (b) there is a significant risk that the child may flee or unreasonably disrupt courtroom proceedings.

(2) The Judge or Magistrate, prior to making a decision on physical restraint of a child shall permit any party to the proceeding and/or any parent or other lawful custodian of the child to be heard on the record on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding.

(3) If physical restraint is found to be necessary by the Judge or Magistrate, the Judge or Magistrate shall use the least restrictive restraint necessary to meet the risk which requires the restraint and the restraint shall be done in such a fashion that it does not unreasonably offend the dignity of the child's person or restrict the movement of the child's hands.

## **RULE 5 - COURT SECURITY**

(A) Purpose: The Medina Municipal Court is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the Court. Accordingly, appropriate levels of Court security should exist to protect the integrity of Court proceedings, and the rights of individuals before the Court. This requires measures reasonably necessary to deter those who would threaten or take abusive or violent action against the Court, the Clerk of Courts, Court or Clerk staff, litigants, or others present, to preserve proper decorum and the dignity of the court, and to assure that court facilities and grounds are secure for all those who visit and work there.

(B) Security Plan: Pursuant to the Sup. R. 9, the Court will establish a court security plan which addresses the Ohio Court Security Standards adopted by the Ohio Supreme Court. Pursuant to Sup. R. 9(B), this Security Plan will not be available for public review and inspection absent prior Court approval.

(C) Weapon Prohibition: No guns, knives, or weapons of any kind are permitted to be in the courthouse, including items or devices functionally similar to a weapon, as determined by and in the sole discretion of the Court or its designees. Subject to the court's discretion, this prohibition does not apply to judicial officers, court Bailiffs and Deputy Bailiffs, court Probation Officers, official court security personnel, law enforcement personnel on duty and present in the courthouse in an official capacity, and others expressly authorized by the Judge. All persons entering the building are subject to being searched and items prohibited by this Rule shall be seized and declared forfeited to the Court.

## **RULE 6 – COUNSEL OF RECORD APPEARANCE, WITHDRAWAL, AND ASSIGNMENT**

(A) Notice of Appearance: An attorney who has not appeared in court with a defendant in a criminal matter, or who has not previously appeared of record for a party in a pending civil action, shall file with the Clerk of Court a written notice of appearance. The notice of appearance may be a letter from counsel or a formal pleading. It shall contain the same information and notices as required by Medina Muni. Ct. Loc. R. 10(B), and, if in pleading form, shall comply with the format specified in Appendix A to these Rules.

(B) Motion to Withdraw: It shall be the duty of any attorney who has made a formal appearance in any proceeding in this court to request by motion to withdraw from representation as attorney of record. Every such motion must include proof of service of same made on all parties and on the affected client. No proposed judgment entry shall be submitted. The court will prepare its own entry. Upon receipt of the judgment entry granting such a request, the requesting attorney shall immediately send a copy to the client.

(C) Letter of Nonrepresentation: Where no formal appearance has been made by counsel, a letter of nonrepresentation delivered to the court will be accepted as proof of

same. Such letters must identify specifically any pending case as to which counsel seeks to correct their mistaken identification as counsel of record, and contain case identification information required by Loc. R. 10(B).

(D) Assigned Counsel for Indigent Criminal Defendants: Pursuant to O.A.C. 120-1-10, and pursuant to Rule 8 of the Rules of Superintendence for the Courts of Ohio ("Sup. R."), the Court hereby adopts the following regulations for the appointment of defense counsel for indigent defendants. O.A.C. 120-1-10 provides that implementation of the following rules will qualify the relevant funding agencies for reimbursement of indigent defense costs. To the extent not specifically incorporated below, the provisions of O.A.C. 120-1-10 and Sup. R. 8 are hereby adopted to govern the assignment of counsel for indigent criminal defendants.

(1) Court Appointed Counsel List: The Court shall maintain a Court Appointed Counsel List of attorneys approved to represent indigent defendants in misdemeanor criminal and traffic cases in which there is a potential jail sentence, and in preliminary hearings on felony charges.

(2) List Composition/Removal: Attorneys interested in being added to the Court's Appointed Counsel List shall apply on a form provided by the Court. No attorney shall be appointed to represent an indigent person unless his/her name appears on the Court Appointed Counsel List. In its sole discretion, the Court may decline to accept any application for inclusion on the list or may remove the name of any attorney from the list. An attorney must immediately inform the Court if for any reason they become ineligible to practice law in the State of Ohio. Ineligibility to practice in Ohio *per se* disqualifies an attorney from inclusion on the Court Appointed Counsel List.

(3) Application Process: Every application for inclusion on the Appointed Counsel List must include:

- a) the attorney's name, business address, office telephone number, cell phone number, email address, fax number, Ohio Attorney Registration Number, and a statement certifying that the attorney is in good standing with the Supreme Court of Ohio;
- b) detail regarding any special areas of practice experience, such as language fluency or certified legal specialization;
- c) designation by the attorney of the case category or categories (e.g., misdemeanor cases, felony cases, appellate cases, or any combination of same) respecting which the attorney will accept appointment; and
- d) a statement by the applicant certifying that he/she meets the qualifications stated in this Rule for the case category or categories which the attorney has designated under the preceding section (3)(c).

The Court reserves the right in its sole discretion to interview any applicant, to verify that the attorney is in good standing with the Ohio Supreme Court, or to confirm any fact represented on an application.



(4) Qualifications—Misdemeanors: No attorney shall be appointed to represent indigent clients in misdemeanor cases unless they meet one of the three following criteria:

- a) Within two years prior to the initial appointment, completed a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal practice and procedure; or
- b) Successfully completed a clinical education program focusing on criminal defense; or
- c) At least one year of experience as an attorney.

(5) Qualifications—Misdemeanor OVI cases: No attorney shall be appointed to represent indigent clients in misdemeanor OVI cases unless Within two years prior to the initial appointment, the attorney has completed a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, focused on OVI practice and procedure.

(6) Qualifications—Felonies: No attorney shall be appointed to represent indigent clients in felony cases unless they meet the following qualifications:

- a) All Felonies: Within two years prior to the initial appointment, the attorney has completed a minimum of twelve hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal practice and procedure.
- b) OVI Felonies: Within two years prior to the initial appointment to a felony OVI case or a felony in which OVI is an element, the attorney has completed a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, focused on OVI practice and procedure.
- c) Fifth Degree, Fourth Degree, and Unclassified Felonies: Excluding unclassified aggravated murder and murder cases, the attorney must have at least one year of experience as an attorney practicing in the area of criminal law.
- d) Third Degree Felonies: The attorney must have (i) at least one year of experience as an attorney practicing in the area of criminal law, and (ii) within six years preceding the appointment, the attorney has prior experience as lead trial counsel in at least one criminal jury trial, or as co-counsel in at least two jury trials.
- e) Second Degree and First Degree Felonies: The attorney must have (i) at least three years of experience as an attorney practicing in the area of criminal law, and (ii) within ten years preceding the appointment, prior experience as lead trial counsel in two criminal jury trials, at least one of which involved felony charges, or as lead counsel in one felony jury trial and as cocounsel in two additional jury trials.

(7) Qualifications—Appeals: The attorney must have (i) Within two years prior to the initial appointment, completed a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal or appellate practice and procedure, or (ii) successfully completed a clinical education program focusing on appellate practice, or (iii) at least one year of experience as an attorney.

(8) Appointments From the List: Assigned defense counsel shall be selected from the Court Appointed Counsel List in a rolling order (i.e., by a “rotary system”). This “rotary system” method is adopted to ensure the equitable distribution of appointments among persons on the Appointed Counsel List while pairing the seriousness and complexity of a case with attorneys who meet necessary qualifications for such cases. All appointments shall be made independent from individual influence by a member of the judiciary, of the bar, anyone involved in prosecuting criminal cases, or any elected official. Criteria bearing on appointment shall include the following:

- a) The anticipated complexity of the case in which appointment will be made;
- b) Any educational, mental health, language, or other challenges facing the party for whom the appointment is made;
- c) The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;
- d) The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case; and
- e) Intangible factors, including the court or judicial officer's view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.

(9) Review of Rotary System Appointments: The Court and its Magistrates shall meet periodically to review appointments under this Rule to ensure their equitable distribution.

(10) Compensation: Attorneys appointed under this Rule to represent indigent defendants shall be compensated in accordance with the then current rates for appointed indigent defense counsel adopted by the Medina County Commissioners, and where applicable, pursuant to the then current agreement regarding such expenses between the Commissioners and the City of Medina, Ohio.

(11) No Organizational Membership Required: No attorney will be required to join or pay a fee to any organization as a condition of inclusion on the Appointed Counsel List.

(12) Record Keeping & Reporting: The Court will maintain a record of all appointments of counsel, the qualification of counsel to accept cases based upon degree and severity of the charge, and a record of attorneys' refusals to accept appointments. At least once every five years, the Court will review the compensation paid to appointed attorneys to determine the compensation's adequacy and effect upon the availability of court appointments. The Court shall provide the report to all funding authorities of the court or division. (*Loc. R. 6(D) was replaced 5/1/21*)

(13) Appointed Counsel Time Records: Pursuant to Section 1(F)(2) of Office of the Ohio Public Defender's "Standards and Guidelines for Appointed Counsel Reimbursement" (ed. January 2019), the Court hereby adopts the following requirements, which are or may be in addition to the billing requirements applicable to appointed counsel's completion of form OPD-1026R ("Motion, Entry, and Certification for Appointed Counsel Fees"). The OPD's Guidelines provide as follows:

[Appointed] Attorneys are also required to prepare and maintain time records for each appointed case showing the date of service, nature of services rendered, and hours worked. These records should not be turned in with the billing, but may be requested in the event that the court or the OPD has questions about the billing. Such records should be kept by the attorney for a minimum of five years from the date the related [OPD-1026R form] was submitted to the court.

Such records need not be submitted with an initial Certification for Appointed Counsel Fees. Appointed defense counsel should be prepared to submit such detailed billing records to the Court only upon request. (See \_ Administrative Order.)

## **RULE 7 – CONTINUANCES AND TRIAL DATE CONFLICTS**

(A) "Good Cause" Requests for Continuance: The continuance of any scheduled trial, pre-trial, or other proceeding of which the Court has given notice, which requires the personal appearance of the parties and/or counsel, may be sought only by written motion. Such motion for continuance shall be filed with the Court promptly upon the party's becoming aware of the circumstances upon which the request is based, and must set forth good cause for the request. The moving party shall certify prompt service of such motion for continuance upon opposing parties or their counsel of record. "Good cause" is not established by the consent of all parties to the requested continuance, absent other circumstances justifying the request. Every motion for a "good cause" continuance must identify no fewer than two alternative dates to which the continued matter may be reset. Identified alternative dates will as possible be given preference in rescheduling. Where the nature of the proceeding to be continued dictates, moving party should confer with opposing counsel before proposing alternative dates.

(B) "Conflict" Requests for Continuance: When a party requests a continuance of a trial, hearing, or proceeding because that party's counsel is at that same time scheduled to appear in a trial, hearing, or proceeding pending before this or any other court, the trial, hearing, or proceeding that was first set shall have priority and proceed on the date and time assigned. A party moving this Court for a continuance on the basis of such a conflict shall attach to the motion a copy of the conflicting scheduling notice issued by the other court. See Sup. R. 41(B)(1). Notwithstanding the foregoing, in determining such requests the Court shall accord priority to criminal cases assigned for trial over civil cases assigned for trial. Every motion for a "conflict" continuance must identify no fewer than two alternative dates to which the continued proceeding may be reset. Identified alternative dates will as possible be given preference in rescheduling. Where the nature of the proceeding to be continued dictates, moving party should confer with opposing counsel before proposing alternative dates.

(C) "Excessive Caseload" Requests for Continuance: The Judge or Magistrate presiding over a matter may require that a party substitute another trial attorney for that party's

principal designated trial attorney, if the Court is satisfied, upon proof, that undue, unreasonable, and/or prejudicial delay in the disposition of the party's case pending in this Court is being caused, in whole or in part, by the volume of cases in which that party's principal designated trial attorney is engaged as trial counsel in cases pending in this or in other courts. If the principal designated trial attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

(D) Proposed Judgment Entries Granting a Continuance: In all civil and small claims cases, the party requesting the continuance shall submit, as a separate document, a proposed judgment entry. In criminal and traffic cases, the court will prepare its own entry.

(E) Order of Trials: Unless otherwise ordered by the Court, if multiple trials are scheduled during a single court session, they shall proceed in accordance with the following protocol:

(1) Trials to the Court: Bench trials shall be called and proceed in the order in which they are scheduled according to the Court's daily docket.

(2) Jury Trials: Jury trials shall be governed by the following rules:

a) All Speedy Trial Rights Waived: If a waiver of the right to a speedy trial has been filed in all cases and remains in effect on the trial date in each, the oldest case shall be heard first.

b) No Speedy Trial Rights Waived: If all cases remain subject to the right to a speedy trial on the trial date, the oldest case shall be heard first.

c) Some Speedy Trial Rights Waived: If a waiver of the right to speedy trial has been filed in fewer than all cases, the oldest of the cases which remain subject to the right to a speedy trial shall be heard first.

d) Definitions: For purposes of this protocol:

(i) A case shall be deemed "subject to the right to a speedy trial" if either:

A. No valid waiver of indefinite duration and scope of the defendant's right to a speedy trial was at any time in effect in that case; or

B. A valid waiver of indefinite duration and scope previously in effect in that case has subsequently been revoked or withdrawn, *before the date set for trial*, by a notice of revocation or withdrawal of that waiver filed in accordance with Rule 37(E) of these Rules. No revocation or withdrawal will be accepted by the Court on the date of the trial.

(ii) The age of a case shall be measured from the date on which the defendant was arrested for the offenses first charged/filed in that case, or from the date on which the defendant was served with summons respecting the offenses first charged/filed in that case, whichever occurs earlier.

(F) Court's Discretion: Nothing herein impairs the Court's discretion to grant any request for continuance of any trial, hearing, or proceeding, or to try cases in any order which the Court reasonably determines the interests of justice to require.

(G) Untimely Motion to Continue: A motion for a continuance filed and/or served on the same date as the scheduled trial, pre-trial, or other proceeding is untimely per se. See Sup. R. 41(B)(1). Such a motion must establish both extraordinary circumstances for the requested continuance and excusable neglect for the failure to file and/or serve the motion prior to the date of the event.

## **RULE 8 – RECORDING OF PROCEEDINGS AND TRANSCRIPTS OF SAME**

(A) Official Court Reporter: The Court's Official Court Reporter is designated solely to act as the custodian of all audio electronic recordings of proceedings and to process requests made by parties in accordance with this Rule concerning same.

(B) Audio Electronic Recording of Proceedings: Contested civil proceedings and all criminal and traffic proceedings (except minor misdemeanors) are recorded by audio electronic recording. Other proceedings will be so recorded upon the request of a party, or at the direction of the Judge or Magistrate. The Official Court Reporter shall cause all audio electronic recordings of Court proceedings to be orderly kept and maintained.

(C) Stenographic Recording of Proceedings: Any party may, at its sole cost, retain a court reporter to be present and to record stenographically a trial, hearing, or other proceeding, subject to the Court's prior approval of the court reporter. A party intending to employ commercial court reporter services under this Rule shall cause written notice of that intention to be filed in the action and received by the Court and all other parties (or their counsel, if represented) not later than 12:00 p.m. on the third court day prior to the date of the scheduled proceeding. Such notice shall identify the court reporter whom the requesting party intends to employ. The costs of this service, including without limitation any incurred for transcribing such stenographic recordings, and/or for obtaining copies of transcripts produced, shall be borne entirely by the requesting parties, in accordance with the commercial practices of the court reporter retained, and are not costs in the action before this Court.

(D) Audio Copies of Audio Electronic Recordings: An audio copy of any audio electronic recording may be obtained by filing a written request for same in the action and delivering a copy of the request to the Official Court Reporter at mmc@medinamunicipalcourt.org. The request must specify the precise date, time, nature, and caption of the subject proceeding which was recorded and is to be copied, and provide a valid email address to which the requested file(s) may be sent. If the request complies with this Rule, the requesting party will either (i) be sent the requested recording to the email address provided in the request, or (ii) be notified when the requested recording is complete and available for pick up at the courthouse. Subject to the foregoing, the requesting party alone bears the burden of confirming the request's compliance with this Rule and its processing status with the Court.

(E) Transcripts for Appeal: In accordance with Rule 9(B) of the Ohio Rules of Appellate Procedure, any party seeking a transcript of an audio electronic recording of proceedings, for purposes of appeal, shall move the Court to appoint a transcriber (court reporter). The motion shall be submitted with a proposed Judgment Entry of appointment which identifies

the party's proposed official transcriber. The appealing party may in accordance with paragraph (D) of this Rule simultaneously process a request for an audio copy of the audio electronic recording of the proceeding to be appealed. If the Court previously approved the employment of a court reporter pursuant to paragraph (C) of this Rule, no further Court approval is required for an appealing party's use during its appeal of the transcript produced by that official court reporter for the proceeding from which the appeal lies.

(F) Objections to Magistrate Decisions; No Substitution: The procedures set forth in paragraphs (C), (D), and (E) of this Rule apply to any party anticipating the need, or who is otherwise required, to support with a written transcript of proceedings any objections which that party has filed or intends to file to a Magistrate's decision. No audio electronic recording of any proceeding may be substituted for the transcript required to support objections that are filed to a Magistrate's Decision (see Loc. R. 14(C)).

(G) Local Rule 8 Summary: The following summary is provided for the convenience of parties seeking transcripts of Court proceedings:

(1) It is the Party's sole responsibility to request a copy of any audio recording of court proceedings. Completed audio recording copies are prepared solely for the requesting Party. The Court neither prepares nor arranges for the preparation of written transcripts. (Loc. R. 8(D).)

(2) It is the Party's responsibility to obtain the Court's prior approval of a court reporter intended to record live proceedings in written transcript form. (Loc. R. 8(C).)

