

CIRCLEVILLE MUNICIPAL COURT
LOCAL RULES

GENERAL PROVISIONS

General Information of the Court

Jurisdiction

1. Circleville Municipal Court has county wide jurisdiction in Pickaway County in appropriate criminal and traffic matters and in civil cases with monetary jurisdiction in the amount provided for in ORC 1901.17.

Hours

2. The court is open Monday through Friday each week, legal holidays excepted, from 8:00 am until 4:00 pm. The court may be closed at such other times as the Judge may designate. In the event trials are in progress outside the above times, the clerk's office may extend hours to accommodate the parties and the court for that purpose.

Preservation of Filings

3. The clerk shall file and carefully preserve in the clerk's office all papers delivered to the clerk in every action or proceeding. No original papers shall be removed from the office of the clerk, except for use in court, by the Judge or probation, except on written order of the Court.

Jury Trial Scheduling and Final Plea Negotiations in Criminal Cases

4. Jury trials are held on Wednesdays, unless otherwise designated for specific logistical reasons and jurors to be used in this court shall be chosen and summoned by the jury commissioners of Pickaway County as provided by ORC 2313.01 to 2313.26 and subject to the exceptions hereinafter set forth in this paragraph. A final pretrial shall be scheduled approximately 10 days prior to the scheduled jury trial date in each case and in a criminal matter, the final pretrial is the last date to negotiate a resolution of the case short of a defendant pleading as charged or the state dismissing the case. After the final pretrial, plea as charged, or dismissal are the only two options.

Court Reporting

5. All arraignments, hearings, trials, and such other matters as may be designated by the Judge shall be electronically recorded and the Court Reporter shall prepare transcripts when requested in writing. Before the Court Reporter shall begin making a written transcript, the requesting party shall deposit the amount set by the Court Reporter estimated to cover the cost of the transcript. At completion of the written transcript, the remaining balance, if any shall be paid to the Court Reporter before the transcript is released.

The Court Reporter shall not prepare a transcript of the testimony and evidence in any case for a person, persons, entity or entities, not a party to the litigation, unless all parties to the case, if it is civil, or the defendant or defendants, if it is criminal shall have been notified by mail that a transcript of the proceedings has been requested, or unless written permission from all parties is shown to the Court Reporter. The person requesting the transcript shall provide the written notification, certificate of mailing or written consent as the case may be and these documents shall be filed with the case in the clerk's office. In lieu of a transcript, an audible playback of the recorded proceedings may be requested and after approval by the Judge and payment of the cost of production, provided the requesting party.

In felony cases, if a transcript of the preliminary hearing is requested for an indigent defendant by counsel, an entry must be approved by the Common Pleas Court Judge ordering the transcript and the governmental agency (City of Circleville, State of Ohio, etc. as the case may be) shall pay for the transcript and the amount shall be taxed as costs and if paid by the defendant as costs, ultimately reimbursed to the paying entity.

Public Records and Access

6. The court will conduct a records check upon request under RC 149.43 from case information available from the court's local information and internal records only. The court does not conduct criminal record or background checks as it has no statewide access to LEADS information or national NCIC information, dissemination of which is prohibited by state and federal law. These requests can be made to the Ohio Bureau of Criminal Identification and Investigation at London, Ohio.

Any party making a local information and internal record check of the Circleville Municipal Court must furnish the court with a name and case number and all requests will be answered within a reasonable time, which will generally not exceed ten (10) days. Requests must be made in person, by mail, or by facsimile and any copy costs must be paid in advance. No requests will be accepted by phone or by email.

The court does have a public access terminal available during business hours (8 am to 4 pm Monday through Friday, except holidays). No fee is required for use of this terminal, although the use of the terminal may be limited to a reasonable time in order to accommodate other persons. The court's website at www.circlevillecourt.com also permits access 24 hours a day to the public.

Public records requests, unless otherwise discussed with the clerk's office, will be filled by paper copies at \$.25 per page plus postage and potentially long-distance phone calls involved in the process.

Persons incarcerated who make public records requests are subject to RC 149.43(B)(4) and no party making a records request shall use or forward the requested records or information contained therein for commercial purposes as defined by RC 149.43(B)(3).

