

Dou In The Columbiana County Municipal Court

LISBON, OHIO

LOCAL RULES OF COURT

The Columbiana County Municipal Court ("Court") hereby adopts the following rules, which shall be applicable in all cases filed in this Court.

I. General Rules of Court

1. Hours and Sessions of Court.

The office of the Clerk of the Court shall be open Monday through Friday from 8:00 A.M. until 4:00 P.M. subject to the availability of personnel. All sessions of the court shall begin promptly at 8:30 A.M. and 1:00 P.M. unless otherwise directed by the Judge. The Court shall close for all legal holidays observed by the public offices of Columbiana County, Ohio or when the Columbiana County Courthouse and/or the Municipal County Courthouse is otherwise closed. The Court may be closed or its hours of operation changed at any time without prior notice by order of the Court.

2. Audio Record.

Unless otherwise provided in these rules, all proceedings before this Court shall be recorded by an audio electronic recording device provided by the Court. A party may provide a stenographic court reporter at the party's cost and expense. No record shall be required of any proceeding in the small claims division of this Court.

3. Court Records.

A. Inspection of Records. All indexes, docket, journals, and file records maintained in accordance with law by the clerk of the Court shall be open to public inspection during regular business hours in a manner that does not interfere with the normal operation of the clerk's office. Other case file material shall only be inspected with permission of the Court.

B. Transcription of Records. The audio electronically recorded court proceedings shall not be inspected but may be transcribed by a certified court reporter approved by the Court upon request and upon payment of appropriate deposit. All inspections shall be made under the supervision of Court personnel. Original papers shall not be removed from the office of the clerk.

4. Fee for Copies.

A charge of \$1.00 per page shall be made for a photostatic certified copy of any document. Copy fees shall be paid in advance.

5. Counsel of Record.

When counsel is retained to represent any party, such attorney shall immediately notify the clerk in writing of such representation. Any counsel intending to withdraw from

representation must submit a written request and such counsel shall appear at the next scheduled court proceeding for such case unless substitute counsel has appeared of record or unless the Court grants prior leave. Withdrawal considerations shall be in conformity with the Code of Professional Responsibility.

6. Probation Fee.

A probation supervision fee of \$60.00 for each year of probation shall be charged for each person placed on probation with full amount imposed when probation is granted. A fee of \$10.00 per month is charged for each person placed on basic probation and a fee of \$20.00 per month is charged for each person placed on intensive probation. Early termination of probation shall not result in a refund of any probation fees. These fees shall be paid according to the Court's order. Failure to pay the fee shall be considered a violation of the Court order and shall be subject to charges for indirect contempt of court or probation violation. All fees collected under this section shall be paid to the clerk of court *and* shall be placed in a separate fund to be disbursed upon an order of the court. If the Court determines that the amount of money in the fund is more than the amount sufficient to satisfy the purpose for which the fee was imposed, the court may declare a surplus in the fund and expend the surplus money for other appropriate expenses of the court.

7. Fees and Costs.

Pursuant to Ohio Revised Code Section 1901.26, the Court hereby establishes the Schedule of Fees and Costs for civil and criminal actions and proceedings in this Court as set forth in attached Exhibit A, which may be modified from time to time. Such schedule together with any amendments or modifications shall be posted in the office of the clerk of Courts.

8. Filings.

All court filings must be original documents, signed, and delivered to the Clerk of Courts. Facsimile documents will not be accepted for filing but may be provided for information purposes only.

9. Signature Stamp.

The Clerk is authorized to affix the signature stamp of a Judge of this Court to the types of routine Judgment Entries and Orders of the Court set forth below, in which case, the stamped signature shall be effective as the original signature of the Judge:

- A. Orders of Garnishment and Attachment.
- B. Orders for Debtor's Exam.
- C. Registration Block (Warrant Block), but not the Warrants themselves.
- D. Judgment Entries suspending operator or commercial driving license for failure to pay or appear.
 - A. Judgment Entries ordering the Bureau of Motor Vehicles to correct or modify records.
 - B. Limited Driving Privilege Form.

II. Case Management in Criminal and Traffic Cases.

10. Purpose.

The purpose of this rule is to establish a system for criminal and traffic case management that will provide for the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the Municipal Court system.