(3) The procedures under Loc. R. 8(C) and Loc. R. 8(D) are combined for purposes of a Party's obtaining a written transcript incident to the filing of an appeal. (Loc. R. 8(E).)

(4) As regards appeals, "it is the obligation of the appellant to ensure that the proceedings the appellant considers necessary for inclusion in the record, however those proceedings were recorded, are transcribed in a form that meets the specifications" of the Rules of Appellate Procedure. (App. R. 9(B).)

## **RULE 9 - DISPOSITION OF COURT RECORDS**

(A) Retention/Destruction Schedule: The Clerk of Court shall comply with Sup. R. 26, Sup. R. 26.05, and related Court orders, concerning the retention and destruction of the Court's index, docket, journal, and case files. In furtherance of such orders, the Clerk of Court shall also comply with all requirements for the reproduction and preservation of such records as set forth in Ohio Revised Code Section 1901.41 and Section 9.01, as those provisions may from time to time be amended.

(B) Specific Preservation of Certain Files: The Clerk shall not destroy or otherwise dispose of files for any charge of operating a vehicle under the influence of alcohol and/or of drugs of abuse, unless and until those files are first reproduced and preserved indefinitely by means set forth in Ohio Revised Code Section 9.01, regardless whether that or any other Revised Code Section requires reproduction and preservation of such files in this manner.

## **RULE 10 – PLEADINGS AND MOTIONS**

(A) Compliance With Civil and Criminal Rules: All pleadings, motions, briefs, judgment entries, and other papers filed with the Clerk, including those filed by electronic means, shall comply with Civ. R. 7 through Civ. R. 15 (specifically including Civ. R. 11's certifications), and Crim. R. 12 and Crim. R. 47. To the extent not inconsistent therewith, these Local Rules shall control.

(B) Format: All pleadings, motions, briefs, judgment entries, and other papers filed in an action shall be on 8½" by 11" white paper without cover or backing, shall identify the Court, shall include the case number and caption, and shall identify the name, address, telephone number, cell phone number, email address, and fax number of the attorney or other person filing the same. Text in all filed documents shall be double-spaced (except for single-spaced block quotations), shall be at least 12-point type in size, and in one of the following typefaces (in order of decreasing preference): Times New Roman, Cambria, Calibri, or Arial Standard. If these typefaces are not available, one substantially equivalent to them may be used provided it does not produce more than eighty characters to a line of text. (See Rule 3.09, Rules of Practice of the Supreme Court of Ohio.) Attorneys shall also include their individual Supreme Court number on all pleadings. Signatures affixed to any document filed with the Court are subject to Civ. R. 11 certifications and sanctions.

(1) Standardized Forms for Execution and Levy of Judgment: For garnishment of personal earnings, garnishment of property other than personal earnings, and examination of judgment debtors, the Court will accept standardized, pre-printed forms that conform to and are submitted in compliance with applicable Ohio Revised Code provisions.

(C) Service of Filed Documents:

(1) Service of Filed Documents Generally: Other than an original complaint, every pleading, motion, brief, judgment entry, or other paper filed with the Clerk subsequent to the original complaint shall contain a certificate of service certifying service of same to the other parties to the action. See Civ. R. 5; Crim. R. 49. In every proceeding where a party is represented by an attorney of record, service to such party shall be directed to such party's attorney.

(2) Certificate of Service Contents: Every certificate of service shall identify (a) the manner(s) of service employed (e.g., via First Class U.S. Mail, email, fax, etc.), (b) the date on which the document was served, (c) the complete contact information for all recipients of the served document, and (d) a signature compliant with Civ. R. 11. See Civ. R. 5(B)(4). No certificate of service which omits any of the foregoing is valid.

(3) Manner of Service: Every person filing documents in this Court does thereby consent to the receipt and sufficiency of service of documents or notifications on them by any means authorized by the Rules of Criminal Procedure, the Rules of Civil Procedure, and these Local Rules, including without limitation Crim. R. 49(B), and/or Civ. R. 5(B). Such means of service include without limitation documents or notifications sent by text or email and subject to the following:

a) Service of Documents on Persons Having No Known Address: Pursuant to Civ. R. 5(2)(e), service of documents is hereby deemed effective upon a

person having no known address if the document is left with the Clerk of this Court. Upon motion by a party, or upon the Court's own motion, a person may be deemed qualified for service under this subsection. The Clerk shall maintain documents served under this subsection for retrieval by the party deemed qualified for service hereunder. Any party so qualified for service shall be solely responsible for retrieving documents served to that party via the Clerk's office.

A party's delay in retrieving documents hereunder shall not constitute cause to extend or suspend any period for action required by law incident to the service of the document(s) retrieved. Nothing in this Loc. R. 10(C)(3)(a) shall or be deemed to relieve the party qualified for receiving service hereunder from any obligation imposed by law concerning that party's causing service to be made on others of documents either filed by that party or otherwise required by law to be served by that party.

(4) Service of "Court Initiated Filings": The term "court initiated filings" refers to documents internally created by the Court, submitted as part of the court record, and officially entered into the docket or register of actions in a case. These filings include, e.g., notices, summons, judgment entries, and orders. The Clerk may serve all "court initiated filings," or alternatively issue electronic notice of filing of same to the parties, in any manner that complies with these Local Rules, Civ R. 4.1 (regarding service of process), or Civ. R. 5(B). The following rules also apply:

a) Sufficiency of Electronic Notice of Filing: In lieu of physical service, the Clerk may issue an electronic notification to a party or counsel which gives notice that a "court initiated filing" has been filed and entered upon the Court's journal. The journal of every case in which such electronic notice of filing issues will be annotated to record its issuance. This electronic notice shall itself independently constitute good service of that "court initiated filing" upon the party or counsel to whom it is directed, and it satisfies the certificate of service requirement. The duty shall be solely upon the party or counsel to whom such notice is sent to access the case docket and obtain a physical copy of the subject "court initiated filing."

b) Time to Respond: Service of an electronic notice of filing of a "court initiated filing" in accordance with this Rule shall be deemed complete at the time the Clerk issues the notice electronically. Any period of time to respond to the subject "court initiated filing" or perform any right, duty, or act shall be strictly governed by the applicable rules of the court. Parties served electronically with the notice of a filing of a "court initiated filing" are entitled to the same three-day extension of time to respond as if they had been served by first class U.S. mail. Civ. R. 6(D).

c) Duty to Maintain Current Electronic Contact Information: Electronic service of any notice of a "court initiated filing" pursuant to this Rule shall be deemed valid and effective if sent in accordance with a party's or counsel's then most recent electronic contact information on file in a case. Each party and counsel of record in a case is solely responsible for maintaining current electronic contact information in the Court's records (i.e., a valid email address, a valid cell phone number).

d) Requesting Physical Service of "Court Initiated Filings": Any party or counsel of record in a case may, at any time, request in writing that they be



served physically with copies of all "court initiated filings" in accordance with Civ. R. 5.

(D) Motion Practice: The following applies to all motions submitted to the Court:

(1) In Writing: All motions shall be made in writing. Notwithstanding the foregoing, motions may, with leave of court, be made orally during a hearing or trial, or otherwise when the Judge or Magistrate has waived the writing requirement.

(2) Stated Grounds; Brief in Support: All motions, oral or written, shall state with particularity the grounds therefor, and shall set forth the specific relief or order sought. Every motion shall be supported by a brief setting forth the relevant facts, evidence, and citations to legal authorities and their application in support of the motion, and may also be supported by affidavits. Bare citations to sections of constitutions, statutes, and/or cases alone will not be deemed to comply with this Rule.

(3) Brief in Opposition: Except where Ohio procedural rules specify briefing timeframes for certain motions (e.g., Civ. R. 56(C)), any party opposing a motion filed shall file a brief in opposition to the motion not later than seven (7) days after the motion is served, setting forth the facts, evidence, and citations to legal authorities which support denying the motion. The matter is deemed submitted for decision by the Court upon the filing of the brief in opposition, or upon the expiration of the time for such filing if no brief in opposition is timely filed, whichever first occurs. When the Court determines that the interests of justice so require or permit, the Court may decide any motion before a brief in opposition to it is filed.

(4) Reply Brief: Reply briefs shall be permitted only upon leave of Court for good cause shown.

(5) Page Length: Except upon leave of Court, no brief in support of a motion or brief in opposition shall exceed fifteen (15) pages in length, exclusive of attachments and the certificate of service, and no reply brief shall exceed ten (10) pages in length, with the same exclusions.

(E) Decision on Briefs; Oral Hearing: Unless otherwise required by law, all motions, including motions for default judgment in a civil matter, will be decided by the Court on the briefs and will not be set for an oral hearing except as the Court, in its discretion, orders. A party desiring the Court to consider setting an oral hearing must include a request for same in the caption of the motion submitted, else the request is deemed waived. When a motion is set for oral hearing, the Clerk shall send the parties written notice of the date and time of the hearing.

(F) Proposed Orders/Judgment Entries in Civil Actions: In all civil and small claims proceedings the moving party shall submit with any motion filed, including a motion for default judgment, a proposed order or judgment entry. All proposed judgment entries shall be on a separate sheet of paper or they will not be considered.

(1) Blanks in Entries For Motion to Continue: For all motions to continue a trial, hearing, or other deadline in civil cases, the moving party shall submit a proposed judgment entry containing a blank space for a new date.

(2) Interest on Judgments: All proposed judgment entries which identify a monetary award shall include the actual interest rate to be assessed on the judgment amount.

(3) No Proposed Entry Required: Notwithstanding the foregoing, no proposed order or judgment entry is to be submitted with motions for summary judgment, motions to dismiss, motions to revive a judgment, and motions for relief from judgment.

(G) Striking for Non-Compliance: The Court may in its discretion strike any document not filed in compliance with this Rule.

(H) Party's Duty to Update Contact Information: Every person filing documents with this Court is solely responsible for insuring that the Court's records reflect that person's current mailing address, email address, telephone number, cell phone number, and fax number. No notice or other document served on a recipient pursuant to these Rules shall be deemed ineffective if addressed pursuant to the contact information last provided of record to the Court by or on behalf of that recipient. The Clerk's office provides forms for updating party/counsel contact information.

(I) Notation of Filing on Court Documents: The Clerk may note the fact of a document's having been filed with this court by mechanically stamping on the deposited document's face the day, month, year, and time of its deposit with the court. Filed documents may also be electronically scanned, and the day, month, year, and time of that scanning may be noted electronically on the deposited document's face. If a document bears on its face evidence of both mechanical and electronic notations of its filing, then, absent proof to the contrary, the date and time of its filing shall be determined by the filing/scanning notation that is first in time. (See Civ. R. 5(E), R.C. 1901.31(E), and Sup. R. 26.05(B)(2).)

(J) Personal and Private Information In Filed Documents: In accordance with Sup.R. 45(D), social security numbers and other personal identifying information, whether relevant to the case or not, must be redacted from documents before the documents are filed with the court. This requirement includes exhibits or addenda attached to filings such as, e.g., preliminary judicial reports, financial reports, and medical records. The following shall govern redactions in documents filed with the Court.

(1) Personal and private information includes without limitation:

- a) Social Security Numbers;
- b) Financial account numbers;
- c) Names of minor children; and
- d) Information protected by law from public disclosure.

(2) Non-Relevant Information is Totally Prohibited: Filing parties and/or legal counsel shall not include personal and private information in any document filed with the Court unless such inclusion is reasonably necessary and materially relevant to the case.

(3) Redaction Guidelines: If personal and private information is reasonably necessary and must be included in a document, the filing party shall partially redact the following personal and private information from the pleadings as follows:

a) Social Security Numbers: If the individual's Social Security number must be included in a document, only the last four digits of that number should be used.

b) Financial account numbers: If financial account numbers are relevant, only the last four digits of these numbers should be used.

c) Names of minor children: If the involvement of a minor child must be mentioned, only the initials of the child should be used.

(4) Party's Sole Duty: The responsibility for conforming all filed documents to this Rule, and for redacting all personal and private information, rests solely with filing counsel and parties. The Clerk has no duty whatsoever to review each filed document to verify a party's or counsel's compliance with this Rule.

(5) Clerk's Authority to Restrict Access to Filings: In the event it is deemed absolutely necessary to include unredacted in a filed document all digits or other personal and private data, the Clerk shall have the authority to redact all personal and private information from public view.

(6) Rejecting Non-Compliant Filings: The Clerk of this Court may refuse to accept for filing any document that contains personal and private information that has not been redacted or submitted in accordance with this Rule.

## **RULE 11 - EXHIBITS**

(A) The following applies to all evidence of a tangible nature to be offered at any trial or hearing:

(1) Party Identification: Plaintiff's or State's exhibits shall be marked as Exhibit 1, continuing in consecutive numerical order, and Defendant's exhibits shall be marked Exhibit A, continuing in consecutive alphabetical order. If there is more than one defendant, each defendant's exhibits shall be marked as "Defendant [last name] Exhibit A," etc.

(2) Binding: Prior to the time trial begins, exhibits shall be marked and duplicated in accordance with this Rule, assembled in sequentially ordered sets, and prepared for expeditious introduction at trial, so as not to delay the proceedings. The Court will not copy exhibits for the parties during trial.

(3) Exhibit Exchange: Subject to the Rules of Evidence, a party introducing an exhibit during trial shall, when it is first introduced, provide one copy to the Court, to each unrepresented party, to the principal trial attorney for a represented party, and to any witness then on the stand. The copy provided to the witness shall be the exhibit for purposes of the record. The Court may in its discretion disallow any exhibit not introduced in accordance with this Rule 11(A).

(B) Custody of Trial Exhibits: The Court's Bailiff, or a designated Deputy Bailiff, shall be responsible on the Court's behalf for accepting custody during a trial of all exhibits of record admitted into evidence. At the trial's conclusion, the Bailiff or Deputy Bailiff shall deliver all such record exhibits to the official Court Reporter, or to another designee appointed by the Court, who shall thereafter promptly undertake the following:

(1) Create a summary index for such record evidence. The index shall identify the case caption and case number, the dates during which the trial was conducted, and each record exhibit, by reference to its Exhibit number/letter and including a brief description of each exhibit. Oversized exhibits shall be noted as such in the index, and shall be marked with stickers that contain the same case identification and trial dates information that appear in the index;

(2) Assemble and package the record evidence in a single, appropriately-sized envelope or other container, and affix to the container a copy of the index of record evidence;

(3) File the packaged record evidence with the other stored trial records, indexed by either trial date, party names, case numbers, or some other uniform indexing reference; and

(4) Promptly file with the Clerk of Courts a copy of the index of the record evidence, along with a receipt indicating the official Court Reporter's or designee's custody of the record and its storage location. The Clerk shall time-stamp and record the index of exhibits in the docket of the case.

(C) Destruction of Exhibits, Depositions, and Transcripts: In accordance with Sup. R. 26(F), the custodian of all exhibits, depositions, and transcripts submitted by the parties may destroy same if at the conclusion of litigation, which includes expiration of times for direct appeal, the party tendering such item(s) fails to retrieve them within sixty (60) days after the date on which the Court gives written notice of their availability for retrieval. Notice sent to counsel last appearing of record for a party in the matter litigated in this Court is sufficient for purposes of this Rule.

(D) Electronically-Displayed Evidence: The following rules govern the use of electronically-displayed evidence at proceedings in this court:

(1) Acceptable Media and Submission Deadlines: All electronic document, audio, and video files intended for electronic display during proceedings in court shall be presented to the court's bailiff on digital video disc ("DVD"), or other disc media, flash-drives, thumb-drives, or other USB-compatible storage media (collectively "Evidence Media"). Evidence Media shall be submitted to the court's bailiff as far in advance as possible of the proceeding at which the party intends to use it, but in no event later than noon (i.e., 12:00 p.m.) on the court session day prior to the proceeding date. No Evidence Media submitted after this deadline will be accepted into the evidentiary record during the associated proceeding.

(2) Virus Scans: All Evidence Media submitted to the court will be scanned by court personnel for viruses and other anomalies prior to use in court. If any virus or anomaly is detected on the media, court personnel will notify the party at the first available opportunity and the media will immediately be made available for retrieval by the submitting party. Such Evidence Media may not be used with court

equipment. Any party submitting Evidence Media is solely responsible for any damage (of whatever nature) such media causes to the court's equipment, network, or information technology systems.

(3) Introducing Electronic Evidence: All Evidence Media contents which the party intends to introduce, mark, and have admitted into evidence shall be prepared and duplicated in accordance with Loc. R. 11(A). If a party intends to introduce into evidence only a segment or portion of a larger electronic document, DVD/video file, etc., the individual segment or portion to be introduced into the record must be submitted to the Court on a separate, properly marked Evidence Medium. Evidence Media containing admitted evidence will be processed pursuant to Loc. R. 11(B). Print/hard copies of documents intended for electronic display, whether or not they are marked and/or admitted into evidence, must be provided to the Court and to all other parties prior to their display pursuant to Loc. R. 11(A)(3) to preview and permit, inter alia, addressing objections to their display, in whole or in part.

(4) Return of Evidence Media: All Evidence Media submitted to the Court, but which have not been displayed, marked as a party's exhibit, admitted into evidence, and/or made part of the proceeding's official record, will be returned to the submitting party at the proceeding's conclusion.

(5) Parties Solely Responsible: Except as set forth in this Loc. R. 11(D), the Court is not responsible for storing, preserving, copying, or making available later, to any party or attorney, any Evidence Media or any electronic evidence submitted, accessed, or displayed during proceedings in this court.

(6) Courtroom 1 HUB Access: An 84" Microsoft Surface Hub ("HUB") is available in Courtroom 1, during trials and court proceedings, to display electronic exhibits, play DVD/videos, allow whiteboard diagramming, and access internet content pre-approved by the Court.

a) Approved Access Only: No party, attorney, or other person is permitted to access or use any court electronic equipment, or any feature of the HUB's software or hardware, without prior court approval. Such access or use may only be had during periods when court personnel are present in the courtroom and made aware of the party's intention to use the HUB. Nothing in this or any other Local Rule limits or conditions the discretion of the Court, or of court personnel, to regulate any person's access to, or use or control, of any court electronic equipment or the HUB's software or hardware features.

b) HUB Access to Approved Files: A party may access approved files on Evidence Media during court proceedings using the HUB in the following ways, as directed by the Court:

(i) Files may be loaded to the HUB hard drive or to the Court's cloud storage for access from directory folders displayed on the HUB and designated for the submitting party's use during the proceedings.