Facsimile Filings (Civil, Small Claims, Criminal & Traffic Filings)

7. In conformity with Civ. R. 5(E) and Crim. R. 12(B), pleadings and other documents may be filed with the Clerk of court by facsimile transmissions to 740-420-3041, twenty-four (24) hours per day, seven (7) days per week, subject to the limitations in paragraph 6 below and subject to the following conditions: A) Definitions:

- 1) Facsimile transmission means the transmission of a source document by a facsimile machine that encodes a document into signals, transmits and reconstructs those signals to print a duplicate of the source document at the receiving end;
- 2) Facsimile machine means a machine that can send and receive a facsimile transmission either as a stand-alone device or as part of a computer system;
- 3) Fax or faxes (an abbreviation for "Facsimile") refers to a facsimile transmission or to a document so transmitted;
- 4) Source document means the document transmitted to the court by a facsimile machine or system;
- 5) Effective Original Document means the facsimile copy of the source document received by the Clerk of Court and maintained as the original document in the court's file;

B) Rules:

- 1) Local Rule 7 is a convenience for those filing documents in this court and neither the court or the clerk assumes any new or additional responsibilities, obligations, or liabilities by virtue of this rule, except as expressly provided for herein. This rule in no way overrides, alters, amends, revokes, or otherwise changes the Ohio Civil or Criminal Rules of Procedure respecting the filing requirements and the filing deadlines.
- 2) A document filed by fax shall be accepted as the effective original filing and the person making the fax filing shall keep the source document in his or her file for production if necessary. The clerk's office will not receive any other filing of the same document to duplicate the original fax filing.
- 3) The following documents may NOT be filed by facsimile transmission: a) any document filed by facsimile that requires a pre-paid filing fee or cost, unless paid by credit card or other financial means resolved through the Clerk's office prior to facsimile transmission filing. Documents tendered to the Clerk without payment of court cost and fees or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be considered filed, even though bearing a date and time imprint from the sending fax machine; b) any email transmission; or c) any document in excess of 20 pages.
- 4) All facsimile transmission filings shall have a cover sheet referencing the caption of the case, the case number, the assigned judge, a description of the document being filed, date of transmission, transmitting fax number, an indication of number of pages

transmitted, including the cover page and the office contact number of the transmitting office.

- 5) A party who files a signed document represents that the physically signed source document is in his or her possession or control and shall maintain that possession and make that document available to the court for inspection upon request.
- 6) Subject to the provisions of these rules and acknowledging the fact that fax transmissions shall be received 24 hours a day and 7 days a week, for purposes of deadlines and statutes of limitation, all documents sent by fax are accepted by the Clerk of Courts and considered filed with the Clerk as of the date and time imprinted on the document by the facsimile machine receiving the transmission. The clerk shall queue the documents so received in order of their receipt as documented by the date and time imprinted by the receiving facsimile machine. The risks of transmitting a document by fax shall be borne by the sending party and the sending party is responsible for verifying receipt by the Clerk of Courts.

Records Retention

8. All records will be retained according to the record retention schedule set forth in Rule 26 and Rule 26.05 of the Supreme Court Rules of Superintendence and ORC 1901.41 as currently set forth and hereinafter amended and may be disposed of thereafter without notice.

Probation files will follow the same retention schedule as case files and may be disposed of under the same standards.

Admission to the Court House and Security

9. Anyone entering the courthouse shall be subject to search or inspection, which shall include the person, clothing, belongings, bags, briefcases, packages, and any carried items. The search and inspection shall be conducted, if necessary, by the bailiff or other court security officers with the same pat down procedures commonly used at airports throughout the country. Anyone refusing the search or inspection shall not be admitted into the building.

The following items are prohibited from being brought into the Circleville Municipal Court: a) firearms, including those under the authority of any concealed carry permits; b) knives and any cutting blades that can be used as a weapon; c) brass knuckles; d) ammunition; e) explosives of any kind; f) chemicals, including pepper spray; g) stun guns; h) handcuffs and cuff keys; i) illegal drugs and contraband substances; j) any other tools or items that can reasonably be used as weapons; k) expandable batons or clubs.

The following persons are exempt from these rules as to carrying a weapon: a) judges in this court; b) employees of this court who have been trained and authorized to carry a weapon, otherwise than under the concealed carry statute; c) uniformed law enforcement officers and non-uniformed law enforcement officers who exhibit their official department photo identification card, unless they are in court as a defendant.

The bailiff of this court shall interpret the above provision and the bailiff's interpretation shall be final in any dispute. The probation officers of this court have also been designated as court security officers and in the absence of the bailiff, the chief probation officer or the chief's designee shall have the same duties as the bailiff under this section of the local rules.

The dress code shall require shirts, shoes, and tasteful attire. Clothing, buttons, or other display that is race, creed, color, sex, national origin, age, handicap, or sexual orientation demeaning, offensive or challenging, will not be permitted as violative of the tasteful attire provision.