11. Judicial Steps.

All criminal and traffic cases shall be managed in the following judicial steps:
Arraignment. All criminal and traffic arraignments shall be held at 8:30 A.M. each day the court is in session unless otherwise ordered by the Court.

12. Assignment of Cases.

In accordance with Rules 5 and 36 of the Supreme Court Rules of Superintendence, criminal and traffic cases shall be assigned as follows:

- A. The case shall not be immediately assigned to either judge, but shall be set for arraignment before the judge assigned to handle arraignments on the day of initial appearance. In the event the defendant enters a plea of Guilty or No Contest at arraignment, then the case shall be assigned to the arraigning judge.
- B. At the point when a case becomes contested (the entry of a plea of Not Guilty or the filing of a motion in a criminal/traffic case) the Clerk shall randomly assign the case to one of the two judges of this Court, unless the arraigning judge or Administrative Judge determines that for judicial economy or due to conflict, the case should be assigned to a specific judge.

13. Pre-Trials.

There shall be no pre-trial conference in any minor misdemeanor and/or fourth degree misdemeanor and/or third degree misdemeanor case unless the defendant files a written time waiver as to the time within which said case must be tried under Section 2945.71 of the Ohio Revised Code.

14. Plea Agreements.

Negotiated pleas, where a charge is reduced or dismissed, will be accepted by the Court only where the prosecuting attorney or Village Solicitor provides to the court in writing or on the record a statement that the complaining party, victim, and/or the arresting officer was consulted or given the opportunity to express an opinion concerning the proposed plea agreement and he or she approved the proposed plea agreement or that his or her approval was unreasonably withheld together with the Prosecutor's or Solicitor's reasons why the withheld approval was unreasonable. The arresting officer, victim, and/or the complaining party may also personally appear at the time of disposition and state his or her approval or disapproval along with any reasons therefore before the Court accepts or rejects the proposed agreement.

15. Personal Appearance.

Defendant shall appear at all hearings, except as otherwise provided in these rules. All cases resolved at pre-trial shall proceed immediately to disposition, unless otherwise

ordered by the Court.

16. Exceptional Circumstances.

For purposes of Traffic Rule 12, the following shall be considered “exceptional circumstances” in all traffic cases where the defendant has previously appeared personally or through counsel.

- A. The defendant is not a resident of Columbiana County, Ohio.
- B. The defendant is a resident of Columbiana County, Ohio but defendant’s personal appearance in court would cause the defendant to lose one half (1/2) day or more of gainful employment.

17. Written Appearance. If defendant meets either of these “exceptional circumstances”, defendant may submit, through his or her attorney of record, a written motion pursuant to Traffic Rule 12 and an agreed judgment entry evidencing defendant’s pleas of guilty or no contest to the original charge or to an amended charge. The judgment entry shall contain the agreed disposition of the case, a waiver of personal appearance and consent that judgment and sentencing may be pronounced against the defendant in his or her absence. The defendant, the defendant’s counsel, and the assistant prosecuting attorney must approve the agreed judgment entry. Before the Court will accept the agreed judgment entry it must be accompanied by the following:

- A. An attorney’s trust check, money order, certified check or bank check covering the total amount of the unsuspended portion of the fine and the court costs.
- B. Defendant’s driver’s license, if the defendant’s driver’s licenses will be suspended and is not presently held by the Court.
- C. Proof that defendant’s operation of the vehicle was covered by insurance or other proof of financial responsibility as required by Ohio Revised Code Section 4509.101 (A) and 4509.45.

18. Personal Appearance Not Required.

The defendant shall not be required to appear if a written plea of guilty or no contest has been signed by the defendant and payment of bond is received in the amount set forth in the bond schedule attached as Exhibit B, which may be modified from time to time.

19. Motions. The Court will not entertain motions, which fail to comply with Criminal Rule 47. *To be in conformity, the motion must be in writing and filed within the time limits set by the Rules of Criminal Procedure, and must contain the following:*

- A. The specific grounds upon which motion is based;
- B. *A recital of facts asserted* which, if *uncontroverted*, would be sufficient to establish a prima facie case for the submitting party;
- ~~C.~~ Citations to authority in support of the position of the submitting party. Ohio authority is to be cited in all instances where it exists and only thereafter will non-Ohio authorities be cited.