(ii) Files may be accessed from the approved virus-free Evidence Media provided to the Court, by or at the direction of the bailiff or other authorized court personnel.

(iii) Files may be accessed or displayed by any other means pre-approved by the Court.

## **RULE 12 - JURY STANDARDS**

This Local Rule is being implemented in compliance with Sup. R. 5(B)(2) to implement an efficient and comprehensive system of jury use and management.

(A) Jury Eligibility: To ensure that the jury pool is representative of the adult population of the jurisdiction of the Medina Municipal Court, all persons are eligible to serve on a jury, except those who:

- (1) Are less than 18 years of age
- (2) Are not residents of one of the following: the cities of Brunswick and Medina; the townships of Brunswick Hills, Chatham, Granger, Hinckley, Lafayette, Litchfield, Liverpool, Medina, Montville, Spencer, and York; and the villages of Chippewa Lake and Spencer.
- (3) Are not citizens of the United States
- (4) Are not able to communicate in the English language
- (5) Have been convicted of a felony and have not had their civil rights restored

(B) Opportunity for Service: Jury service is an opportunity for all qualified citizens. The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, sexual orientation, age, religious belief, income, occupation, disability or any other factor that discriminates against a particular group or individual. All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

(C) Selection of Prospective Jurors: Pursuant to Ohio Revised Code Section 1901.25, jurors shall be chosen and summoned by the jury commissioners of the county as provided in Chapter 2313 of the Revised Code. Selection shall be made from residents within the geographic jurisdiction of the court to be made subject to call for jury service.

Jurors shall be impaneled in the same manner, shall have the same qualifications, and shall be challenged for the same causes as jurors in the court of common pleas.

The Court shall appoint a Deputy Juror Commissioner, at the request of and to assist the County Jury Commissioners. The Deputy Jury Commissioner may be an employee of the Court and shall receive an additional stipend to serve in that capacity. The stipend shall be set by this Court's Judge.

(D) Summoning of Prospective Jurors: Prospective jurors shall be summoned for a period of one day or one trial. Summons shall be sent by regular mail no less than three weeks prior to the date of service. The summons shall include the following information:

- (1) Current Court website address where pertinent information may be obtained.
- (2) Date and time of service

- (3) Instructions on how to find out if trials are canceled
- (4) Instructions on how to secure an exemption
- (5) Other basic information to begin to familiarize the prospective juror with procedures for jury duty

(E) Compensation for Jury Duty: Persons reporting for jury duty shall receive compensation in the amount of \$20 for each day or partial day of service.

(F) Exemptions and Excuses:

(1) Pursuant to Revised Code Section 2312.16, the Court is not permitted to and shall not excuse a person who is liable to serve as a juror and who is drawn and notified, unless it is shown to the satisfaction of the Judge by either the juror or another person acquainted with the facts that one or more of the following applies:

- a) The interests of the public will be materially injured by the juror's attendance.
- b) The juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill.
- c) The juror is a cloistered member of a religious organization.
- d) The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. The prospective juror, or the prospective juror's personal representative, must provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the prospective juror unfit for jury service for a period of up to twenty-four months.
- e) Jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under the care or supervision of the prospective juror. A Judge of the court for which the prospective juror was called to jury service shall make undue or extreme physical or financial hardship determinations. The Judge may delegate the authority to make these determinations to the jury commissioner or other individual designated by the court.
- f) The juror is over seventy-five years of age, and the juror requests to be excused.
- g) The prospective juror is an active member of a recognized Amish sect and requests to be excused because of the prospective juror's sincere belief that as a result of that membership the prospective juror cannot pass judgment in a judicial matter.

- h) The prospective juror is on active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.
- (2) a) A prospective juror who requests to be excused from jury service under this rule shall take all actions necessary to obtain a ruling on that request by not later than the court session date immediately prior to the date on which the prospective juror is scheduled to appear for jury duty.
- b) A prospective juror who requests to be excused as provided in division (F)(1)(f) of this Rule shall inform the jury commissioner or other individual designated by the court of the prospective juror's request to be so excused by not later than the date on which the prospective juror is scheduled to appear for jury duty. The prospective juror shall inform jury commissioner or other individual designated by the court of the request to be so excused by appearing in person or contacting the jury commissioner or other individual designated by the court by telephone, in writing, by fax, or by electronic mail.
- (3) a) For purposes of this rule, undue or extreme physical or financial hardship is limited to circumstances in which any of the following apply:
- (i) The prospective juror would be required to abandon a person under the prospective juror's personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury.
- (ii) The prospective juror would incur costs that would have a substantial adverse impact on the payment of the prospective juror's necessary daily living expenses or on those for whom the prospective juror provides the principal means of support.
- (iii) The prospective juror would suffer physical hardship that would result in illness or disease.
- b) Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from the prospective juror's place of employment.
- (4) A prospective juror who asks a Judge to grant an excuse based on undue or extreme physical or financial hardship shall provide the Judge with documentation to clearly support the request to be excused. If a prospective juror fails to provide satisfactory documentation, the court may deny the request to be excused.
- (5) When a prospective juror who is liable to serve is excused in a case specified in this rule, the prospective juror can be excused only by the Judge presiding in the case or jury commissioner or other individual designated by the court. A person is excused from jury service permanently only when the deciding Judge determines that the underlying grounds for being excused are of a permanent nature.

(G) Jury Selection, Voir Dire, Oaths (See Crim. R. 24; Civ. R. 47.): The following procedures shall generally govern jury selection, subject to modification by the Court at its discretion:



(1) Record Shall Be Made: Jury selection shall be conducted on the record, including all sidebar conferences at which challenges are addressed. The parties may waive this process in civil matters, but only if waived on the record.

(2) Oath to the Array: The jury array comprises all persons reporting for jury service in response to their summons. Prior to Voir Dire, the Judge or the Bailiff shall administer the following Oath to the Array:

“YOU AND EACH OF YOU DO SOLEMNLY SWEAR OR AFFIRM THAT YOU WILL TRUTHFULLY ANSWER THE QUESTIONS ASKED OF YOU BY THE ATTORNEY FOR THE STATE OF OHIO, AND BY THE DEFENDANT, AND BY THIS COURT, IN REGARDS TO YOUR QUALIFICATION TO ACT AS A JUROR IN THIS CASE ENTITLED STATE OF OHIO, CITY OF \_\_\_\_\_ V. \_\_. DO YOU SWEAR OR AFFIRM THAT YOU WILL DO THIS TO THE BEST OF YOUR SKILL AND UNDERSTANDING, WITHOUT BIAS OR PREJUDICE, SO HELP YOU GOD?”

(3) Preliminary Procedures: To assist the juror array in understanding the nature of the case, and to reduce the time required for voir dire, the following shall apply:

a) Questionnaire: Before voir dire commences, counsel for the parties may, upon request, be provided copies of written questionnaires containing basic background information about the array members.

b) Statement of the Case: The Court, following consultation with the parties, may elect to read to the array a prepared statement of the case, which may include a general description of the charges, legal claims, and defenses.

c) Introductory Instructions: The Court shall further address introductory matters with the array, which may without limitation include the following: (i) introduction of the parties and their attorneys; (ii) the applicable standard of proof; (iii) the applicable burdens of proof; (iv) the presumption of innocence in a criminal case; (v) the appropriate means by which jurors may address their concerns to the Judge; (vi) the appropriate standard of juror conduct; (vii) the anticipated course of proceedings during trial; and (viii) the rules regarding challenges.

d) Initial Juror Selection: Array member names shall then be randomly selected to populate the jury box with the total number of jurors to be empaneled to hear the cause, plus the total number of alternate jurors to be empaneled to hear the cause.

(4) Array Examination: The Court may in its discretion conduct preliminary voir dire examination of the entire array. Counsel for the parties shall then be permitted to question array members for a reasonable amount of time, not to exceed fifteen (15) minutes per party without Court permission and good cause shown. An additional three (3) minutes will be allowed for parties to question any prospective alternate juror or any prospective juror substituted for one excused during voir dire.

(5) Challenges: After the initial voir dire of the array concludes, challenges shall be exercised as follows. All challenges shall be exercised at side bar, out of the hearing of the array, and shall be recorded:

a) Challenges for Cause: Pursuant to R.C. 2945.25 and Crim. R. 24(C), the parties may challenge for cause any juror in the array, including those array members not selected for seating in the jury box. Pursuant to R.C. 2945.26, the Court shall adjudge the validity of the for-cause challenge raised as to any prospective juror.

b) Peremptory Challenges: Peremptory challenges shall then be alternately exercised in accordance with Civ. R. 47(C) and Crim. R. 24(D), (E), and (G).

c) No Back-Striking: Except upon the unforeseeable subsequent development of a basis to strike that juror for cause, no party may peremptorily excuse from any proposed petit jury panel a selected juror seated in the jury box (i) who has already been passed by all parties, or (ii) as to whom a party had an opportunity but failed to exercise a peremptory challenge. Crim. R. 24(E).

(6) Oath to the Panel: After the jury challenge and selection process has concluded and the parties have accepted the jury seated, but prior to the commencement of trial, the Judge or the Bailiff shall administer the following Oath to the Panel:

“DO YOU SWEAR OR AFFIRM THAT YOU WILL DILIGENTLY INQUIRE INTO AND CAREFULLY DELIBERATE ALL MATTERS BETWEEN THE STATE OF OHIO AND THE DEFENDANT [\_\_\_\_\_,], AND DO YOU SWEAR OR AFFIRM THAT YOU WILL DO THIS TO THE BEST OF YOUR SKILL AND UNDERSTANDING, WITHOUT BIAS OR PREJUDICE, SO HELP YOU GOD.”

“I DO SWEAR” OR “I DO AFFIRM”

(H) Preliminary Instructions to the Jury Panel: After the oath is administered but before opening statements, the Court may within its discretion read appropriate preliminary instructions to the jury, addressing without limitation the following matters:

- (1) The issues for trial;
- (2) The credibility of witnesses and the manner for assessing its weight;
- (3) The jurors’ taking and use of notes, pursuant to Civ. R. 47(E) and Crim. R. 24;
- (4) The order in which the case will proceed;
- (5) The transmission of juror questions to the court; and

(6) Admonitions restricting juror discussion about the evidence during recesses, and about the case generally with others until after the close of evidence, instructions are given, and deliberations have commenced.

(I) Jury Deliberations:

(1) Selection/Excuse of Alternate Juror: Alternate jurors shall be identified prior to impaneling the petit jury and administering the oath to it. Excusing the alternate juror(s) prior to deliberations shall be subject to the Court's discretion under Crim. R. 24(G)(1).

(2) All jury deliberations shall be conducted in a separate jury deliberation room. Once deliberations have begun, the jury is placed under the supervision of the Bailiff. No one shall be permitted to enter the jury room and jurors shall not be permitted to leave without permission.

(3) Deliberations shall not continue after a reasonable hour, unless the Judge determines that it would not impose an undue hardship upon the jurors, or that it is necessary in the interest of justice. Jurors shall be consulted prior to any decision.

(4) All communications between the jurors and the Judge or counsel shall be in writing. Any answer or response to a question shall be in writing and placed on the record in open court unless the court brings the jurors back into the courtroom to respond on the record. Counsel for each party shall be informed of any communication and shall be given the opportunity to be heard as to any response.

(5) Upon reaching a verdict, all jurors shall return to the courtroom where the verdict shall be read in open court. In criminal and traffic cases, either party may request that the jury be polled.

(J) Jury Demands and Deposits: All jury demands shall be filed in accordance with the following Rules:

(1) In Criminal/Traffic Matter: Jury demands shall be filed as required, and within the time limits established, by the applicable Ohio Rules of Criminal and/or Traffic Procedure and/or by the Ohio Revised Code. No cash deposit for costs is required with the filing of a demand for jury trial. A jury demand may be made by letter from counsel, if tendered with and as part of a "not guilty" plea entered in compliance with Loc. R. 37(C)(1), or in a separate formal pleading or notice. In either case, the demand submitted shall contain the same information and notices as required by Loc. R. 10(B) for other documents filed with the Court. (See e.g., Appendix A.) A demand for jury trial included in a Pretrial Conference Report, or in any other form not here authorized, does not comply with this Rule and shall not be accepted or remain of record in the case. Failure to comply with these filing requirements constitutes a complete waiver of the right to a trial by jury.

(2) In Civil/Forcible Entry and Detainer Matters: Jury demands shall be filed as required, and within the time limits established, by Civ. R. 38. A jury deposit of \$750 must be paid to the Clerk of Court simultaneously with the filing of the jury demand. Failure to comply with these filing and deposit requirements constitutes a complete waiver of the right to a trial by jury.

(K) Withdrawal of a Jury Demand: Notice of withdrawal of a jury demand SHALL be filed with the Court no later than the second Court session day prior to the date of the scheduled jury trial. Sessions of Court are defined in Rule 3 above.

(1) In Criminal/Traffic Matters: A notice of withdrawal of a jury demand MUST BE SIGNED BY THE DEFENDANT. It may not be signed by counsel on defendant's behalf. Filing of the notice does not continue the case from the date set for jury trial but, absent other disposition of the case, does result in the matter being tried at that time to the Court.

(2) In Civil/Forcible Entry and Detainer Matters: The party filing a notice of withdrawal of a jury demand shall simultaneously file a motion to continue the scheduled jury trial, which shall include evidence of the consent to the continuance by all other parties.

(3) Failure to Comply; Costs Assessed: In the event a panel of prospective jurors appears for service and the trial is continued or postponed due to the failure of a party or his/her counsel to comply with this rule, such party shall be assessed the per diem costs of the panel unless such failure to comply is as a result of extreme emergency, conditions beyond the control of the party or his/her counsel, or such compliance is waived by the court. R.C. 2947.23.

(L) Administration of the Jury System: The individuals designated by the Court shall be responsible for administering the jury system. These duties include: mailing summonses, monitoring and recording jury questionnaires, handling requests to be excused, setting up venues and assisting and supervising the jury on the day of trial.

(M) Jury Instructions and Jury Trial Briefs: At its discretion, the Court may require the parties or their counsel to submit trial briefs and/or proposed jury instructions. Unless the Court has directed otherwise, required documents are to be filed with the Court and served upon all other parties at least ten (10) days before the trial date.

### **RULE 13 - FACSIMILE FILINGS**

The provisions of this Local Rule are adopted under Civ.R. 5(E) and Crim.R. 12(B). Pleadings and other papers may be filed with the Clerk of Court by facsimile transmission to 330-225-1108 subject to the following conditions:

(A) Applicability: This Rule applies to criminal and traffic proceedings in the Medina Municipal Court.

(1) Excluded From Scope: This Rule do not apply to civil, small claims, and appellate proceedings, in which no facsimile transmission of documents will be accepted if a filing fee is required.

(2) Effective Date: This Rule shall be effective on March 1, 2011, and shall govern all proceedings in actions commenced after it takes effect, and also to further proceedings in actions then pending on that date, except to the extent that, in the Court's opinion, their application in a particular action then pending would not be feasible or would work an injustice, in which event, this Rule shall not apply.

(B) Definitions: As used in this Rule, unless the context requires otherwise:

(1) A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.

(2) A "facsimile machine" means a machine that can send and receive a facsimile transmission.

(3) "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

(C) Original Filing: A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court.

(1) Maintaining Source Documents: Notwithstanding the foregoing, the filer shall maintain in his/her records, and have available for production on request by the Court, the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

(2) Signature: Every document filed by fax shall bear either a copy of the filer's signature as it appears on the signed source document, or the notation "/s/" followed by the typed name of the filer where the signature appears in the signed source document. Both signature formats constitute the filer's signature for all purposes, including without limitation Civ. R. 11, and further constitute the signer's certification that the physically signed source document is in his/her possession or control.

(D) Cover Page: The person filing a document by fax shall also provide therewith a cover page in accordance with the following:

(1) Contents: The cover page shall contain the following information:

a) the name of the court;

b) the title of the case;

c) the case number;

d) the assigned Judge;

e) the title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss);

f) the date of transmission;

- g) the transmitting fax number;
- h) an indication of the number of pages included in the transmission, including the cover page;
- i) if a Judge or case number has not been assigned, state that fact on the cover page;
- j) the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and
- k) if applicable, a statement explaining how costs are being submitted.

(2) Defective Cover Page: If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may, at its discretion:

- a) enter the document in the Case Docket and file the document; or
- b) deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document shall not be considered filed with the Clerk of Court.

(3) No Duty to Inform: The Clerk of Court is not required to send any form of notice to the sending party of a failed or defective fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing. The duty to confirm that a fax filing complies with this Rule and has been accepted for filing by the Court is solely upon the sending party.

(E) Exhibits: Exhibits to a facsimile filing which cannot be transmitted by fax with the document filed, due to e.g., their size, number, etc., shall be submitted in accordance with the following:

(1) Place Holder Insert: Such exhibits must be replaced in the fax-filed document by an insert page describing the exhibit and explaining its omission from the document fax-filed. Unless the court otherwise orders, the missing exhibit shall be manually filed with the Court, as a separate document, not later than one (1) court day following the date of the facsimile filing. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and/or exhibit.

(2) Exhibit Filing Format: Any exhibit separately filed under this Rule shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the Judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

(F) Fees and Costs: No additional fee shall be assessed for facsimile filings.

(G) Maximum Length: No facsimile filing shall exceed 20 pages in length, inclusive of the Cover Page and any insert pages required by this Rule to indicate manually filed exhibits. Filings exceeding this page limitation shall neither be accepted by the Court nor made part of the Court record, and the responsibility for manually filing such documents with the Clerk remains solely on the filing party.