CIVIL RULES

Ohio Civil Rules of Procedure

10. The Ohio Civil Rules of Procedure shall be followed in all civil matters and shall control, if there is any conflicting procedure or time frame set out in these local rules.

Jury Trials and Demands

11. A demand for a civil jury trial shall be made as required by Civil Rule 38 and shall be accompanied by a deposit of \$500 as security for jury trial costs. The deposit shall be applied to the costs of the action if taxed at case conclusion to that party or refunded to that party if costs are taxed to the other party. In the event that a civil case is settled or dismissed prior to trial, and it is not possible to notify all jurors of such cancellation, the requesting party shall bear the cost of juror fees for those jurors who report, unless the parties agree otherwise in the settlement or dismissal.

Jury Questionnaires

12. Jury questionnaires shall be submitted to potential jurors and should be available for review by any party or their counsel one (1) week prior to trial.

Court Costs and Security Deposits

13. The schedule of costs, security deposits, and filing fees for all cases are attached hereto as an appendix document.

Filings

14. Every pleading, motion, or document filed on behalf of a party or parties shall have the following: a) a caption with the names of the parties with complete addresses on the initial document; b) the name, address, phone number, attorney registration number of counsel of record, and if a law firm, the name of the attorney having primary responsibility for the case and an email address if available.

No civil pleading shall in any way contain social security numbers and/or account numbers.

In any complaint on a credit card account, which under Civ. R. 10(D)(1) requires an attachment in excess of fifteen pages, the plaintiff shall aver that the entire account is not attached for the reason that the entire account is too voluminous to practically attach but may be provided in discovery on request of the defendant. Any complaint based upon a credit card account with an attachment in excess of 15 pages as to the account itself shall be returned without being filed by the clerk to the plaintiff for modification of the pleading to conform to this rule and the costs of mailing shall be charged to the plaintiff in court cost calculation.

Any complaint based upon a credit card account should at a minimum state the contractual basis for the interest claimed and attach any documentation which exhibits the defendant's agreement to the interest terms to satisfy Civ. R. 10(D)(1). Sufficient copies of every pleading, motion, or document to be served by the bailiff, clerk, sheriff shall be filed with the clerk and the clerk, if insufficient copies are filed for that purpose, shall make the necessary copies, and charge the expense as costs in the case.

In all cases where the responsive filing of a pleading is not fixed by law or another rule, the responsive pleading shall be served on the opposing party fourteen days after receipt unless the court has ordered otherwise, or the parties have agreed otherwise in writing.

Where a case is transferred from small claims to the regular docket of the court pursuant to RC 1925.10, the answer of the defendant shall be filed within fourteen days of the entry ordering the transfer, unless the entry specifies a different date.

It is the responsibility of the party or attorney filing a pleading to mail or deliver a copy to all parties to the case and failure to do so may result in striking the pleading from the files.

In the absence of a request to the court for an oral hearing, a motion shall be deemed submitted on written briefs or memorandum, unless opposing counsel requests in writing an oral hearing within 7 days of receipt of the motion.

All motions requesting relief shall be accompanied by a suggested entry granting the relief requested.

Failure of Service

15. In the event there is a failure of service of summons and complaint, the plaintiff or the attorney of record shall make additional effort within 90 days to effectuate service of process. Failure to do so may result, after notice, in the court dismissing the case for failure to prosecute under Civ. R. 41.

Withdrawal and Change of Counsel

16. Withdrawal of trial counsel shall generally be approved by the court upon written motion and entry of withdrawal duly served upon the client; however, when that request is made within five (5) days before trial, the court may choose not to grant the request. Any substitution of counsel shall be accompanied by an entry, which shall be approved by the party represented.

Pretrial Procedure

17. An initial pretrial conference will be set by the clerk upon receipt of an answer in the case and subsequent pretrial conferences will be set as needed or as the court determines necessary. Clients are not required to attend pretrial conferences unless the court directs otherwise in a given case and pretrial conference attendance can be by telephone if requested by either party by motion and entry or by agreed entry as long as the requesting party agrees to initiate the conference call.

Failure of an attorney or a pro se party to attend a pretrial conference may be grounds for dismissal under Civ. R. 41(B)(1) or may be deemed contempt of court and dealt with accordingly.