20. Trials.

Each case not resolved at pretrial shall be set for trial to the Court. If a jury demand is timely filed, the case will be moved to the jury trial schedule. Any party filing a demand for trial by jury shall notify the Court by 3:30 P.M. on the last business day preceding his or her trial of any withdrawal of demand for jury or change of plea, otherwise jury costs will be assessed to his or her case.

21. Status Conference.

All criminal and traffic cases set for jury trial and not resolved at pre-trial shall be assigned for a status conference to be held the week preceding the day set for jury trial, unless otherwise ordered by the Court.

22. Continuance.

No party shall be granted a continuance of a trial, pre-trial, or a hearing without a written motion by the party or his *or her* counsel stating the reason for the continuance. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. A copy of the notice from the other court shall be attached to the Motion for Continuance. The granting of any other request for continuance is a matter within the discretion of the trial court. Continuance requests made within 24 hours of the scheduled hearing will be denied unless there are exceptional circumstances. If a designated trial attorney has such a number of cases assigned for trial so as to cause undue delay in the disposition of such cases, the judge may require the trial attorney to provide a substitute trial attorney.

23. Sentencing.

Sentencing shall take place after a plea of guilty or no contest; or after the court issues a finding of guilty by the Court or verdict of guilty by the jury, subject to the victim's rights as required under Ohio law.

III. Case Management in Civil Cases.

24. Purpose.

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

25. Court Costs Deposit.

Any person filing a civil action or proceeding shall deposit with his or her complaint the corresponding court cost deposit set forth in attached Exhibit A unless an affidavit or other evidence of such party's inability to make the required deposit is approved by the Court. The clerk shall refuse to accept the filing of any complaint if the required deposit is not included.

26. Assignment of Cases.

Upon the filing of a civil action, the Clerk shall randomly assign the case to one of the two judges of this Court, unless the Administrative Judge determines that for judicial

economy or due to conflict, the case should be assigned to a specific judge.

27. Costs Deposit for Jury Trials in Civil Cases. Any party demanding trial by jury in a civil case shall deposit, in addition to the usual court cost deposit, the jury trial deposit with their written demand unless an affidavit or other evidence of such party's inability to make the required deposit is approved by the Court. The clerk shall refuse to accept the filing of a jury demand if the deposit is not included. The party shall also file the number of jurors requested consistent with Civil Rule 48.

28. Scheduling of Events.

The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in four (4) clerical steps and five (5) judicial steps:

A. Clerical Steps:

1. Summons shall be served in accordance with the Ohio Rule of Civil Procedure. In the event there is a failure of service, the clerk shall notify counsel (or Plaintiff, if unrepresented) immediately. If counsel or Plaintiff fails to obtain service of summons within six (6) months from the date the cause of action was filed, then the case will be dismissed unless good cause is shown to the contrary.
2. After any responsive pleading is filed, the clerk shall set the matter for hearing.
 1. If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the matter will be dismissed unless good cause is shown.
 4. When the court is advised that settlement has been reached, the court shall receive the entry within thirty (30) days. If the entry is not received, the case will be dismissed.

B. Judicial Steps

1. Motions. All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of the fourteen (14) day period unless the Court extends time. There will be no oral hearings granted on the motions unless party requests an oral hearing in writing and/or the Court deems it necessary.
2. Pre-Trials. For the purpose of this rule, "pre-trial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" shall mean the party or parties to the action and/or attorney of record.

- a. Personal appearance shall be required unless otherwise ordered by the Court. Any attorney for a party, who fails to attend a scheduled pre-trial conference without just cause being shown, may be punished for contempt of court.
 - b. Notice of pre-trial conference shall be given to all counsel of record by mail not less than fourteen (14) days prior to the conference. Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and must have full settlement authority. The court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and, in general, to shorten the time and expense of trial. The court will file a pre-trial entry to become part of the record setting forth all stipulations, admissions and other matters, which have come before it in the pre-trial.
 - c. The Court shall determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed. The Court may make such schedules and orders concerning discovery, as the Court deems appropriate.
 - d. Any Judge presiding at pre-trial conference or trial shall have the authority to dismiss the action for want of prosecution on motion of defendant upon failure of plaintiff, and/or his counsel to appear in person at any pre-trial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex-parte upon failure of the defendant to appear in person or by counsel at trial as required; or to make such order as the court may deem appropriate under all the circumstances. If the case is not settled at pre-trial, then the case will be set for trial at a time agreeable to all parties.
3. Trials. Each case not resolved at pre-trial shall be set for trial to the Court. If a jury demand is timely filed and the jury trial deposit is timely made or waived by the Court, the case will be moved to the jury trial schedule. The case will be set for a status conference approximately one (1) week prior to scheduled jury trial. All attorneys shall notify the Court by 3:30 P.M. of the day preceding their jury trial of any change in the status of the case or jury costs incurred by the Court shall be assessed to the case.
 4. Continuances. No party shall be granted a continuance of a trial, pre-trial, or a hearing without a written motion by the party or his *or her* counsel stating the reason for the continuance. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any ~~other~~ request for continuance is a matter within the discretion of the trial court. Continuance requests made within 24 hours of the scheduled hearing will be denied unless there are exceptional circumstances. If a designated trial attorney has such a number of cases assigned for trial so as to cause