(H) Time Stamping/Journalizing of Fax-Filed Documents: Subject to the provisions of these Rules, all documents sent by fax and received by the Clerk shall be considered filed with the Clerk of Court as of the date and time the Clerk time-stamps and journalizes the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the Court is regularly open for business. The time indicated by the Clerk of Court fax machine shall be controlling in determining the time when the document was sent by the filing party to the Clerk's office.

(I) Fax-Filer's Burden: The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission. The risks of transmitting a document by fax to the Clerk of Court shall be borne entirely by the sending party. Parties filing documents by facsimile transmission alone bear the burden of verifying the Clerk of Court's receipt of such filings.

(1) Fax filings may NOT be sent directly to the Court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk of Court at 330-225-1108. Documents faxed to any other number shall not be deemed filed for purposes of this Rule.

(J) Sample Fax Filing Forms: Sample forms are attached to these Rules as Appendix C.

#### **RULE 14 – MAGISTRATES AND OBJECTIONS TO MAGISTRATE'S DECISIONS**

(A) Appointment and Powers: Magistrates may be appointed by the Medina Municipal Court Judge and shall serve as employees of the court. The court may appoint persons to serve as both Civil Magistrates and Criminal Magistrates. The Civil Magistrates and Criminal Magistrates shall, as the Court prescribes, have such powers as are set forth in Civil Rule 53, Criminal Rule 19, Traffic Rule 14, and Rule of Superintendence 19.

(B) Magistrate Orders and Decisions: Magistrate's Orders and Decisions shall be in writing, signed by the Magistrate, identified as a Magistrate's Order or Magistrate's Decision in the caption, filed with the Clerk of Court, and served by the Clerk on all parties or counsel of record.

(C) Objections to Magistrate Orders and Decisions: Objections shall be filed in accordance with, and within the timeframes specified by, Civil Rule 53, Criminal Rule 19, and Traffic Rule 14, and in accordance with the following:

(1) Transcript of Proceedings: If required by applicable rule to do so, or otherwise at its election, a party objecting to a Magistrate's Order or Decision shall be solely responsible for obtaining a transcript of the proceedings before the Magistrate to submit with that party's objections. The party requesting preparation of the transcript shall serve notice of its request upon all other parties or counsel. When

the transcript is complete and filed, the requesting party shall at that time of its filing with the Court also serve notice of its filing upon all other parties or counsel.

(2) Non-Objecting Party's Response: If any party timely files objections, the nonobjecting party or parties may file their own objections/response not later than 10 days after the first objections are filed, or, if a transcript has been requested by the party first filing objections, not later than 10 days after a transcript is filed. A nonobjecting party who wishes or is required by rule to obtain a copy of any transcript filed by the party first filing objections shall make arrangements to obtain the copy from the official court reporter or other reporter who prepared the transcript. The Clerk of Court shall not provide copies of the transcripts to the parties.

## **RULE 15 – SPECIAL STATUTORY FUNDS**

### (A) Case Management System and Support Fee:

The Court hereby determines, pursuant to R.C. § 1901.26(B)(1) that, for the efficient operation of the court, additional funds are necessary to acquire and pay for a special project for the specific purpose of the acquisition of a case management system including hardware, software, training and other related services for the office of the Clerk of Court.

The Court hereby assesses a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession in the amount of Five Dollars (\$5.00) to take effect on January 1, 2016. This shall be known as the Case Management System and Support Fee.

### (B) Furniture, Fixtures, and Equipment Fee:      *[Repealed 1-1-2017]*

The Court hereby determines, pursuant to R.C. § 1901.26(B)(1) that, for the efficient operation of the court, additional funds are necessary to acquire and pay for a special project for the specific purpose of the acquisition and installation of furniture, fixtures, and equipment, and other related services for a new courthouse to be constructed beginning on or before \_\_\_\_.

The Court hereby assesses a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession in the amount of Seven Dollars (\$7.00) to take effect on \_\_\_\_\_. This shall be known as the Special Projects – Furniture, Fixtures and Equipment Fee.

### (C) Community Service Fee:

The Court hereby determines, pursuant to R.C. § 1901.26(B)(1) that, for the efficient operation of the court, additional funds are necessary to acquire and pay for a special project for the specific purpose of covering the cost of maintaining, supervising, and monitoring community service programs by the probation department, including salaries, benefits, capital costs, insurance, contractual services, operations and maintenance, and other related services and costs.



The Court hereby assesses a fee, in addition to all other court costs, **in each case in which community service is ordered**, in the amount of Forty Dollars (\$40.00) to take effect on July 1, 2016. In files with companion cases, this fee shall be assessed in the primary case and not in the companion case, unless the primary case is dismissed. This shall be designated as Special Projects – Community Service Fee.

(D) Probation Department Operation Fees:

(1) Presentence Investigations: The Court hereby determines, pursuant to R.C. § 1901.26(B)(1) that, for the efficient operation of the court, additional funds are necessary to acquire and pay for a special project for the specific purpose of covering the cost of conducting presentence investigations and preparing presentence reports by the probation department, including salaries, benefits, capital costs, contractual services, operations and maintenance, and other related services and costs.

The fees imposed for this programming shall be deposited in a “Special Probation Programming Fund” to be maintained by the City of Medina Department of Finance. The fees shall be imposed and collected in all criminal cases in which such programs or services are ordered. Accordingly, the Court hereby establishes and adopts the following fees:

a) Standard Presentence Investigation Fee: The Court hereby assesses a fee, in addition to all other court costs, **in each case in which a presentence investigation is ordered**, in the amount of Sixty Dollars (\$60.00) to take effect on July 1, 2016. In files with companion cases, this fee shall be assessed in the primary case and not in the companion case, unless the primary case is dismissed. This shall be designated as Special Projects – Presentence Investigations Fee.

b) Summary Presentence Investigation (“SPSI”) Fee: There is hereby established a fee in the amount of Thirty Dollars (\$30.00) to be imposed **in all criminal cases in which** (i) the nature of the convictions at issue justify accelerating sentencing to occur simultaneously at the proceeding at which a defendant enters a plea of “no contest” or “guilty” to the original or amended charges, (ii) no basis exists to warrant or necessitate a full presentence investigation, (iii) no full presentence investigation is performed, and (iv) no full presentence investigation fee is charged. This special program and service fee shall be effective on and after 1/5/2021. This shall be designated as Special Projects – Summary Presentence Investigations Fee. (See 1/4/21 Administrative Order.)

(2) Special Probation Programming and Services Fees: The Court hereby determines, pursuant to R.C. § 1901.26(B)(1) that, for the efficient operation of the court, additional funds are necessary for the specific purpose of covering the cost of conducting special probation programming and services by the probation department, including salaries, benefits, capital costs, contractual services, operations and maintenance, and other related services and costs.

The fees imposed for this programming shall be deposited in a “Special Probation Programming Fund” to be maintained by the City of Medina Department of Finance. The fees shall be imposed and collected **in all criminal cases in which such**

**programs or services are ordered.** Accordingly, the Court hereby establishes and adopts the following fees:

a) Special Probation Service Fee: There is hereby established a fee in the amount of Four Hundred Ninety Dollars and Zero Cents (\$490.00--\$480.00 for probation supervision services and \$10.00 for drug testing) to defray the costs of special programs and services administered by the Court's Probation Department personnel.

b) Theft Prevention Program Fee: (Discontinued per 1/6/23 Administrative Order.)

(3) Pre-Trial Monitoring Fee: The Court hereby determines, pursuant to R.C. 1901.26(B)(1) and subject to further Court order, that, for the efficient operation of the current and future court, additional funds are necessary to assist Court Bailiff and Probation Department personnel in monitoring criminal defendants subject to recognizance and/or bail release conditions, using technologies which include without limitation, 10 Panel Oral Fluid Test Devices, Secure Continuous Remote Alcohol Monitor ("SCRAM"), global positioning system ("GPS") monitors, or similar devices or technologies.

To this end, the Court hereby orders the assessment of a fee, in addition to all other court costs, on the filing of each criminal case, civil action or proceeding, or judgment by confession, in the amount of Five Dollars (\$5.00), to take effect no later than 6/1/2021. This fund shall hereinafter be referred to as the Special Projects Fund – Pre-trial Monitoring Fee. (See 1/4/21 and 1/6/23 Administrative Orders.)

(E) Sealing of Records Fee:

The Court hereby determines, pursuant to R.C. § 1901.26(B)(1) that, for the efficient operation of the court, additional funds are necessary to acquire and pay for a special project for the specific purpose of covering the cost of conducting the required investigation of a petition to seal the record of a conviction, finding of not guilty, or dismissal of a case by the probation department, including salaries, benefits, capital costs, contractual services, operations and maintenance, and other related services and costs.

The Court hereby assesses a fee, in addition to all other court costs, **in each case in which such a petition is filed**, in the amount of Fifty Dollars (\$50.00) to take effect on July 1, 2016. In files with companion cases, this fee shall be assessed in the primary case and not in the companion case, unless the primary case is dismissed. This shall be designated as Special Projects – Sealing of Records Fee. (See 8/3/22 Administrative Order.)

(F) Facilities Acquisition Fee:

The Court hereby determines, pursuant to R.C. 1901.26(B)(1) and subject to further Court order, that, for the efficient operation of the current and future court, additional funds are necessary to assist the legislative authority of this court to provide suitable accommodations for this court and its officers (as R.C. 1901.36 mandates), to wit, for the payment for a special project comprising the acquisition of new, additional, and/or renovated court facilities, related systems for court operation, and for all other related services for a courthouse facility to be constructed in the City of Medina, County of Medina, Ohio, and for any other purpose authorized by law.

To this end, the Court hereby orders the assessment of a fee, in addition to all other court costs, on the filing of each criminal case, civil action or proceeding, or judgment by confession, in the amount of Twenty Dollars (\$20.00), to take effect no later than 12/1/2020. This fund (i.e., Fund 169-0705) shall hereinafter be referred to as the Special Projects Fund – Facilities Acquisition.

## **RULE 16 – BONDSMEN**

(A) Clerk Approval of Bondsmen: The Clerk of Court shall, before acceptance of any bond, investigate the financial capacity of the bondsman or bonding company, and if the Clerk is for any reason not satisfied as to the status or sufficiency of such bondsman or bonding company, the Clerk may refuse to accept anything other than a cash deposit for bond.

(B) Default of Payment by Bondsman: Any bondsman or bonding company having failed to honor an obligation to this Court shall not be permitted to act in such capacity in Court proceedings until such default of payment is rectified in full.

(C) No Referrals or Advertising: No Court employee, including employees in the Clerk of Court's office, shall recommend or refer a bonding company or bondsman under any circumstances, and no advertising material of any kind pertaining to bonding service shall be displayed in the courthouse or on the court grounds. Any person soliciting such information shall be directed to the telephone directory or to the Medina County Bar Referral Services. Notwithstanding the foregoing, the Clerk may maintain a list of bonding companies whose activities in the Court are at that time suspended under paragraph (B) of this Rule.

(1) Prohibition Applicable to Attorneys: The prohibition stated in this Rule 14(C) regarding referrals by Court personnel to bondsmen, and regarding advertising by bondsmen in this Court, applies with equal force to attorneys, solely excepting the Court's appointment of defense counsel for indigent defendants in criminal matters.

## **RULE 17 - ELECTRONIC OR PHOTOGRAPHIC EQUIPMENT**

In compliance with Rule 12 of the Rules of Superintendence, the Court shall permit the broadcasting or recording by electronic means and the taking of photographs in court proceedings that are open to the public as provided by Ohio law. No recording shall be made of any court proceeding without approval of the Judge or Magistrate conducting the proceeding.

## **RULE 18 – INTERPRETER SERVICES**

In any case in which an interpreter is needed, counsel shall notify the Judge's administrative assistant as soon as possible, but no less than 10 days prior to any hearing or proceeding at which the services will be required, specifying the language needed. This Rule 18 does not apply to arraignments or initial appearances.

**RULE 19 - PHYSICAL CASE INVENTORY**

Pursuant to Sup. R. 38, this court will conduct an annual physical case inventory of all cases reported as pending on the monthly statistical report form filed by the Judge. Said annual physical case inventory shall be completed on or before the first day of October of each year. Completion of the physical inventory shall be documented in the appropriate space on the Individual Judge Report.

**RULE 20 – MEDIA ACCESS TO COURTROOM 2**

This Local Rule governs the broadcasting or video recording by electronic means, and the taking of photographs, during proceedings that are open to the public as provided by Ohio law and that take place in Courtroom 2. It is to be construed in conjunction with all prior Court Administrative Orders enacting recommended health and safety procedures to address COVID-19 virus-related issues. This Rule is authorized under the Rules of Superintendence for the Courts of Ohio ("Sup. R."), which provide:

No radio or television transmission, voice recording device, other than a device used by a court reporter making a record in a proceeding, or the making or taking of pictures shall be permitted without the express consent of the court in advance and pursuant to Sup.R. 12.

Sup. R. 54(B). Pursuant to Sup. R. 12, this Rule establishes "conditions for broadcasting and photographing court proceedings."

(A) Media Acknowledgment Form: The sample acknowledgment and order provided by this Rule (see below) shall be made part of the record in any case to which media access in Courtroom 2 is requested. (Sup. R. 12(A).) Media requesting permission for such access shall sign the following acknowledgment as a condition of being permitted access.

**PETITION FOR MEDIA ACCESS AND ACKNOWLEDGMENT OF RULES**

I, \_\_\_\_\_, pursuant to this Court’s Administrative Order entitled "Media Access to Courtroom 2" and to Rule 12(A) of the Supreme Court of Ohio’s "Rules of Superintendence for the Courts of Ohio," hereby request permission to (audio/video record for broadcast), (broadcast), or (take still photographs) in Courtroom 2 of the Medina Municipal Court during the following proceeding, i.e., INITIAL APPEARANCE conducted on 7 AUGUST, 2020 at 10:30 a.m. involving defendant JANE ROE, Case No. 20CRA00840. I hereby acknowledge and warrant that I will abide by the Order governing this access.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Date

For: \_\_\_\_\_  
Media Affiliation/Organization

**APPROVED AND SO ORDERED.**

**MEDINA MUNICIPAL COURT**

**Presiding Judicial Officer**

---

Gary F. Werner, Judge  
Linda Leggett, Chief Magistrate  
Charles T. Lawrie, Magistrate

---

Date

(B) Access Terms and Conditions: Subject to further order of this Court, the following terms, provisions, conditions, and restrictions generally apply to any order authorizing media access pursuant to this Rule (Sup. R. 12(B)):

(1) Use of more than one portable television, videotape, or movie camera with one operator is not permitted. Requests for access will be entertained on a firstcome-first-served basis.

(2) In addition to condition (1), not more than one still photographer shall be permitted to photograph court proceedings, and shall be limited to two cameras with two lenses for each camera.

(3) Subject to the limitations in conditions (1) and (2), for radio broadcast purposes, not more than one audio system shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. If existing audio pickup systems are not available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.

(4) Visible audio recording equipment may be used by news media reporters only with the prior permission of the judge.

(5) Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representative authorized to cover the proceeding. "Pooling" arrangements are to be made outside the courtroom and without imposing on the judge or court personnel. If disputes arise over arrangements between or among media representatives, the judge may exclude all contesting representatives from the proceedings.

(6) No electronic or photographic equipment that produces distracting sound or light, and no artificial lighting other than that normally used in the courtroom, are permitted, as determined by the judge or the presiding judicial officer.

(7) Except to leave the courtroom immediately, no photographers and television and radio representatives are permitted to move about in the courtroom during court proceedings from locations in the courtroom where they have been positioned by court personnel.

(8) The judge or presiding judicial officer shall direct the bailiff regarding permitted locations within the courtroom for positioning media, and all media shall be positioned by the bailiff.

The foregoing guidelines are further subject to these limitations under Sup. R. 12(C):

(1) There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel, or of conferences conducted at the bench between counsel and the judge or presiding judicial officer.

(2) The judge or presiding judicial officer shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed, and may limit media activities accordingly.

(3) This rule shall not be construed to grant media representatives any greater rights than permitted by law.

(4) Media representatives are not permitted to transmit or record anything other than the on-the-record court proceedings from the courtroom while the court is in session.

All permissions granted by this Administrative Order are subject to revocation by the judge or the presiding judicial officer. Sup. R. 12(D). (See \_\_\_\_\_ Administrative Order.)

**[RULES 21-24 – RESERVED]**

**CIVIL DIVISION**

**RULE 25 - CIVIL DIVISION - CIVIL ACTIONS GENERALLY**

In the civil division of this Court, all cases shall be designated as general civil actions and be subject to these Civil Division Rules. Excepted from these Rules are actions in forcible entry and detainer, replevin, small claims, and such other special statutory proceedings, which Civ. R. 1(C) exempts from the Ohio Rules of Civil Procedure.

**RULE 26 - CASE MANAGEMENT IN CIVIL CASES**

The purpose of this Rule is to establish, pursuant to Sup. R. 5(B)(1), a system for civil case management which will achieve the prompt and fair disposal of civil cases.

(A) Scheduling of Events; Case Management Steps: The scheduling of a case begins when a civil complaint or petition is filed. Thereafter, the case is managed in four clerical steps and five judicial steps.

(B) Clerical Steps (4): There are four clerical steps in the Court's management of civil cases:

(1) Failure to Commence the Action: Summons shall be served in accordance with the Ohio Rules of Civil Procedure. If there is a failure of service, the Clerk shall notify counsel immediately. If during the year following the date the complaint was filed 180 days elapse during which plaintiff has taken no action to perfect service of process, then the Court shall notify plaintiff or plaintiff's counsel that the case will be dismissed fourteen days after issuance of such notice, unless good cause is shown to extend the time for service. (See Civ. R. 3(B).)

(2) Answer/Motion in Response/Pretrial: After an answer is filed, the Clerk shall set the matter for a pretrial conference. If a motion directed to the complaint or to the action is filed, either alone or with an answer, the Clerk shall immediately set the motion for a non-oral hearing.