Sales in Aid of Execution or Attachment

18. The bailiff shall follow the procedures set forth in RC 2329.13 et seq. in the advertising and conducting of sales on attachment, execution, or foreclosure of chattel mortgages. In all attachments or executions to be levied upon personal property, the attorney or party shall describe in detail those items which are to be levied upon. An instruction to "levy upon all goods and chattels" is insufficient. An accurate description is required to permit the bailiff to estimate as to the cost of the proceedings and so that sufficient deposit can be required to secure costs before proceeding with the execution or attachment. If the item is an automobile or other certificate of title item, the party or attorney requesting the attachment or execution shall provide the serial number or license number, along with a written statement as to whether there is a lien of record. The bailiff shall check the lien or liens of record, determine the fair market value of the property in question and if it appears to the bailiff that the item, when sold, will not bring sufficient amount to cover the costs, the bailiff shall require the party seeking the levy to post additional deposit for costs to cover these expenses before proceeding. If the sale encompasses many items, the bailiff may secure the services of an auctioneer and proceed in accordance with RC 2335.021.

The Clerk will not accept for filing and processing from any judgment creditor or their counsel, any garnishments, or executions, unless there is a current W-9 identifying the prospective payee of the funds upon distribution on file with the Clerk's Office.

Forcible Entry and Detainer

19. When judgment has been rendered in an eviction matter ordering a defendant to vacate the premises on a certain date, the bailiff shall not proceed with the eviction until the plaintiff a) files written instructions with the court requesting a writ of restitution, and b) pays a deposit for the writ in accordance with the court's cost schedule. This deposit shall be paid by 8:30 am of the date given to the defendant to vacate the premises. Failure of the plaintiff to file the instructions and pay the deposit by the date and time above will result in the need for the plaintiff to file a motion requesting the setting of a new set-out date and offer a proposed entry re-establishing a new date to vacate the premises.

20. Motion to Seal Record of Eviction

A. The court may entertain a motion to seal eviction record under the following circumstances:

- i. The first cause case was dismissed;
- ii. Judgment was granted for the Defendant on the first cause;
- iii. Plaintiff prevails on the merits on the first cause, and all of the following conditions are met:
 - a. At least five years have passed since the judgment for the Plaintiff.
 - b. At least 5 years have passed since Defendant has received an adverse judgment action in this court.
 - c. Defendant has satisfied the second cause judgment –if any- in the case where the Defendant seeks to seal the eviction.
- iv. Plaintiff consents to sealing the record of eviction;
- v. Judgment for possession for the Plaintiff was granted improperly; or,
- vi. At the discretion of the judge, sealing is appropriate under Rule 45 of the Rules of Superintendence for the Courts of Ohio.

B. Defendant must serve the Plaintiff with a copy of the motion to seal. Plaintiff may file a response within seventeen (17) days of filing. Either party may request an oral hearing on the motion.

C. The Court may consider the following factors when considering a Motion to Seal:

- i. Whether the sealing of the record is agreed to by the opposing party or counsel;
- ii. Whether there are unusual and exceptional circumstances;
- iii. The disposition of the first cause of action (i.e., which party prevailed; whether the matter was voluntarily dismissed);
- iv. Whether the opposing party has filed an opposition memorandum;
- v. Legitimate need of the government to maintain a public record of the case;
- vi. Other information available in the totality of the circumstances.

D. If the Court grants a Motion to Seal Eviction Record, the Clerk shall forthwith cause the tenant's name to be redacted from all public records it maintains, including the electronic case index system, to the same extent that it would for a criminal expungement.

Small Claims Division

21. Small Claims cases shall generally be heard by the Magistrate, unless the Magistrate is unable to hear the case, or the judge deems it advisable to hear the matter in the first instance. Cases shall be scheduled in a timely fashion with notice to all parties.

Bankruptcy Notifications/Stays of Proceedings

22. Upon any party's filing of notification of the stay of civil proceedings because of a bankruptcy filing and a subsequent order staying the proceedings, the court will issue a notice to counsel requiring an update every 90 days in order for the court to comply with all case management reporting requirements on stayed and inactive docket matters as required by the Ohio Supreme Court. Counsel initiating the stay shall update the stay every 90 days as directed by the court.

CASE MANAGEMENT IN CIVIL CASES

Clerk of Courts

23. The purpose of this rule is to establish a system for civil case management, which will achieve the prompt and fair disposition of civil cases.

The scheduling of a case begins when a civil case is filed. Summons shall be issued per the Ohio Civil Rules of Procedure and the clerk shall advise the plaintiff of failure of service. If service is not effectuated within 6 months, the clerk shall notify plaintiff that the case will be dismissed under Civ. R. 41 within 10 days unless good cause is shown to the contrary.

If no action is taken subsequent to service for period of 30 days, the clerk shall notify the plaintiff of the default issue and failure to submit an entry for default within 15 days may result in a dismissal under Civ. R. 41.