(3) Dismissal for Failure to Prosecute: If the matter is at issue, but no action has been taken in the matter for a period of 180 days, and the case is not set for trial, then the Court shall notify all parties that the case will be dismissed for failure to prosecute within fourteen days after issuance of such notice, unless good cause is shown otherwise.

(4) Failure to Dismiss Following Settlement: When a file has been marked "settlement entry to come," and the entry has not been received within 30 days thereafter, then the Clerk shall forward the case to the Magistrate or Judge so that the case may be dismissed without prejudice **and without notice to the parties.**

(C) Judicial Steps (6): There are six judicial steps in the Court's management of civil cases:

(1) Pretrial Conference: After an answer is filed and the matter is at issue, the case will be given to the Assignment Commissioner who will set the case for a pretrial conference. Said conference shall be held in accordance with Loc. R. 29.

(2) Motion Practice: Motion practice is governed by Loc. R. 10.

(3) Continuances: Requests for continuances are governed by Loc. R. 7. No party shall be granted a continuance of a trial or a hearing without a written motion, or an oral motion in open court, made by the party or the party's counsel, stating the reason for the continuance.

(4) Judgment Entries: Counsel for the party in whose favor an order or judgment is rendered shall prepare a judgment entry if directed by the court. That entry shall be submitted to opposing counsel within five days of the decision. Opposing counsel shall approve or reject the entry within five days. Within 15 days of the decision, the judgment entry shall be submitted to the Judge or Magistrate or thereafter, the Court will prepare the judgment entry. A judgment entry of settlement may be filed at any time. The judgment entry shall state which party will pay the court costs and specify the interest rate percentage to be applied to any judgment amount.

(5) Default Judgment: In all cases in which default judgment is available to a party by reason of failure of another party to answer or appear in response to a complaint, crossclaim, counterclaim, or third-party complaint, the motion for default judgment must be filed within 90 days from the date that the answer or other responsive pleading was due. Failure to timely file a motion for default judgment in

accordance with this rule may result in dismissal of the complaint, crossclaim, counterclaim, or third-party complaint for want of prosecution. If a case is set for a default hearing, proof of damages may be presented by testimony at the hearing, or as directed by the court, otherwise proof of damages may be submitted to the Court by affidavit. Notwithstanding the foregoing, for cases based on an account, an authenticated account statement must be submitted, along with proof by affidavit or testimony that no subsequent payments have been made on the account.

(6) Trials: Every civil case which has not been finally determined after a pretrial conference, after the Court rules on pretrial motions, or by default judgment, shall be tried to the Court. If a jury demand is timely and properly filed, then the case will be transferred to the jury trial schedule.

## **RULE 27 - LEAVE TO PLEAD—EXTENSION OF TIME TO ACT**

(A) Written Motion: A written motion to the Court is required for all requests for leave to plead to a complaint, cross-claim, or counterclaim, and for all requests to extend the time to respond to interrogatories, requests for documents, requests for admissions, or other discovery. Such motion shall state the facts why an appropriate pleading or response cannot be filed within the time previously allowed. The Court may grant the moving party such additional time as it deems appropriate under the circumstances.

(B) Proposed Judgement Entry: The party requesting leave to plead or an extension of time to respond shall submit with the motion, as a separate document, a proposed Judgment Entry.

(C) Showing of "Excusable Neglect" Required: The provisions of Civ. R. 6(B) govern as to the requirement that "excusable neglect" must be shown to justify a request for additional time made after the expiration of the specified period for action.

## **RULE 28 - DEPOSITS FOR COSTS**

(A) Deposits Upon Commencing Action: No civil action or proceeding shall be accepted for filing by the Clerk of Court unless there is deposited at the time of filing the sum of money set forth in the schedule of deposits established from time to time by this Court. A copy of such schedule is available at [www.medinamunicipalcourt.org](http://www.medinamunicipalcourt.org), and is attached to these Local Rules as Appendix D. The schedule of deposits posted and available at the Medina Municipal Court's website shall control in the event of any discrepancy between it and any prior printed edition of the schedule of deposits, whether attached to these Local Rules or otherwise. Parties are encouraged to consult the Court's website before filing documents.

(B) Affidavit of Indigency: If a party wishing to file an action in this court is indigent, the party or the party's counsel shall file an affidavit of indigency. Upon a finding by the Judge or Magistrate that such indigency does exist, the deposit and payment of costs by that party shall be waived.



## **RULE 29 - CIVIL PRETRIALS AND DISCOVERY**

This pretrial procedure shall be in effect for the purpose of ensuring the readiness of civil cases for trial. Unless the court orders otherwise, a pretrial conference shall be conducted in all civil cases except for forcible entry and detainer actions, small claims actions, and Bureau of Motor Vehicle license suspension appeals.

(A) Pretrial Defined: For the purpose of this Rule, a "Pretrial Conference" is defined as any Court-supervised conference designed to narrow and clarify issues, obtain stipulations, produce an amicable settlement, establish the procedure to be followed in the case, establish time limits to be observed in the case, and establish procedures to inform the court as to the law and jury instructions.

(B) Pretrial Proceedings:

(1) Notice: The Clerk of Courts shall issue notice of all pretrial conferences to all parties or their counsel of record not less than fourteen days prior to the conference.

(2) Initial and Subsequent Pretrials: Unless otherwise ordered by the Court, all initial pre-trial conferences shall be conducted telephonically. Counsel for the plaintiff in the action shall initiate the call by conferencing in all attorneys, and all unrepresented parties in the case, and then contacting the Court at the appointed time. Counsel for all represented parties shall be responsible for having their clients available by phone during this conference. No party or counsel is excused from participation in the initial pretrial conference, absent prior leave of Court, and only for good cause shown. Unless otherwise ordered by the Court, any pretrials set after the initial pretrial conference shall be in person, at Court, attended only by counsel and unrepresented parties.

(3) Proposed Case Management Order: Prior to the time of the initial pretrial conference, the parties and/or their attorneys shall confer and jointly compose a proposed case management order ("CMO") for the case. The CMO should address from among the following all matters applicable to the case:

- a) Dates for trial and for a final pretrial conference;
- b) A deadline for the exchange of trial witness and exhibit lists, motions in limine, trial briefs, and jury instructions;
- c) A deadline for the filing of dispositive motions and the related briefing schedule;
- d) A deadline for the service of written discovery and for the conduct of lay witness depositions; and
- e) Deadlines and a sequence for the exchange of expert witness designations and reports, and for the conduct of expert witness depositions.

The parties shall provide to the Court a courtesy copy of their joint proposed CMO prior to the initial pretrial conference, which need not be filed.

(4) Settlement and Stipulation Authority: Counsel participating in all pretrial conferences, including the initial pretrial conference, shall have complete authority to stipulate on all items of evidence and admission and shall have complete settlement authority.

(5) Case Management Order: After the initial pretrial conference, the Court shall enter upon the record a Case Management Order containing all stipulations, admissions, deadlines, and other matters which have come before the Court.

(6) Continuance: Continuances of pretrials are discouraged. All requests to continue a scheduled Pretrial Conference are subject to Loc. R. 7.

(7) Sanctions for Noncompliance: Failure to participate in pretrial conferences as required by this Rule and/or as ordered by the Court may constitute a contempt of court, and/or otherwise be subject a party or its attorneys to sanctions, including without limitation dismissal for want of prosecution.

(C) Preclusion of Witnesses/Evidence: The Court may preclude at trial the testimony of any lay witness or of any expert witness whose identity is not disclosed, or whose report is not exchanged, in strict compliance with the parties' CMO.

## **RULE 30 - CIVIL TRIAL BRIEFS**

All trial briefs filed in civil matter shall contain the following three sections:

(A) Facts: The facts that the party believes the party will be able to prove at trial. No affidavit is necessary.

(B) Law And Argument: A narrative explanation of the logic, reasoning, and citations to specific legal authorities that support the party's position. Statements such as "The standard principles of contract/negligence/tort/etc. law apply" are insufficient. Contentions that an opposing party will be unable to prove the allegations of the party's claim, or that a party will be unable to successfully defend the party's position, are also insufficient.

(C) Conclusion: The specific relief that the party is seeking.

## **RULE 31 - PUBLICATION OF NOTICES**

(A) Notice by Publication: The Clerk of Court is authorized to publish notices authorized by the court or required by law in a newspaper of general circulation in the county of Medina or within the confines of the court's jurisdiction.

(B) Deposit Due With Request for Publication Service: Upon the filing of a praecipe for publication notice in a particular case, the party filing the request shall deposit with the Clerk of Court the costs of such publication as established by the Clerk. No publication notice shall be made until the deposit has been received.

## **RULE 32 - SATISFACTION OF JUDGMENT-PAYMENT OF COSTS**

(A) Costs Payment Must Precede Satisfaction of Judgment: No satisfaction of judgment shall be entered by the Clerk unless and until all court costs in such action have been paid.

(B) Persons Authorized to Enter Satisfaction of Judgment: No person other than the Judge, Magistrate, Clerk of Court, or deputy Clerk may enter a satisfaction of judgment upon the records of the court.

## **RULE 33 - CIVIL AND SMALL CLAIM MEDIATION**

To afford expedited and economical case resolution alternatives, the Court hereby adopts the following mediation program. Mediations shall be conducted in accordance with R.C. 2710 ("Uniform Mediation Act" ("UMA")), Rule 16 of the Supreme Court of Ohio Rules of Superintendence, and to the full extent the foregoing so permit, the following Rules.

(A) Referral: The Court, on its own motion or upon the joint written motion of the parties, may refer disputed issues to mediation in whole or in part as provided by this Rule. If a case is deemed appropriate, mediation will be scheduled. The referral to mediation shall occur once service has been completed upon all parties.

(B) Scheduling: A Notice of Scheduled Mediation will be mailed to each party, or to the attorney of record for any represented party. The Notice will indicate the date, time, and place of the mediation. Requests for continuances shall be directed to the appointed mediator. Continuances shall be granted only for good cause shown.

(C) Attendance:

(1) In-Person Attendance: Unless otherwise ordered, in-person attendance at a scheduled mediation is mandatory for all parties, all trial counsel, and if applicable, all insurance adjusters. All legal entities must designate an officer, director, or other managing agent to attend the mediation on behalf of the represented entity. Attendees must be prepared to discuss all relevant factual and legal issues, and must possess full authority both to negotiate and conclude a settlement and to bind the party on whose behalf the settlement is entered.

(2) Failure to Attend; Sanctions: The Court may impose sanctions as to any individual required by this Rule to attend a mediation who fails to attend without good cause. Sanctions may include, without limitation: dismissal of the action if the plaintiff(s) fails to appear; an order that the matter proceed immediately to trial before the magistrate if the defendant(s) fails to appear; an award of attorney's fees and other costs; a finding of contempt; or any other sanction deemed appropriate at the discretion of the judge or magistrate.

(D) Procedure: A court appointed mediator will conduct the mediation and determine its format. The mediator will meet informally with litigants to encourage them to develop workable solutions and to evaluate options to resolve the case. Unless the parties consent and the mediator approves, no witnesses may participate in or observe the mediation. The mediator may require parties to submit a Mediation Statement prior to the mediation, briefly summarizing disputed factual and legal issues, and reciting settlement efforts to date.

Except as provided by law, including R.C. 2710.05, mediation proceedings are confidential and subject to Evid. R. 408 and R.C. 2710.03.

(E) Conclusion: In compliance with R.C. 2710.06, the mediator shall promptly inform the Court regarding the mediation's outcome. Successfully mediated cases shall be memorialized by either a written agreement or a judgment entry, as the parties may elect, signed by all the parties and their counsel. Such agreement or judgment entry shall include directives regarding the case's dismissal, the court's continuing jurisdiction to enforce the agreement, and any other terms the parties deem material. Unsuccessful mediations shall be set for trial.

**[RULES 34-35 – RESERVED]**

**CRIMINAL/TRAFFIC DIVISION**

**RULE 36 - CASE MANAGEMENT IN CRIMINAL AND TRAFFIC CASES**

The purpose of this rule is to establish, pursuant to Sup. R. 5(B)(1), a system for criminal and traffic case management that will provide for the fair and impartial administration of criminal and traffic cases. These Rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.

(A) Case Management Steps; Application: The scheduling of a case begins after a defendant is arraigned. The case is thereafter managed in one procedural step and four judicial steps, as set forth below in this Rule 36. This Case Management procedure shall apply as follows:

(1) Cases Covered: Subject to paragraph (A)(2) below, paragraphs (B) and (C) of this Rule shall apply in all cases in which a defendant has entered a plea of not guilty to the charges as filed, the Court has accepted the plea, and the defendant has waived the right to speedy trial.

(2) Cases Excluded: Paragraphs (B) and (C) of this Rule do not apply to the following cases, except as indicated:

a) Pleas of Guilty or No Contest: To all matters in which the defendant has entered a plea of guilty or no contest as charged, or to amended charges as agreed, and which plea the Court has accepted. Such matters shall proceed to sentencing in accordance with section (C)(4) of this Rule 36.

b) Minor/Unclassified Misdemeanor Cases: To all matters involving minor misdemeanor and unclassified misdemeanor charges, respecting which no jail time is possible, and to which the defendant has entered a plea of not guilty. Such matters shall immediately be scheduled for trial to a Magistrate and shall proceed subject to applicable rules, including without limitation the Ohio Traffic Rules, and the Ohio Rules of Criminal Procedure.

c) No Waiver of Speedy Trial: To all matters not described above in subsection (A)(2) of this Rule 36, and in which defendant has entered a plea of not guilty to the charges but has not filed a waiver of indefinite duration and scope of the right to a speedy trial, which matters shall be scheduled immediately for trial and proceed subject to section (C)(3) et seq. of this Rule 36, and all other applicable rules, including without limitation the Ohio Traffic Rules, and the Ohio Rules of Criminal Procedure.

(B) Procedural Step (1)—Notice of Intention to Use Evidence: There is one procedural step in the Court’s management of criminal/traffic cases. The purpose of this step is to promote the just, prompt, and consistent resolution of all criminal/traffic matters, to encourage full and open discovery early in all such cases, and to eliminate to the extent possible grounds for delaying their disposition.

(1) Disclosure/Discovery of Evidence: At the arraignment or as soon thereafter as practicable, the parties are strongly encouraged to pursue discovery promptly, including without limitation as provided for under Crim. R. 12(E) and 16, and Traf. R. 11(D). Prompt discovery is essential to avoid delay in evaluating the matter for potential law and motion, plea negotiation, and expedited trial.

(C) Judicial Steps (4): There are four judicial steps in the Court’s management of criminal/traffic cases:

(1) Pretrial Conferences: There shall be scheduled in each criminal/traffic matter one mandatory initial pretrial conference, and such other pretrial conferences as the Court may determine or permit. The following Rules, and Crim. R. 17.1, shall govern these conferences:

a) Mandatory Initial Pretrial Conference: After the arraignment, notice of a date and time for the mandatory initial pretrial conference shall be sent to the parties, or to counsel for represented parties. This conference shall be set on a date that is approximately 3 weeks after the date on which a defendant is arraigned. If all parties consent, this conference may be conducted telephonically by counsel. The purposes of this initial pretrial conference are as follows:

- (i) To discuss all issues relevant to the charges and defenses, and explore any potential for plea bargaining;
- (ii) To complete the exchange and review of discovery;
- (iii) To narrow issues for motion practice and/or trial;
- (iv) To reach such other stipulations as may be reached.

Unless requested by the parties, the Court shall not participate in this initial mandatory pretrial conference, except as required under Crim. R. 17.1. Following the conference’s conclusion, the parties shall prepare and submit to the Court a single-page pretrial conference report of the outcome, substantially conforming to the sample report attached to these Local Rules as Appendix E.

b) Additional Pretrial Conferences: The prosecutor or any defense counsel, or any defendant not represented by counsel, may by written motion request a pretrial conference subsequent to the mandatory initial pretrial conference. Such requests must show good cause for and state the intended purpose of the additional conference. If all parties consent, this conference may be conducted telephonically, provided that all parties of record (or their counsel) participate simultaneously in such conference. The Court may itself, in its discretion, set a matter for an additional pretrial conference and/or participate in such conference. Following the conference's conclusion, the parties shall prepare and submit to the Court a single-page pretrial conference report of the outcome, signed by all parties or on their behalf with their consent, which substantially conforms to the sample report attached to these Local Rules as Appendix E. Except as provided otherwise in these Rules (e.g., Loc. R. 36(C)(3)(a)), and unless ordered in advance by the Court to appear, the defendant need not appear and participate in pretrial conferences.

c) Evid. R. 410: The prohibitions on the use of statements at a pretrial conference, stated in Evid. R. 410 and in Crim. R. 17.1, apply to all matters discussed during any pretrial conference, including the initial mandatory pretrial conference.

d) Pro se Defendants: Pretrial conferences involving unrepresented defendants shall be conducted in compliance with Crim. R. 17.1.

(2) Motions: All pretrial motions filed in criminal/traffic cases are subject to the following:

a) Pretrial Motions-Timing: Pretrial motions shall conform to Crim. R. 12(C) and Traf. R. 11(B). Except to the extent specifically provided for otherwise by applicable rule, all pretrial motions shall be made no later than thirty-five days (35) after arraignment, or seven (7) days before trial, whichever first occurs. No request to extend these timeframes shall be granted based upon the need for further discovery, unless the requesting party demonstrates in its motion that it has at all times since arraignment acted with due diligence concerning discovery.

b) Format-Particularity of Grounds: All pretrial motions shall comply with Crim. R. 47, be made in writing, and be supported by a memorandum containing citations of authority and its application in support of the motion. Bare citations to sections of constitutions, statutes, and/or cases alone will not be deemed to comply with this Rule.

(i) Particularity in Motions to Suppress: A motion to suppress must, in the motion itself, specifically state with particularity both (i) the evidentiary items it seeks to suppress and (ii) the legal and factual grounds upon which such requested suppression is based as to each item. Detailing the specific grounds for suppression or the items to be suppressed only in the memorandum supporting the motion does not satisfy this requirement.

c) Ruling: The Court may rule upon any motion with or without a hearing, except to the extent a hearing on a specific issue is required by law.

The Court may summarily deny any motion not filed in compliance with these Local Rules or with other applicable rules. Motions not heard or decided prior to trial will be disposed of at the time of trial. Motions not expressly addressed by the Court shall be deemed denied.

(3) Trials: Every criminal/traffic matter which has not been finally determined after a pretrial conference (pursuant to Loc. R. 36(C)(1)) or after the Court rules on pretrial motions shall be tried to the Court. If a jury demand is timely and properly filed, then the case will be transferred to the jury trial schedule.

a) Mandatory Final Pretrial in Jury Trials: In all cases set for a jury trial, the Court will conduct a mandatory final pretrial conference with the Judge. This final pretrial conference will be set to occur during the week prior to the week in which the jury trial is set. Personal attendance at this final pretrial conference is mandatory for all counsel and defendants.

(4) Sentencing: The Judge or Magistrate may immediately impose sentence after a finding of guilt is entered, after either a plea of guilty or of no contest is made, or after a trial which results in a verdict or finding of guilt upon the charge(s) brought, or the Judge or Magistrate may, within their discretion, schedule a sentencing proceeding for a later date, subject to the following:

a) Presentence Investigation Reports: If the Judge or Magistrate orders a full presentence investigation be conducted, sentencing will be scheduled for a later date.

b) First OVI Offense Within 10 Years: Following conviction under R.C. 4511.19(A) for an OVI offense which was the defendant's first within the preceding ten years, the sentencing shall be scheduled for a date approximately sixty (60) days after the entry of the finding of guilt upon such charge(s), unless a presentence investigation is ordered. On all other charges, the sentencing shall be scheduled at the Judge's or Magistrate's discretion.

c) Sentencing—By Video: Subject to Crim. R. 43, the defendant may waive, in writing or on the record, the defendant's right to be physically present for sentencing, upon leave of court, including without limitation leave to participate in sentencing by video imaging connection between the Medina Municipal Court and the Medina County Jail.

d) Immediate Incarceration: Any defendant subject to potential incarceration upon sentencing should expect to commence serving that jail term on the date of the sentencing proceeding. All criminal defense counsel should so advise their clients sufficiently in advance of the sentencing proceeding to permit defendants to make any personal arrangements made necessary by incarceration.

## **RULE 37 – ARRAIGNMENT AND PLEAS**

(A) Arraignments—By Video: Arraignments shall be conducted in compliance with Crim. R. 10 and Traf. R. 8, and may be conducted by the Judge or by a Magistrate. At the Judge or Magistrate's discretion, any arraignment, initial appearance, bond hearing, or other matter may be conducted by video imaging connection between Medina Municipal Court and

the Medina County Jail. Defendant's counsel may be present either by appearing in the Court's video arraignment room, or by joining their client at the County Jail. All video proceedings shall be interactive with two-way visual and audio communications. Accommodations shall be made for counsel to have private communication with a client.

(B) Pleas Generally: The taking of pleas shall be conducted by the Court in compliance with Crim. R. 11 and Traf. R. 10.

(C) Written Pleas of Not Guilty: The Court will accept written pleas of Not Guilty in traffic and criminal matters subject to this Rule:

(1) Form: The written plea of Not Guilty may be by letter from counsel or in a separate formal pleading or notice. In either case, the document submitted shall contain the same information and notices as required by Loc. R. 10(B) for other documents filed with the Court. (See e.g., Appendix A.)

(2) Time Waiver: The Court will accept no written plea of Not Guilty unless it includes in the body of its text, above the signature of defendant and/or defendant's counsel, an explicit and complete waiver of all time limitations applicable to the trial of the case.

(3) Timing/Receipt: Absent leave of Court, a written plea of Not Guilty must be received by the Clerk of Court on or before the original arraignment date or the date to which it has been continued. The date that a Loc. R. 37-compliant written plea of Not Guilty is time-stamped and journalized by the Clerk shall be considered the arraignment date in the matter for all other purposes.

(4) Exceptions: This Rule 37(C) is subject to the following:

a) Disallowed: The Court will neither accept nor regard as having been filed and made part of the Court's records the following written pleas of Not Guilty:

(i) Domestic Violence Cases-Hearing Pending: A written plea of Not Guilty in a domestic violence case if at the time the Court receives the plea a motion for temporary protection order has been filed and no hearing has yet been held on the motion.

(ii) Non-compliant Written Pleas: Any written plea of Not Guilty that does not comply with this Rule will be rejected by the Court. Noncompliant written pleas of Not Guilty which have been time-stamped by the Clerk will be stricken and deemed void. A failure to appear at any arraignment, which a non-compliant written plea was filed to obviate, may result in a finding of contempt of court, the issuance of a *capias*, or a modification in required bail.

b) Pro Se Defendants and Minor Misdemeanor Charges: For any *pro se* defendant facing charges that include one or more minor misdemeanor charges combined with one or more non-minor misdemeanor charges that relate solely to driver's license suspension or similar driving privilege-related charges, the Court may in its sole discretion accept and regard as having



been filed and made part of the Court's records that defendant's written plea of Not Guilty to the charges, notwithstanding that written plea's omission of the time waiver required by Rule 37(C)(2) above.

(D) Change of Plea—Trial or Other Proceedings Set: A defendant wishing to change a plea of "not guilty" to either a "no contest" or a "guilty" plea shall, by counsel or otherwise, file with the Court a pretrial agreement reflecting the proposed change of plea and its terms. That agreement must be signed on behalf of all parties, either by them personally or for them with their consent. This procedure is subject to the following:

(1) Trial Set: Except for good cause shown, in all cases set for a bench or jury trial, any pretrial agreement which involves the amendment or dismissal of offenses charged must be filed with the Court no later than 12:00 p.m. on the Court session day prior to the scheduled date for trial. At the parties' request, the trial date/time may be converted to a change of plea proceeding. A failure to timely file a pretrial agreement subject to this subsection (i.e., Rule 37(D)(1)) will result in that agreement's rejection, and the defendant may thereafter only plead to all original charges filed. This subsection's limitation on the amendment or dismissal of offenses is further subject to the following:

- a) It does not apply to minor misdemeanor and unclassified misdemeanor charges.
- b) It does not apply to any *pro se* defendant on whose behalf no attorney has appeared of record in the case.
- c) It does not apply to a jury trial concerning which *voir dire* begins on a Wednesday, in which case a signed pretrial agreement may be filed by 12:00 p.m. on that Wednesday when *voir dire* begins.
- d) It shall not impair or affect the Court's discretion under R.C. 2947.23(A)(2) to include and assess jury fees as costs of prosecution in the case.

(2) Pretrials or Other Hearings Set: With leave of the Court, parties who file a pretrial agreement prior to or on the day of any scheduled pretrial conference or other hearing in a case may request and be permitted to convert the scheduled pretrial conference or hearing to a change of plea proceeding, subject further to the following:

- a) Any scheduled motion hearing may, with leave or at the Court's discretion, be converted to a change of plea proceeding or to a motion to suppress pretrial conference with the Judge.
- b) Any pretrial conference set with the Judge may, with leave or at the Court's discretion, be converted to a change of plea proceeding or to a motion to suppress pretrial conference with the Judge.
- c) As to pretrial conferences not set with the Judge:

(i) No such pretrial conference which is scheduled on a Thursday may be converted to any other proceeding, due to potential conflicts with scheduled Thursday jury trials.

(ii) No such pretrial conference will be converted to a change of plea proceeding or to a motion to suppress pretrial conference with the Judge. If a pretrial agreement is filed, the ensuing pretrial conference will be cancelled and a change of plea proceeding or a motion to suppress pretrial conference with the Judge will set for a later date.

(3) Pleas Entered in Absentia or via Remote Video: With leave of Court, and for cause shown, a defendant may request and be permitted to enter a change of plea in absentia or via remote video connection. Appropriate forms for such requests may be obtained from the Court. The burden is solely on the defendant to insure that by the time of the scheduled change of plea proceeding, all forms necessary for conducting the change of plea proceeding have been filed with the Court, including without limitation:

a) a fully executed and completed written request for leave to enter the plea via remote video or in absentia, the latter of which must record all salient plea terms and include an acknowledgment of all mandatory Crim. R. 11 advisories;

b) any necessary waiver of counsel form, executed by the defendant;

c) any "Brady" advisory form regarding federal restrictions on firearms and ammunition, made necessary due to the nature of an offense to which a plea will be entered, executed by the defendant; and

d) any necessary waiver of the right to a trial by jury form, executed by the defendant.

The failure to file all required forms in compliance with the foregoing may result in the cancellation of the proceeding, the revocation of leave to enter the change of plea in absentia or via remote video, or any other sanction deemed appropriate by the Court.

(E) Revocation of Speedy Trial Waivers: All revocations of a previously-submitted, indefinite waiver of a defendant's statutory and/or constitutional rights to a speedy trial must conform to this Rule and to Loc. R. 10. A revocation which fails compliance with this Rule in any respect will not be accepted for filing, and if it is accepted for filing inadvertently it may at any time be stricken from the record as a nullity by the Court sua sponte.

(1) Purpose: This Rule is promulgated (i) to insure that all defendants in criminal matters knowingly and intelligently consider the consequences of actions taken respecting their statutory and constitutional right to a speedy trial, and (ii) to eliminate ambiguity concerning actions taken by/for defendants which may affect the continuing validity of speedy trial waivers previously filed by/for them.

(2) The Revocation—Form and Content: The revocation under this Rule must be in writing. No revocation which fails to do all of the following shall be accepted and/or deemed valid:

- a) It must contain an unambiguous statement that any and all previously entered waivers of the defendant's statutory and/or constitutional rights to a speedy trial are thereby revoked.
- b) It must contain an unequivocal demand that the trial in the case be commenced at the earliest available date.
- c) It must be signed by both the defendant and, where applicable, his/her attorney of record. A revocation bearing the signature of only the attorney of record for a represented defendant will not be deemed to comply with this Rule.
- d) It must contain no fewer than two (2) proposed dates for the prompt scheduling of the trial. Prior to submitting these dates to the Court, Defendant must first verify that the dates are suitable and available for the trial with both the Court's Assignment Commissioner and the prosecutor assigned to the case on the State's behalf.
- e) It must include a certification by the filing party or attorney that he/she has verified the availability of the two proposed trial dates as required by this Rule 37(E)(2)(d).

#### **RULE 38 - CONSENT OF COURT FOR DISMISSAL**

No criminal or traffic case shall be dismissed upon motion by the State of Ohio or other prosecuting municipality without first obtaining leave of Court after a hearing in open court. (Crim. R. 48.)

#### **RULE 39 - TRAFFIC AND CRIMINAL CASE FILES**

(A) Public Inspection: All records of traffic and criminal cases shall be accessible to the public as required by law. The Clerk of Court, as the person statutorily responsible for the maintenance and safeguarding of the Court's records (R.C. 1901.31(E)), may establish reasonable procedures in order to allow public access to the Court records without jeopardizing the security and integrity of such records and to allow for the efficient operation of the Clerk's office and the court.

(B) Retention/Destruction of Case Files: The Court shall retain and destroy the Court's traffic and criminal case files in accordance with Rule 9 of these Local Rules.

(C) Confidentiality Preserved: Nothing in this Rule affects the non-disclosure of documents the confidentiality and non-public nature of which are authorized by law.

#### **RULE 40 - FELONY CHARGES WITH ASSOCIATED MISDEMEANORS**

In order to put into effect Crim.R.5(B)(4)(a), effective July 1, 2014, or any amendments thereto the Clerk of Court shall do the following:

(A) With Charges Other Than Minor Misdemeanors: A felony charge filed with a misdemeanor charge of the 1<sup>st</sup> through 4<sup>th</sup> degree, or with an unclassified misdemeanor charge, arising from the same act or transaction involving the felony, shall be designated as a CRA case, and the associated misdemeanors shall be filed with the felony charge as companion cases with the appropriate CRB, TRC, or TRD designations, as required by the Rules of Superintendence.

(B) With Minor Misdemeanor Charges: If a felony charge is filed with one or more minor misdemeanors arising from the same act or transaction involving the felony, and the minor misdemeanor charges are not contained on a complaint charging only minor misdemeanors, the Clerk of Court shall certify a copy of the document charging the minor misdemeanor(s), shall redact from the certified document any reference to misdemeanor offenses other than minor misdemeanors, and shall then file the minor misdemeanor charge(s) with a separate CRB or TRD designation, as required by the Rules of Superintendence.

(C) Bind Over to Common Pleas: Nothing in this Rule does or shall be deemed to affect the Court's authority, in conjunction with Crim. R. 5(B) preliminary hearing proceedings, to bind over or transfer to the Court of Common Pleas any misdemeanor, other than a minor misdemeanor, arising from the same act or transaction involving a felony charge bound over or transferred by this Court.

#### **RULE 41 – USE OF ELECTRONICALLY PRODUCED TICKET**

The use and filing of a ticket that is produced by a computer or other electronic means is hereby authorized in the Medina Municipal Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

#### **RULE 42 – DRIVER INTERVENTION PROGRAMS**

Any person either eligible or ordered by the Court to attend a driver intervention program ("DIP") may attend only such programs as the Court has pre-approved. Pre-approval of a particular DIP program is the participant's responsibility and may be confirmed by contacting the Court's Probation Department. Completion of a DIP not pre-approved by the Court shall not constitute compliance with DIP requirements.

#### **[RULES 43-45 – RESERVED]**

### **SPECIAL PROCEEDINGS**

#### **RULE 46 - CASE MANAGEMENT IN SPECIAL PROCEEDINGS**

The purpose of this rule is to establish, pursuant to Sup. R. 5(B)(1), a case management system for special proceedings to achieve a prompt and fair disposition of these matters.

(A) The following are considered special proceedings and may be heard by a Judge or Magistrate:

(1) Civil Matters: Small claims, forcible entry and detainer, default hearings, exemption hearings, debtor's examinations, administrative license suspension appeal hearings, and Bureau of Motor Vehicle hearings.

(2) Criminal Matters: Preliminary hearings and extradition hearings.

(B) Scheduling of Events: Special proceedings regulated by specific Ohio Revised Code timeframes and procedures shall be set in accordance with those provisions, and as set forth below in these Local Rules. In all other special proceedings, the case shall be set for hearing within a reasonable time.

(C) General Proceedings:

(1) Summons shall be served in accordance with the Ohio Rules of Civil Procedure. If there is a failure of service, the Clerk shall notify counsel immediately. If the Court's docket reflects that no attempt or request has been made to obtain service of summons during any six month period after the case was filed, then the Clerk shall notify counsel that the case will be dismissed fourteen days after notice unless good cause is shown to the contrary. (See Sup. R. 40(A).)

(2) After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the Judge or Magistrate so the matter may be set for a hearing.

(3) If no action has been taken in a case for a six month period and the case is not set for trial or other hearing, then the Court shall notify the party seeking to move forward with the case that the case will be dismissed within fourteen days unless good cause is shown.

(4) When a file has been marked "settlement to come" and the entry has not been received within 30 days, then the Clerk shall forward the case to the Magistrate or Judge so that the case may be dismissed without prejudice and without notice to the parties.

#### **RULE 47 - FORCIBLE ENTRY AND DETAINER (EVICTION)**

(A) Revised Code Procedures: Actions in forcible entry and detainer (aka "eviction" actions) shall be filed and proceedings conducted in accordance with provisions of R.C. 1923.01 through R.C. 1923.15 and any amendments thereto.

(B) Service of Eviction Complaint: Unless a praecipe dictates otherwise, service of a forcible entry and detainer complaint shall comply with applicable Ohio Revised Code provisions and/or the Ohio Rules of Civil Procedure.

(1) Hearing/Trial on Possession: Eviction cases will be set for expedited hearing before a Judge or Magistrate solely on the cause of action by which plaintiff seeks immediate return of possession of the premises.

(2) Answer/Jury Demand: If an answer or jury demand is validly and timely filed in a forcible entry and detainer case, then the Clerk shall forward the case to the Judge or Magistrate for appropriate action.

(C) Additional Claims—Money Damages: No hearing or trial will be set for any additional claims (e.g., for money damages) included with the eviction action's claim for possession unless the defendant timely files an answer to those additional claims.

(1) Default: If a defendant does not file an Answer within 28 days of service, the Court will consider a Motion for Default Judgment on the non-eviction issues.

(D) Corporations Must Be Represented: The Court will not accept filing of forcible entry and detainer actions by non-attorneys on behalf of a corporate entity.

#### **RULE 48 - ACTION IN REPLEVIN**

(A) Revised Code Procedures: Actions in replevin shall be filed and proceedings had in accordance with provisions of R.C. 2737.01 through R.C. 2737.20 and any amendments thereto.

(B) Hearing/Trial on Possession: Replevin cases will immediately be set for hearing before a Judge or Magistrate solely on the cause of action by which plaintiff seeks immediate return of possession of the property.

(C) Additional Claims—Money Damages: No hearing or trial will be set for any additional claims (e.g., for money damages) included with the replevin action's claim for possession unless the defendant timely files an answer to those additional claims.

(1) Default: If a defendant does not file an Answer within 28 days of service, the Court will consider a Motion for Default Judgment on the non-replevin issues.

(D) Corporations Must Be Represented: The Court will not accept filing of actions in replevin by non-attorneys on behalf of a corporate entity.

#### **RULE 49 - SMALL CLAIMS**

The Court hereby adopts the following Rules to govern small claims proceedings and to further the purposes for which the jurisdiction of the small claims division is established: (i) to provide a simple, inexpensive, and just way for individuals to resolve small financial disputes with a minimum of legal technicalities; (ii) to promote informality of the proceedings; and (iii) to facilitate quick and inexpensive resolution of lawsuits. *See Miller v. McStay*, 9th Dist. Summit No. 23369, 2007-Ohio-369, ¶ 12. The goal of this Rule is to avoid elaborate discovery and trial procedures and to encourage two citizens to argue their differences expeditiously and informally before a judicial official. The Ohio Rules of Evidence and, to the extent that they are clearly inapplicable the Ohio Rules of Civil Procedure, do not apply to Small Claims cases. Civ. R. 1(C).