Once a responsive pleading is filed, the clerk shall set the matter for a status hearing/pretrial conference and notify the parties. If the case settles, the parties shall file an agreed judgment entry accordingly within 30 days. Failure to do so will result in the clerk's office issuing a notice that the case will be dismissed within 10 days if the entry is not before the court within that time frame. If the case proceeds to status/pretrial conference, the parties shall be prepared at the conference to address a scheduling order for handling discovery, depositions, and other pretrial related matters and to address final pretrial and trial dates.

Judge

24. The judge or a magistrate will hear the status/pretrial conferences as assigned and may be conducted by phone with prior approval.

25. All motions must be in writing and accompanied by a memorandum in support of the position taken.
26. Counsel attending status/pretrial conferences shall have full authority to stipulate facts and evidence, declare witnesses for trial purposes, present documentary evidence for review, and discuss settlement fully and meaningfully.
27. Counsel for the party in whose favor an order of judgment is rendered shall prepare an entry to submit to the court, which shall be submitted to opposing counsel prior to submission to the court. Opposing counsel shall approve or reject the entry within 5 days and if rejected, both parties may submit their own entry to the court for the court's consideration. An agreed entry or independent entries shall be provided the court within 15 days of the order or judgment rendered. All judgment entries, whether by settlement or court decision, shall include which party will pay court costs, the interest rate and effective date of interest, if any.

Special Proceedings

28. These management rules affect all special proceedings, to wit: Small Claims, Forcible Entry and Detainer, Default, Rent Escrow, Replevin, Garnishment, Debtor Exams, and BMV Appeals in the Civil area; Preliminary Hearings and Rule 4 Hearings in the Criminal area.
29. Any of the areas in paragraph 28 above that have time limits established by the Ohio Revised Code or any applicable Ohio Civil, Criminal, Traffic, Appellate, or Superintendence Rules shall be set in accord with those time limits. In all other special proceedings, the case shall be set for hearing within a reasonable time, not to exceed 90 days.
30. The same time frames and Civ. R. 41 dismissal concerns for obtaining service of summons and complaint shall apply in special proceedings as are applied in civil cases in paragraph 18 above.
31. As to Forcible Entry and Detainer actions, a hearing shall be set before the magistrate or judge pursuant to the time limits set out in the Ohio Revised Code with the decisions rendered to be journalized within seven (7) days of the hearing and on claims for damages, where requested, those claims shall be heard at a second cause hearing or by default in accord with the Civil Rules of Procedure. If an answer or jury demand is filed, the clerk shall forward the case to the judge so the case can be scheduled for the appropriate hearing.

CRIMINAL RULES

Ohio Criminal Rules

32. The Ohio Criminal Rules of Procedure shall be followed in all criminal matters and shall control, if there is any conflicting procedure or time frame set out in these local rules.

Arraignments on Misdemeanors and Traffic Filings and Initial Appearances on Felony Arraignments

33. Arraignments and initial appearances for those out of jail on bond and from summons are held each morning, Monday through Friday, at 8:00 o'clock AM until completion. For those in jail, arraignments and initial appearances are held at 10:00 o'clock AM and are generally done on the video system from the Pickaway County Jail. The court has three 42" television monitors and a 360-degree courtroom camera for that purpose to make family and interested party attendance meaningful. Prior to both court and jail arraignments, the judge explains in a 15-minute video, both a defendant's state and federal constitutional and statutory rights as well as a full explanation of the pleas that the defendant may enter.

Probation violation hearings are held on Tuesday each week for those arrested for probation violations.

34. Law Enforcement Officer Assignment of Arraignment Date Minor Misdemeanors

For all minor misdemeanor traffic citations or criminal complaints, the citing officer shall provide the defendant with an arraignment appearance date within ten (10) days of the issuance of the citation or complaint and advise the defendant as to whether the violation may be paid through the court's violations bureau.

Filing of Criminal Complaints and Traffic Citations by Law Enforcement with the Clerk of Court

35. Both the Ohio Traffic Rules and the Ohio Criminal Rules anticipate that the traffic citation and the criminal complaint in both felony and misdemeanor cases shall be served upon the defendant at the time of the arrest or very shortly thereafter to permit the defendant to appear at the scheduled arraignment and enter an informed plea.

All traffic citations shall be filed with the Clerk of Court per Ohio Traf. R. 3 (E) without unnecessary delay and in no case past the date given to the defendant to appear at a traffic arraignment on the charge. Likewise, all criminal complaints shall be filed and served upon the defendant at the time of the arrest or no less than twenty-four (24) hours prior to arraignment. All summons shall contain the charging document and a notice of the arraignment date.

No traffic or criminal filing shall contain an entire social security number or an entire account number of a defendant, co-defendant, victim, or witness. In addition, all filings involving juveniles as victims shall identify those individuals by initials only and the City Law Director's Office shall be given the full name and contact information as to the juvenile for case reference purposes.

Law enforcement officers shall also provide the following victim and case information to the Victim Advocate Office by using the form provided by that office for that purpose:

1. Victim name, age, address, contact phone number;
2. Whether photographs of the victim or incident have been taken;
3. The defendant's name, the charge, the incident date, the arresting officer, and the report number.

Traffic Violations Bureau, Fine and Cost Schedule, and Bail Schedule

36. The court has established a traffic violations bureau and a fine and cost schedule to permit the payment of routine fine and costs on a plea of guilty in those matters. There is also a bail schedule for certain criminal and traffic offenses established by separate entry, which is available through both the City of Circleville and the Pickaway County jail systems.

Discovery in Misdemeanor and Traffic Cases

37. In criminal and traffic matters, the City Law Director's Office does not maintain a file separate from the court's file. Documents beyond the original complaint and probable cause affidavit in a criminal matter and the original citation in a traffic matter, which would traditionally be available only upon discovery request are available in the court's file and can be copied for use by the defense at any time from that file. If an item or document is sought which is not available in the file, a discovery request can be made directly to the City Law Director's Office per the Ohio Rules of Criminal Procedure.

Video footage from dash cameras or booking cameras is not automatically placed in the court's file unless requested by either the State of Ohio or the defense. Upon request to the assignment commissioner in a contested matter, the video will be demanded of the applicable law enforcement agency having control of the footage by the assignment commissioner for use at a subsequent hearing or pretrial. A form is available from the assignment commissioner for making that request.

CASE MANAGEMENT IN CRIMINAL CASES

38. Criminal scheduling begins at arraignment. The defendant shall personally appear for purposes of entering a plea, establishing bond, and determining whether a temporary protection order shall issue. A written plea of not guilty may be accepted in minor misdemeanor cases.

39. The court shall initially assign the case to trial or pretrial conference at the court's discretion at the arraignment. Dates so assigned are subject to continuance, status change, or other modification by the court to reasonably accommodate an appearance of counsel in any case or a timely filed jury demand under the Ohio Criminal Rules of Procedure. **No continuance will be granted except by written motion approved by the judge. Any request for continuance shall be signed by the defendant or counsel. Defense counsel or an unrepresented defendant shall be responsible for serving the law director with the written request for continuance. CONTINUANCE FORMS ARE AVAILABLE ON THE COURT'S WEBSITE.**
40. When a defendant applies for a public defender and is approved by the court for appointment of counsel, the court may set a status conference at the court with the defendant at which time the defendant and his or her court appointed counsel shall appear for the sole purposes of meeting and meaningfully discussing the case, applicable defenses, witnesses needed, and any other matter normally reviewed by defense counsel. At the conclusion of the status conference, counsel may set the matter for pretrial conference, motion hearing, court trial, or jury trial as counsel and the defendant deem appropriate. This status conference may be substituted by a phone conference or a private meeting outside the courthouse between counsel and defendant, but in any case, before the matter is set for pretrial, motion hearing, court trial or jury trial, appointed counsel shall sign and file the form attached hereto as Appendix 1.
41. Any case set for pretrial conference shall be conducted in accord with Crim. R. 17.1 and shall conclude with a written pretrial agreement using a form approved by the court, setting forth any pleas offered by the state and the time frame that the plea offer remains open. A request for pretrial conference tolls any applicable speedy trial requirement. Generally, the court does not schedule pretrial conferences for minor misdemeanors; however, upon request and for good cause shown, the court may choose to do so.
42. As in civil cases, any motion in a criminal case shall be in writing, accompanied by a memorandum in support and an entry reflecting the decision sought by the court. The Ohio Criminal Rules of Procedure shall control as to all applicable time frames for filing motions.
43. Cases not resolved at pretrial conference or at any subsequently scheduled pretrial conference shall be assigned a court trial or jury trial date, depending on whether a valid jury trial request is on file. If the matter is set for jury trial, the case shall also be assigned a final pretrial date to discuss any final plea negotiations, jury instructions, and any evidentiary matters of particular note. At final pretrial, trial counsel and the defendant shall appear, and all plea negotiations shall be finalized on that date. Any case not resolved on that date shall either be resolved by trial, plea to the original charge or charges or by dismissal by the State of Ohio. No further plea negotiations resulting in an amendment of the charges shall occur after the final pretrial date.