(A) Revised Code Procedures: Actions filed in the small claims division of this court shall be filed and proceedings had in accordance with provisions of R.C. 1925.01 through R.C. 1925.18 and any amendments thereto.

(B) Pleadings/Documents Filed: The following are the pleadings which must/may be filed in a small claims action, all of which will be construed to accomplish substantial justice.

(1) Complaint: A small claims action is commenced by filing a small claims complaint, pursuant to Chapter 1925 of the Ohio Revised Code. Complaint forms are available from the Clerk and from the court's web site.

(2) Answer/Default: No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for the hearing, after being duly served with the complaint, then a default judgment may be entered against the defendant.

(3) Counterclaims: Any counterclaims shall be filed with the Court and served on all other parties at least seven days prior to the date of trial.

(4) Exhibits: Absent leave of court, the number of pages of exhibits and other attachments that may be attached to a small claim complaint or a small claim counterclaim is **limited to fifteen (15) single-sided pages**. All such exhibits and attachments shall be on 8 ½" by 11" white paper without cover or backing. All exhibits and attachments must be individually marked with a prominent exhibit number (plaintiff) or letter (defendant). Filers must not attach as an exhibit any pleading or other paper already on file with the court. **Filers are not permitted to attach any photograph as an exhibit.**

(5) Rejection of Filings: The court may reject for filing any pleading or other paper that fails to comply with these rules, unless such noncompliance is expressly approved by the court. Any non-compliant pleading or other paper may be rejected, stricken, or dismissed without prejudice.

(C) Trial Procedure: Small claims court trials shall be conducted in accordance with the following rules:

(1) Small claims trials will be presided over by the Judge or Magistrate, who shall place under oath all parties who plan to offer evidence.

(2) Each party may then state their case, for which each party will be allotted a maximum of **ten (10) minutes**.

(3) Each party may then call witness(es), whom they may subpoena for this purpose, and may introduce documentary evidence. The plaintiff shall proceed first, followed by the defendant. Each party will be allotted a maximum of **thirty (30) minutes** for that party to testify and to have their witnesses testify, to present their documentary evidence, and to cross-examine the opposing party's witnesses. The presiding judicial official may regulate direct and cross-examinations, and the introduction of evidence, to fairly allocate the allowed time and to expedite the proceeding.

(4) If a party intends to call more than one witness (i.e., any witness(es) other than that party), then that party must request and obtain leave of court to call the additional witness(es). The request must be made at least two (2) court session days prior to the assigned trial date and must identify any additional witness(es) whom the party wishes to call. A new trial date may be assigned.

(5) If a party intends to introduce electronic document, audio, and/or video files at trial, then, no later than noon (i.e., 12:00 p.m.) on the court session day prior to the proceeding date, that party shall deliver to the court's bailiff the digital video disc ("DVD"), flash-drive, thumb-drive, or other USB-compatible storage media (collectively "Evidence Media") containing the electronic evidence. Delivering the Evidence Media further in advance of the proceeding date is highly encouraged. Court personnel will scan all Evidence Media submitted for viruses and other anomalies prior to use in court. No Evidence Media will be used with court equipment if any virus or anomaly is detected on the media. Court personnel will promptly notify the submitting party that such media have been rejected and are available for retrieval by that party.

(6) After all evidence is admitted, each party may then make a closing argument to summarize their case, for which each party will be allotted a maximum of **five (5) minutes**.

(7) Absent leave of court, and unless good cause is shown otherwise, all parties should expect their small claims trials to conclude on the date on which that trial is commenced. **Once trial has commenced**, no continuances will be granted due to the unavailability of witnesses or evidence.

(D) Transfer to Regular Civil Docket: A small claims action may be transferred to the regular civil docket, at the court's discretion, in accordance with by Ohio Revised Code Section 1925.10. If, at the discretion of the court, the case is to be transferred to the regular civil docket, the moving party shall pay the costs for transfer within 14 days of the Judgment Entry ordering the transfer. If the moving party fails to timely pay the transfer costs, the action will not be transferred and the court may dismiss any claim, limit the relief sought in any claim, or take other action as appropriate.

(E) Collection of Judgments: The Court's employees shall assist the prevailing parties in collecting their small claims judgments only as set forth in R.C. 1925.13, which states as follows: "If a party is not represented by counsel, the court, upon payment of court costs, shall explain to the parties and assist the parties in the preparation and filing of, and supply the parties with any necessary forms for, proceedings in aid of execution to collect and enforce judgments."

(F) Attorneys Not Required; Exception: This Court will accept small claim cases filed by non-attorneys on behalf of a corporate entity, but will not permit non-lawyers to practice law on behalf of corporate entities. Non-lawyers shall not be permitted to engage in acts of legal advocacy, such as making opening or closing statements or arguments, or cross examining witnesses.

## **RULE 50 – ADMINISTRATIVE LICENSE SUSPENSIONS, APPEALS, DRIVING PRIVILEGES**



Appeals from an administrative license suspension ("ALS Appeals"), and petitions for limited driving privileges from such suspensions ("ALS Petitions"), shall be governed, without limitation, by R.C. 4511.197 and by the following procedures:

(A) Single Civil Petition for Both Forms of Relief: Both ALS Appeals under R.C. 4511.197(A) and (B), and ALS Petitions under R.C. 4511.197(E), shall be commenced by the filing of a civil matter in this court, separate and independent from the related criminal case which includes the charge out of which the suspension arose. Requests for both forms of relief must be combined in a single petition, or in a timely amended petition which amends a previously-filed timely petition that sought only one form of relief. The caption of every petition or amended petition filed must clearly identify which types of relief are being sought. A form for this purpose is posted at the Court's website.

(B) Procedural Requirements: Subject to paragraph (C) of this Rule below, every petition filed for relief under this Rule 50, whether seeking one or both forms of relief provided in this Rule:

(1) Shall be filed no later than thirty days after the petitioner's initial appearance or arraignment and shall name the filer as the petitioner/appellant and the registrar of motor vehicles as the respondent/appellee;

(2) Shall be served on the prosecutor's office for the City of Medina/City of Brunswick as counsel for the registrar;

(3) Shall not stay the suspension involved, unless the court orders otherwise; and

(4) May, at the Magistrate's discretion, be set for hearing.

(C) ALS Appeal Hearings: Every timely ALS Appeal included in a petition filed under this Rule 50:

(1) Shall be limited in scope to the issues specified in R.C. 4511.197(C); and

(2) Shall be assigned to the Magistrate for disposition and set for hearing on an expedited basis.

## **RULE 51 – SEALING OF RECORDS**

(A) Scope: This Rule shall govern procedure both in proceedings under R.C. 2953.31 et seq., as amended, to seal the record of a conviction, and in proceedings under R.C. 2953.51 et seq., as amended, to seal the record after a Not Guilty finding or dismissal.

(B) Hearing Scheduled: Upon the filing of a petition to seal the record, the Clerk of Court shall schedule the matter for a sealing of records hearing no sooner than 40 days after receiving the application.

(C) Notice; Parties Notified: The Clerk shall give notice of the hearing as follows:

(1) Petitioner/Petitioner's Counsel: The Clerk shall determine if the Petitioner is proceeding *pro se* or through counsel. Notice of the hearing and all matters

pertaining to the proceeding shall be sent either to the Petitioner directly or to the attorney filing the petition on Petitioner's behalf. Notice shall not be sent to any previous attorney of record in the case unless the previous attorney actually files the petition on Petitioner's behalf.

(2) Probation Department: The Clerk shall immediately notify the Probation Department of the filing and provide to it a copy of the Petition.

(3) Prosecuting Attorney: The Clerk shall attach a copy of the petition to the notice of hearing and send it to the prosecuting attorney for the law enforcement agency responsible for the prosecution of the case.

(D) Eligibility; Objections:

(1) Probation Dept. Review for Statutory Eligibility: The Probation Department shall determine if the Petitioner meets the statutory requirements for sealing the record. The Department shall prepare and submit to the Court a summary of its findings, at least 10 days before the hearing, reviewing the nature and circumstances of the offense or offenses sought to be sealed.

(2) Prosecutor Objections/Waiver: If the prosecuting attorney objects to the granting of the petition, such objection shall be filed with the Court no later than 14 days before the date set for hearing. The prosecutor receiving notice under this Rule may at any time after its receipt file with the Court a notice of non-objection or waiver of objections, to facilitate summary disposition of the petition, where circumstances otherwise permit same. Prompt prosecutorial review of petitions to identify those eligible for such summary disposition is encouraged.

## **RULE 52 – SPECIALIZED DOCKETS [RESERVED]**

This Rule is reserved for the Court's use should it decide to create specialized dockets, in accordance with Sup. R. 36.20, to respond to local needs.

## **RULE 52-A - VALOR COURT**

Pursuant to the requirements set forth in Sup. R 36.20 through 36.29, the Court has established a specialized docket known as the Medina Municipal Court Valor Court. That Valor Court shall be governed by its adopted Policy and Procedures Manual, by its Participant Handbook, by the applicable Rules of Superintendence, and to the extent not in conflict with those sources, the following Local Rule 52-A. The content of the foregoing Manual, Handbook, and applicable Superintendence Rules are incorporated hereby (as they may from time to time be revised) into this Local Rule.

(A) Valor Court Mission Statement: Valor Court is a specialized docket that is dedicated to defendants with military experience who find themselves in the criminal justice system. It was established recognizing that many veterans return to civilian life with serious physical and/or mental trauma which, too often, lead to their involvement with the criminal justice system. Valor Court provides an evidence-based alternative to traditional sentencing methods, using a non-adversarial approach to addressing criminal offenses. It is structured to assist the veterans with access to programs, treatment, and interaction with mentors, in a collaborative

initiative to enhance their chances of sustained success. The Valor Court programming is designed to develop self-sufficiency, reduce recidivism, promote public safety, and provide alternatives to incarceration. Its rewards and sanctions are designed to incentivize rehabilitation, to anticipate and deter relapse, and to restore participants to functional decision making and relationships.

(B) Governing Structure: The Valor Court shall be operated principally by an Advisory Committee, a Treatment Team, and Peer Mentors. The Advisory Committee shall meet at least annually to review participant and program outcomes.

(1) Treatment Team Composition: The Valor Court "Treatment Team" shall consist of the Administrative Judge and the following: Adult Probation Department staff; Probation Officers; the Valor Treatment Court Program Coordinator; an Assistant Prosecuting Attorney; a Veterans Justice Outreach Support Specialist; a Designated Public Defender; a Peer Mentor Coordinator; Pretrial Case Manager; a Medina County Veterans' Service Office representative; and a program Evaluator. The Valor Court Team shall convene before every Valor Court docket, and when necessary, to discuss the progress and status of individual offenders, apply sanctions as needed, and for any other matters.

(2) Peer Mentors: Peer Mentors, who will also be veterans, will be assigned to each participant. Peer Mentors are charged with supporting and encouraging the participant regarding program compliance and completion and continuing post-program success. The Administrative Judge will preside over all entities associated with the Valor Court.

(C) Victim Notification: The victim notification provisions of Revised Code Chapter 2930 shall be followed where applicable.

(D) Eligibility: Defendants facing charges within the Medina Municipal Court's jurisdiction may be eligible for Valor Court admission. Each participant must meet certain legal and clinical eligibility to be considered for the program. Eligibility includes confirmed current or former service in one of the six recognized branches of the United States military.

(1) Program Tracks: A defendant who qualifies for diversion, intervention in lieu, early intervention program (collectively, diversion-related programs), or judicial release under Community Control Sanctions ("CCS") is eligible for the Valor Court, subject to approval by the Valor Court Judge.

(2) Target Population: The target population comprises veterans in the "high risk/high need" category, in terms of the risk of re-offense and the need for counseling or other substance use dependency treatment.

(3) Military Service Factors: A defendant's discharge status does not necessarily affect eligibility. Eligibility to participate in the Valor Court is also not limited to a defendant who has a service-connected injury or disability. Defendant must be willing to go to treatment and agree to comply with the recommendations of his or her service providers based on the assessment reports.

(E) Procedure for Admission: A defendant must enter into a Participation Agreement with the Valor Court; must undergo a clinical and administrative assessment to determine eligibility; and must be approved by the Valor Court Judge. Veteran offenders may be referred to Valor Court at the time of plea and sentencing, through a probation violation, as a condition

of judicial release, or as a condition of an Intervention in Lieu of Conviction (ILC) plan pursuant to R.C. 2951.041.

(F) Valor Court Docket Sessions: Valor Court Sessions will be held in the courtroom of Judge Gary F. Werner on predetermined alternating Tuesdays at 2:00 p.m. (based on the schedule and availability of the court). Each session is preceded by a Treatment Team meeting. Peer Mentor interactions with participants occur during this pre-session, Treatment Team meeting time period. The Valor Court Session begins promptly after the conclusion of the Team Member meeting.

(G) Benefits Dispensed During Program: For a defendant eligible for VA medical benefits, that defendant will utilize those benefits for treatment programs. For a defendant not eligible for VA medical benefits, that defendant may be eligible for community treatment programs available to individuals otherwise on community control sanctions with this Court.

(H) Program Completion, Non-compliance Sanctions, and Discharge: Successful completion of the Valor Court program, grounds for termination from the program, and sanctions for non-compliance are all governed by the Policy and Procedures Manual and the individual participant's Participation Agreement.

(I) Sanctions and Termination: A defendant may be sanctioned to the extent permitted by law, including termination from the Valor Court, for violations stated in the Participant's Handbook and the Participation Agreement. The Valor Court Judge retains jurisdiction over the defendant to determine the appropriate sanction.

### **RULE 53 - LIMITED PRACTICE OF LAW BY LEGAL INTERNS**

The following Local Rule governs the practice of law in this court by "certified legal interns." This Rule supplements the requirements of Rule II of the Supreme Court Rules for the Government of the Bar of Ohio. Rule II is incorporated herein by this reference. The terms of both rules apply and compliance with both is mandatory. All terms of art used in this Local Rule are used as defined in Rule II.

(A) Application and Required Submissions: Any legal intern desiring to practice law in and/or before this court shall submit to this court copies of all of the following:

(1) The "certificate from the dean of the law school in which the applicant is enrolled," which the applicant filed with the Office of Bar Admissions of the Supreme Court of Ohio (See Rule II, Sec. 3(A));

(2) The "certificate from the applicant's supervising attorney," which the applicant filed with the Office of Bar Admissions of the Supreme Court of Ohio (See Rule II, Sec. 3(B));

(3) The "written oath, signed by the applicant," which the applicant filed with the Office of Bar Admissions of the Supreme Court of Ohio (See Rule II, Sec. 3(C)); (Rule II, Sec. 3(C));

(4) The "Legal Intern Certificate" issued to the applicant by the Office of Bar Admissions of the Supreme Court of Ohio (See Rule II, Sec. 4(A));

(5) Written certification, signed by the person(s) represented and reflecting their consent to the legal intern's representation (See Rule II, Sec. 5(A)(1)); and

(6) A statement fully and accurately describing the caption(s) and type(s) of cases on (see Rule II, Sec. 5(C)).

(B) Supervising Attorney: The "supervising attorney" is responsible for full compliance with the "Duties of Supervising Attorney" in Rule II. (See Rule II, Sec. 7.) The following also apply:

(1) Unless excused in advance, upon motion, and for "good cause" shown, the "supervising attorney" is required to attend and appear at all court proceedings at which the "legal intern" appears on behalf of a client.

(2) The "supervising attorney" shall read and cosign all documents and papers prepared, in whole or in part, by the "legal intern" and submitted or filed with this court (See Rule II, Sec. 7(A).)

**[RULES 54-59 – RESERVED]**

## **APPENDICES**

<b>Apx.</b>	<b>Item</b>
A	Form: Notice of Appearance
B	Form: Written Not Guilty Plea
C	Form: Fax Cover Page & Notice of Fax Filing Exhibits
D	Schedule of Filing Fees and Deposits
E	Form: Report of Outcome of Initial Pretrial Conference
F	Schedule of Court Costs
G	Bond Schedule
H	Waiver Schedule

**APPENDIX A: Notice of Appearance**

**IN THE MEDINA MUNICIPAL COURT MEDINA COUNTY, OHIO**

**STATE OF OHIO,**

**CASE NO. 11 TRC \* \* \* \* \***

Plaintiff,

**JUDGE GARY F. WERNER**

**-vs-**

**NOTICE OF APPEARANCE OF COUNSEL [NAME OF DEFENDANT],**

Defendant.

[Attorney Name] hereby gives notice of his/her Notice of Appearance as counsel of record in this matter for Defendant [Name of Defendant].

\_\_\_\_\_  
[Name of Attorney] [Supreme Ct. Reg. No.]  
[Complete Street Address]  
[Phone Number; Fax Number]  
[email address]  
Attorney for Defendant  
[Defendant's Name]

**CERTIFICATE OF SERVICE**

A copy of the foregoing Notice of Appearance of Counsel was served by regular U.S. Mail on [Date of Service] to [Name of Prosecutor], Prosecutor for [Jurisdiction] at [Address].

\_\_\_\_\_  
[Name of Certifying Party or Attorney]

**APPENDIX B: Written Not Guilty Plea**

**IN THE MEDINA MUNICIPAL COURT MEDINA COUNTY, OHIO**

**STATE OF OHIO,**

**CASE NO. 11 TRC \* \* \* \* \***

**Plaintiff,**

**JUDGE GARY F. WERNER**

**-vs-**

**ENTRY OF NOT GUILTY PLEA AND [NAME OF DEFENDANT],**

**WAIVER**

**OF SPEEDY TRIAL**

**Defendant.**

Defendant, [Name of Defendant], by and through his/her undersigned counsel, hereby enters a plea of "**NOT GUILTY**" to all charges in this action, and also waives his/her statutory and Constitutional rights to a Speedy Trial.