44. Jury costs will be assessed to the defendant if the jury is waived for court trial or as a result of a plea of guilty to the charge and jurors have been called in and cannot reasonably be called off prior to the scheduled trial date.
45. Jury questionnaires shall be submitted to potential jurors and shall be available for review by either party or their counsel three (3) days before the trial date.
46. It is the responsibility of each party to subpoena the appropriate witnesses for trial purposes.

JURY MANAGEMENT PLAN - Civil and Criminal

47. The purpose of this rule is to establish pursuant to Sup.R. 5(B)(2), a jury management plan to ensure the efficient and effective use and management of jury resources. This plan, as required by Sup.R. 5(B)(2), addressed the provisions of the Ohio Trial Jury Use and Management Standards adopted by the Ohio Supreme Court.
48. All persons in Pickaway County are eligible to serve on a jury, except persons less than 18 years of age; persons who are not residents of Pickaway County; persons who are not citizens of the United States; those who are not able to communicate in the English language; and those who have been convicted of a felony and have not had their civil rights restored. The opportunity for jury service shall not be denied or limited on the basis of race, creed, color, national origin, gender, age, religious belief, income, occupation, disability, sexual orientation, or any other factor that discriminates against a cognizable group in the jurisdiction.
49. There are four terms of court per year: January, April, July, and October. Potential jurors are drawn from a jury source list, which constitutes a list of all registered voters in Pickaway County, by the use of a random selection procedure using automated data processing equipment in conformity with the Ohio Revised Code. Jurors whose names are drawn serve for one of four terms throughout the year. During the first week of August each year, by order of the Jury Commission of the Pickaway County Common Pleas Court, a list of jurors is provided to area courts, including Circleville Municipal Court for trials occurring over the next four terms of court. Municipal Court is provided approximately two hundred names.
50. When provided the two hundred names, the assignment commissioner sends a letter to each of these potential jurors advising them of their selection and providing them with a juror background questionnaire to complete and return within 10 days for ultimate use in juror selection should those individuals be called on a particular venire.

The background questionnaire requests only information essential for determining whether a person meets the criteria for eligibility for jury service and for providing the

court and counsel with basic background information to be used during the specific selection of a jury in a particular trial. The information provided also assists the court in managing the jury system as efficiently as possible. This questionnaire shall be available to counsel of record in the Clerk's office no less than three days prior to the day of trial and most often at least one week before trial. When those questionnaires are no longer of use to the court, they are destroyed in compliance with the records destruction portion of the Ohio Rules of Superintendence.

51. At least thirty persons per venire are summoned for a particular case that has been set for jury trial and potential jurors are summoned by regular U.S. mail. The summons explains how and when to appear or respond and the consequences of failing to report for jury duty. The assignment commissioner may summon additional persons per venire if the assignment commissioner deems additional jurors may be necessary.
52. Persons summoned as a potential juror are required to be on call and available for service on a jury for a three-month period. If a potential juror is to appear for a specific date and trial, the juror will receive additional notification from the Assignment Commissioner and the Clerk of Court stating the date and time to appear. Potential jurors may be called for trial more than once during the three-month period.
53. Jurors report at 8:30 o'clock a.m. for trial. The first part of the trial is jury selection, also called voir dire by the court and lawyers. Breaks are taken at any other time deemed necessary by the court or the jury participants.
54. As to service, potential jurors may be excused, exempted, or deferred to a later date by the judge, if it is determined that they are in one of the classes or categories set forth on the Juror Excuse Form mailed to them with their summons. All requests for excuse, exemption, or deferral must be made on the form provided and shall be accompanied by appropriate documentation. No person shall be excused, exempted, or deferred from jury service who does not submit the Jury Excuse Form with proper documentation. Once a form has been submitted to the court, the prospective juror shall report unless notified by the court otherwise.
55. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determining the juror's fairness and impartiality. The voir dire shall be on the record with the trial judge conducting a preliminary voir dire examination and then counsel for both sides shall be permitted to question panel members for a period of time deemed reasonable by the judge.
56. The Civil and Criminal Rules shall control peremptory challenges.
57. The court shall provide a suitable facility for the jurors, including restrooms, coffee and tea and soft drinks.

58. When necessary, the judge shall decide whether to provide dinner or to order sequestration. Training shall be given those court staff who handle sequestration escort and assistance for jurors.
59. During the trial, jurors are permitted to take notes and will be provided a pen and pad for that purpose. The court will provide the jury with a copy of its final instructions for use in deliberation.
60. Communication with the jury during deliberation shall be in writing or placed on the record with the bailiff of the court to be the contact person with the jury for any such communication.
61. The court shall provide the jurors at the end of the juror service with a written performance evaluation to permit and encourage information on enhancing juror service and the court's handling of juror issues and concerns.

RECOVERY COURT

62. Establishment

This Court established a specialized docket on March 1, 2021, known as the Circleville Municipal Recovery Court, which is governed under Superintendence Rule 36.20 for Specialized Dockets. The goal of this program is to provide court managed drug intervention treatment and monitoring to assist participants with drug dependency diagnosis in developing sober lifestyles through evidence-based intervention and treatment in using a non-adversarial approach, and to reduce recidivism.

63. Placement

All participants enter the program post-adjudication. In order for an individual to be admitted into the program, the following legal and clinical criteria must be met:

- a) charged with a misdemeanor of the first, second or third degree;
- b) drug dependency diagnosis identified as a moderate risk or greater after assessment;
- c) cannot be a current participant in a similar program in any other court; and,
- d) voluntary entrance into the program. Violent offenders will be considered on a case-by-case basis.

64. Assessments

The Defendant will be referred by the Judge for an initial assessment as agreed upon by defense counsel, the prosecuting attorney and probation personnel if the person is currently being supervised. Individuals must complete a risk assessment, drug and alcohol assessment, a mental health assessment, and any other appropriate medical assessments prior to entry into the program.

65. Assignment

All cases will be assigned to the Judge's docket. The Judge has the discretion to determine participants in the program. Meeting the legal and clinical criteria does not create a right to participate. Individuals accepted in the program must agree to comply with all program requirements and must not pose a risk to the community, family, or staff.

66. Case Management

Defendants approved for the program must participate in drug and alcohol counseling and mental health counseling as set forth in their treatment plans and including individual, group or family sessions. The participants must follow all court orders and maintain compliance with the requirements in their case plan.

67. Termination from the Recovery Court Docket

Termination Classifications:

1. Successful – An offender is classified as a successful termination when he/she has met the probation requirements of drug court, completed all community service hours required, paid court fines, and graduated from drug court.
2. Neutral – these include terminations of the following:
 - a. Death – an offender has died while participating in the program;
 - b. Transfer – An offender is classified as a transfer and discharged from the program when, after a period of time spent in drug court, it is determined that an undiagnosed mental health issue is predominant, and the participant is mentally incapable of completing the program. The offender is then placed on a different level of community control.
3. Termination – An offender is terminated from the program for non-compliance with program requirements. The treatment team will make recommendations regarding termination to the Judge; however, the final decision for termination will be made by the Drug Court Judge.

The operation of the Recovery Court Program shall be in accordance with the Circleville Municipal Court Recovery Court Program Description and Participant Handbook, which may be amended from time to time.

CRIMINAL DIVERSION PROGRAM

68. The Criminal Diversion Program (CDP) is established pursuant to ORC 2935.36 to provide a period of court supervision and education for certain non-violent misdemeanor offenses, committed by first-time offenders.

An accused who wishes to be evaluated for the CDP shall pay a one-hundred-dollar (\$100.00) fee to the Circleville Municipal Court and shall thereafter submit a written application to the Circleville Law Director's Office with a receipt showing payment of the fee.

Program eligibility shall be determined by the Pretrial Services Officer and the Circleville Law Director's Office, subject to victim and officer notifications.

Approval of the Judge is required for acceptance into the program. Upon acceptance into the CDP, the accused shall enter a No Contest Plea. The Court will then hold the matter in abeyance for a period of one hundred eighty (180) days from the date of the plea during which time the accused shall successfully complete the terms and conditions of the CDP. Upon successful completion of the program, charges are dismissed and the records in the case are sealed from public inspection. If the accused fails to successfully complete the CDP, the accused shall be found guilty of all charges and the court will impose sentence.

TRAFFIC SAFETY PROGRAM

69. A person charged with a single two-point minor misdemeanor traffic citation, with no accompanying criminal charges, may be eligible to participate in the Court's Traffic Safety Program. Eligibility requirements, an explanation of the application process, and the application are available on the Court's website (www.circlevillecourt.com).

An eligible applicant who successfully and timely completes all requirements of the Traffic Safety Program shall have his/her case dismissed.

CAMERAS/RECORDING IN THE COURTROOM

70. The court hereby adopts [Sup.R. 12](#), and any amendments thereto, in its entirety, regarding the conditions for broadcasting and photographing court proceedings. All requests for permission for the broadcasting, televising, recording, or photographing in the courtroom shall be in writing and shall be made part of the record of the proceedings. The Court Bailiff of Circleville Municipal Court is designated the court's representative for media contact.