\_\_\_\_\_  
[Name of Attorney] [Supreme Ct. Reg. No.]  
[Complete Street Address]  
[Phone Number; Fax Number]  
[email address]  
Attorney for Defendant  
[Defendant's Name]

**CERTIFICATE OF SERVICE**

A copy of the foregoing Entry of Not Guilty Plea and Waiver of Speedy Trial was served by regular U.S. Mail on [Date of Service] to [Name of Prosecutor], Prosecutor for [Jurisdiction] at [Address].

\_\_\_\_\_  
**[Name of Certifying Party or Attorney]**



**APPENDIX C: Sample Facsimile Filing Cover Page and Notice of Exhibit Filing**

RECIPIENT INFORMATION:

NAME OF COURT: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

SENDING PARTY INFORMATION:

NAME: \_\_\_\_\_

SUPREME COURT REGISTRATION NO. (if applicable): \_\_\_\_\_

OFFICE/FIRM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

\_\_\_\_\_  
E-MAIL ADDRESS (if available):

CASE INFORMATION:

TITLE OF THE CASE: \_\_\_\_\_

CASE NUMBER\*: \_\_\_\_\_

TITLE OF THE DOCUMENT: \_\_\_\_\_

\_\_\_\_\_  
JUDGE\*:

FILING INFORMATION:

DATE OF FAX TRANSMISSION: \_\_\_\_\_

NUMBER OF PAGES (including this page): \_\_\_\_\_

STATEMENT EXPLAINING HOW COSTS ARE BEING SUBMITTED,  
IF APPLICABLE: \_\_\_\_\_

\_\_\_\_\_  
\*If a Judge or case number has not been assigned, please state that fact in the space provided.

(See Loc. R. 13(E))

**IN THE MEDINA MUNICIPAL COURT MEDINA COUNTY, OHIO**

**JOHN DOE,**

**CASE NO. 11 TRC \* \* \* \* \***

Plaintiff,

**JUDGE GARY F. WERNER**

**-vs- PLAINTIFF SMITH'S NOTICE OF FILING      EXHIBIT "G" TO PLAINTIFF'S FAX-  
FILED JANE ROE, RESPONSE TO DEFENDANT'S MOTION      TO DISMISS**  
Defendant.

Plaintiff Smith, through counsel, hereby files Exhibit "G" to Plaintiff's Fax-Filed Response to Defendant's Motion to Dismiss. The document which this exhibit supports was filed by facsimile transmission with the Court on [date]. Exhibit "G" could not be accurately transmitted by fax and is therefore being timely filed as a separate document with the Court pursuant to Local Rule 13(E).

\_\_\_\_\_  
[Name of Attorney] [Supreme Ct. Reg. No.]  
[Complete Street Address]  
[Phone Number; Fax Number]  
[email address]  
Attorney for Defendant  
[Defendant's Name]

**CERTIFICATE OF SERVICE**

A copy of the foregoing Plaintiff Smith's Notice Of Filing Exhibit "G" To Plaintiff's FaxFiled Response To Defendant's Motion To Dismiss was served by regular U.S. Mail on [Date of Service] to [Name of Prosecutor], Prosecutor for [Jurisdiction] at [Address].

\_\_\_\_\_  
[Name of Certifying Party or Attorney]

**APPENDIX D: Schedule of Filing Fees and Deposits**

**MEDINA MUNICIPAL COURT**

**GARY F. WERNER**, Judge  
**LINDA A. LEGGETT**, Chief Magistrate  
**CHARLES T. LAWRIE**, Magistrate  
**MATT ESTERLE**, Chief Probation Officer  
**CINDY LASTUKA**, Court Manager  
**RYAN NAGY**, Chief Bailiff



135 N. ELMWOOD AVENUE  
 MEDINA, OH 44256  
 mmc@medinamunicipalcourt.org  
 www.medinamunicipalcourt.org

**COURT**  
 330.723.3287 - Medina  
 330.225.3047 - Brunswick  
 330.225.1108 - Fax

**PROBATION**  
 330.723.7313 - Medina  
 330.225.0217 - Brunswick  
 330.723.6915 - Fax

<b>CIVIL COURT COSTS – EFFECTIVE OCTOBER 27, 2023</b>			
3-Part Exemplified Copy (form not provided by court)	\$15.00	Jury Demand Motion (deposit)	\$750.00
Agreed and Consent Journal Entry	\$25.00	Motions – Journal Entry needed	\$25.00
Alias Summons - Certified, FedEx, or ordinary mail with Certificate of mailing	\$25.00	Motion to Revive Judgment	\$75.00
Alias Summons by Bailiff service	\$57.00	Objections to Magistrate Decision	\$25.00
<b>All Civil Complaints</b> one or two defendants (Three or more defendants) per additional defendant	\$117.00 \$25.00	Personal Examination - Bailiff or Certified Mail	\$57.00
Amended Complaint (along with request for Court to serve def. by Certified, FedEx, or ordinary mail with certificate of mailing)	\$25.00	Personal Examination - Foreign Sheriff	\$232.00
Amended Complaint (plaintiff serves def. by ordinary mail and includes certif. of service)	No Charge	Release of Lien	\$10.00
Amended Complaint with Bailiff service	\$57.00	Replevin	\$162.00
Answer	No Charge	Request for Bailiff	\$57.00
Bank Attachments (one bank per affidavit) (plus \$1.00 to garnishee)	\$42.00	Request for Certified Mail, Certificate of Mailing, or Federal Express	\$25.00
<b>Bureau of Motor Vehicles Appeal</b>	\$117.00	Service by Publication (Deposit)	\$700.00
Certificate of Judgment	\$25.00	<b>Small Claims Complaint</b>	\$87.00
Certified Court copy (per page)	\$1.50	Subpoena - Bailiff - Medina Court District	\$25.00
Cognovit Note Complaint	\$117.00	Subpoena - Foreign Sheriff Dept.	\$200.00
Counterclaim - Additional Fee For Service	\$42.00 \$25.00	Third Party Complaints, Cross Claim Complaint	\$42.00
<b>Driving Privileges</b>	\$117.00	Transfer of Judgment with Execution on Property	\$114.00
<b>Forcible Entry &amp; Detainer - one or two defendants</b> (Three or more defendants - per additional defendant)	\$117.00 \$50.00	Transfer of Judgment with Personal Exam	\$89.00
Execution - deposit for costs Bailiff and Appraisal fees	\$82.00	Transfer of Judgment with Wage Garnishment	\$144.00
Financial Information Form	\$32.00	<b>Trusteeship (plus \$4.00 per creditor)</b>	\$117.00
Foreign Sheriff Service - Deposit	\$175.00	Warrant Fee	\$30.00
Garnishment (one employee per affidavit with motion, proof of mailing, interim & final report)	\$112.00	Writ of Restitution	\$25.00

**Municipalities Served:** Brunswick, Chippewa Lake, Medina, Spencer  
**Townships Served:** Brunswick Hills, Chatham, Granger, Hinckley, Lafayette, Litchfield, Liverpool, Medina, Montville, Spencer, York

**APPENDIX E: Report of outcome of Initial Pretrial Conference**

IN THE MEDINA MUNICIPAL COURT MEDINA COUNTY, OHIO	PRETRIAL AGREEMENT/ PRETRIAL CONFERENCE REPORT (Crim. R. 17.1)
--	---

Rev. 3.13.20

STATE OF OHIO-CITY OF MEDINA-CITY OF  
BRUNSWICK, VILLAGE OF SPENCER, Plaintiff,  
v.

CASE NO. \_\_\_\_\_

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Defendant.

JUDGE GARY F. WERNER

**PRETRIAL AGREEMENT:** The parties hereby submit this Pretrial Agreement to resolve the case(s) identified above. The Prosecutor recommends that the Defendant may plead  "guilty"/ "no contest" to the following (state the degree of each offense):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**READ CAREFULLY:** The Defendant and his/her counsel hereby accept the foregoing recommendation, subject to all of the following. Defendant knowingly, voluntarily, and intelligently waives all speedy trial rights; an explanation of circumstances underlying the charges pled to; and any reading, or defects in the content, time, and service of the original and any amended complaint. Defendant further and similarly waives the following rights: (i) to require the State to prove the charges against him/her beyond a reasonable doubt; (ii) to a trial by jury; (iii) to cross-examine the State's witnesses against him/her; (iv) to compulsory process for obtaining witnesses in his/her favor; and (v) to remain silent and not to be compelled to testify against him-/herself. Defendant attests that no force, threats, or promises have been made to induce this plea, other than as reflected herein, and hereby stipulates to the Court's finding of guilt based upon the plea Defendant enters pursuant hereto.

Defendant acknowledges and understands that: (i) a plea of "guilty" is a complete admission of his/her guilt; (ii) a plea of "no contest" is not an admission of his/her guilt, but is an admission of the truth of the facts alleged in the complaint; (iii) the "no contest" plea shall not be used against the defendant in any subsequent civil or criminal proceeding; (iv) the Court may after accepting a plea proceed immediately to sentencing; and (v) except as otherwise stated, dismissal of any charges is at Defendant's costs.

**OVI and Physical Control Cases Only.** The undersigned Prosecutor represents that defendant's Ohio LEADS record reflects no Ohio convictions for OVI, or an equivalent offense, except as listed below [*list OVI Prior Convictions by date and court*]. Defendant represents that he/she has no other OVI convictions, or for any equivalent offense, in Ohio or any other state, except as here stated:

\_\_\_\_\_

**PRETRIAL REPORT:** Pursuant to Loc. R. 36(C)(1) and Crim. R. 17.1, the parties submit this Pretrial Conference Report following their \_\_\_\_\_, 20\_\_\_\_ conference. Appearing for the State: \_\_\_\_\_; appearing for Defendant: \_\_\_\_\_. Defendant did/did not (circle one) appear. Discovery is/is not (circle one) complete, and:

No resolution. Set for trial. (Approximate trial time required: \_\_\_\_\_)

\_\_\_\_\_

For Plaintiff: \_\_\_\_\_

For Defendant: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ORDER:**

By Defendant: \_\_\_\_\_

Date: \_\_\_\_\_

SO ORDERED: \_\_\_\_\_  
Judge/Magistrate--Date

FOR PRETRIAL AGREEMENTS (Check one)	
<input type="checkbox"/>	Executed and presented to Court for change of plea on record.
<input type="checkbox"/>	Convert date/time of trial/next proceeding to change of plea.
<input type="checkbox"/>	Clerk shall set case for change of plea proceeding.

**APPENDIX F: Schedule of Court Costs**



# Medina Municipal Court

135 N. ELMWOOD AVENUE

MEDINA, OH 44256

[mmc@medinamunicipalcourt.org](mailto:mmc@medinamunicipalcourt.org)

[www.medinamunicipalcourt.org](http://www.medinamunicipalcourt.org)

Basic Court Costs -- Criminal and Traffic cases  
As of 10/27/23

Costs	Ohio Revised Code Authority	Description
\$20.00	2949.091(A)(1)	Indigent Defense Support Costs (moving violations)
\$10.00	2949.091(A)(1)	Indigent Defense Support Costs (non-moving violations)
\$10.00	2949.094(A)	State Criminal Justice Services State Drug Law Enforcement Indigent Drivers' Alcohol Fund (only on moving violations)
\$9.00	2743.70(A)(1)(b)	State Victim of Crime Fund
\$20.00	2949.091(A)(1)	Indigent Defense Support Costs (moving violations)
\$10.00	2949.091(A)(1)	Indigent Defense Support Costs (non-moving violations)
\$10.00	1901.261(B)(1)	Clerk's Computer Fund
\$3.00	1901.261(A)(1)	Computer Legal Services Fund
\$5.00	1901.261(B)(1)	Special Project Case Management Software
\$30.00	1901.261(A)(1)	Basic Court Cost (set by judge) City's General Fund
\$20.00	1901.261(B)(1)	Special Project Assessed for each criminal charge
\$3.00		Additional Fee if cited by Medina County Sheriff
\$5.00		Additional Fee if cited by a township police department
\$5.00	1901.26(B)(1)	Special Projects fund CR-drug testing
\$7.00	1901.26(B)(1)	Furniture, fixtures, and equipment fees



# Medina Municipal Court

135 N. ELMWOOD AVENUE

MEDINA, OH 44256

[mmc@medinamunicipalcourt.org](mailto:mmc@medinamunicipalcourt.org)

[www.medinamunicipalcourt.org](http://www.medinamunicipalcourt.org)

## Basic Court Costs -- Civil cases As of 10/27/23

Costs	Ohio Revised Code Authority	Description
\$0.26 or \$0.11	1901.26(C)	1% Administrative Fee
\$9.50	1901.26(A)(1)(b)	Medina City Bailiff Fee
\$10.00	2746.07(B) & 1901.261	Clerks Computer Improvement Fee
\$3.00	2746.07(B) & 1901.261	Computer Legal Service Fund
\$5.00	1901.26(A) & 1925.04	Case Management Fund
\$25.74 or \$10.89	1901.26(C)	Civil State Fee (Legal Aid & State Public Defender Funds)
\$31.50 or \$26.00	1901.26(A) & 1925.04	Medina Civil Court Costs
\$20.00	1901.26(B)(1)	Court's Special Project Fund
\$5.00	1901.26(B)(1)	Special projects fund CR-drug testing
\$7.00	1901.26(B)(1)	Furniture, Fixtures, and equipment fees



**APPENDIX G: Bond Schedule**

**Medina Municipal Court  
135 North Elmwood Ave.  
Medina, OH 44256**

June 7, 2011

**FELONIES: NO BOND - BOND WILL BE SET AT INITIAL APPEARANCE.**

**M1 - M4 ALL BOND AMOUNTS AS FOLLOWS:**

M1	\$5,000.00
M2	\$3,750.00
M3	\$2,500.00
M4	\$1,250.00
MM	Fine plus court costs plus \$6.00 bond fee

Unclassified Misdemeanor No Operator's License:	\$2500.00
Unclassified Misdemeanor Driving Under Suspension:	\$2500.00

EXCEPTIONS:	2919.25 (A) -	\$50,000.00
	2919.25 (B) -	\$50,000.00
	2919.25 (C) -	\$25,000.00
	2919.27 (M1)-	\$50,000.00
	2903.211 (M1)-	\$50,000.00

**NOTE: IF AN INDIVIDUAL IS NOT RELEASED ON PERSONAL RECOGNIZANCE THEN BAIL MAY BE POSTED BY AN UNSECURED APPEARANCE BOND, A SURETY BOND, A 10% CASH AMOUNT, OR A GUARANTEE BY A CASUALTY INSURER OR MOTORIST'S ORGANIZATION AS PROVIDED BY CRIM R. 46(D)**

**ALL WARRANTS ISSUED SHOULD INDICATE ONLY THE AMOUNT OF THE BOND.**

Misdemeanors:	A \$25.00 state surcharge shall be collected on all bonds.
Felonies:	A \$85.00 state surcharge shall be collected on all bonds.

**APPENDIX H: Waiver Schedule**

Ticket # beginning with letter→	# S ONLY	I	U	R	Q	W	X	Y	OHP	Z	S
	Brunswick	Brunswick Hills	Hinckley	Litchfield	Liverpool	Medina City	Medina Twp	Montville	OSP	Sheriff	Spencer
<b>Speed Violation</b>											
5-10 over	\$149.00	\$154.00	\$154.00	\$149.00	\$149.00	\$149.00	\$154.00	\$154.00	\$149.00	\$152.00	\$149.00
11-15 over	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
16-20 over	\$194.00	\$199.00	\$199.00	\$194.00	\$194.00	\$194.00	\$199.00	\$199.00	\$199.00	\$197.00	\$194.00
21-25 over	\$224.00	\$224.00	\$224.00	\$219.00	\$219.00	\$219.00	\$224.00	\$224.00	\$219.00	\$222.00	\$219.00
26+ over	\$269.00	\$274.00	\$274.00	\$269.00	\$269.00	\$269.00	\$274.00	\$274.00	\$269.00	\$272.00	\$269.00
<b>Speed School Zone</b>											
5-10 over	\$149.00	\$154.00	\$154.00	\$149.00	\$149.00	\$149.00	\$154.00	\$154.00	\$149.00	\$152.00	\$149.00
11-15 over	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
16+ over	Must Appear	Must Appear	Must Appear	Must Appear	Must Appear	Must Appear	Must Appear	Must Appear	Must Appear	Must Appear	Must Appear
<b>Other Traffic Violations</b>											
(ACDA)	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Child Restraint	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Disobey Traffic Control Device	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Expired Driver's License	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Expired Sticker/Tag/Plates	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Failure to Yield	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Improper Passing	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Improper Lane Change	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Reckless Operation	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Red Light	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Stop Sign	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Tinted Windows	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$174.00	\$169.00	\$172.00	\$169.00
Pedestrian	\$159.00	\$164.00	\$164.00	\$159.00	\$159.00	\$159.00	\$164.00	\$164.00	\$159.00	\$162.00	\$159.00
Parking	\$159.00	\$164.00	\$164.00	\$159.00	\$159.00	\$159.00	\$164.00	\$164.00	\$159.00	\$162.00	\$159.00
<b>Only Seatbelt Violations</b>											
Driver	\$120.00	\$125.00	\$125.00	\$120.00	\$120.00	\$120.00	\$120.00	\$120.00	\$120.00	\$123.00	\$120.00
Passenger	\$110.00	\$115.00	\$115.00	\$110.00	\$110.00	\$110.00	\$110.00	\$110.00	\$110.00	\$113.00	\$110.00
<b>Waiverable Criminal Violations</b>											
Disorderly Conduct	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$169.00	\$169.00	\$172.00	\$169.00
Failure to Contain Dog	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$169.00	\$169.00	\$172.00	\$169.00
Open Container	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$169.00	\$169.00	\$172.00	\$169.00
Sound Amplification (Noise Viol)	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$169.00	\$169.00	\$172.00	\$169.00
Marijuana Offenses	\$169.00	\$174.00	\$174.00	\$169.00	\$169.00	\$169.00	\$174.00	\$169.00	\$169.00	\$172.00	\$169.00
2925.11 & 2925.141 ONLY											