undue delay in the disposition of such cases, the judge may require the trial attorney to provide a substitute trial attorney.

5. Judgment Entries. Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry, if ordered by the Court. The entry shall be submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the entry within five (5) days. Within fifteen (15) days of the decision, the journal entry shall be submitted to the Judge, or thereafter, the court will prepare the journal entry. Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of any entry, but such entry shall be filed within thirty(30) days or the case will be dismissed for want of prosecution. Upon notification from the clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within fifteen (15) days or the case will be dismissed for want of prosecution. The journal entry shall allocate the court costs between or among the parties.

IV. Case Management in Special Proceedings

29. Purposes.

The purpose of this rule is to establish a case management system for special proceedings to achieve a prompt and fair disposition of these matters. The following civil matters are considered special proceedings and may be heard by a judge or acting judge, to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motions to cite for contempt, garnishment hearings, debtor's exams, and B.M.V. hearings. The following criminal matters are considered special proceedings and may be heard by a judge or acting judge, to wit: preliminary hearings, extradition hearings and motions for temporary protection orders.

30. Scheduling of Events.

Special proceeding that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days.

31. Clerical Steps.

- A. In all new special proceedings, if counsel fails to obtain service of summons within six (6) months, the case will be dismissed unless good cause is shown to the contrary.
- B. After any responsive pleading is filed, the clerk shall set the matter for hearing.
- C. If no action has been taken on a file for a six (6) month period and the case is not set for trial, the matter will be dismissed unless good cause is shown.

V. Jury Management

32. Selection.

Jurors for the Court shall be drawn at the time and place corresponding to when jurors are drawn for the Columbiana County Common Pleas Court and in the manner provided by Ohio Revised Code Chapter 2313. A separate jury pool will be drawn for each judge of this Court.

33. Notification.

The clerk or jury commissioner shall notify each prospective juror of being drawn for jury service. All jurors shall be notified of jury service at least two (2) weeks prior to the service and each juror shall be provided a telephone number to call for a recorded message concerning the current status of that service. Each juror shall call that number after 5:00 P.M on the day prior to his or her scheduled service. If a juror reports for service without calling the number as instructed, no jury service fee will be paid.

33. Excused absence.

Excuse from jury duty shall be limited to the statutory exceptions unless the Judge finds extraordinary circumstances or any of the following circumstances exist:

- A. Student. *A person is a full time student, who lives at or near the school he or she is attending shall be excused form service unless he or she chooses to serve.*
- B. Medical. *A person may be excused for medical reasons if his or her request is accompanied by a physician's statement describing the nature of the condition and the doctor's opinion that the condition will interfere with jury service.*
- C. Vacation. *A person may be excused for a scheduled vacation if his or her request for excuse is accompanied by documentation verifying travel reservations.*
- D. Prior Service During Term. *A juror who has served on a jury during his or her term of service shall not be excused, but shall be rotated to the bottom of the potential juror list.*
- E. Miscellaneous. *A juror may, upon reasonable request, be allowed to transfer his or her service to the next scheduled trial date.*

34. Alternate Jurors.

Unless the trial is expected to exceed three (3) days, only one (1) alternative juror shall be selected, *unless the court determines additional alternate jurors are necessary.*

35. Jury Accommodations.

When juror reports of service, the bailiff shall seat the prospective juror in the courtroom to the exclusion of all persons except other jurors. All material except those needed for proper deliberation shall be removed from the jury room.

VI. Court Security.

The court security policy is attached as Exhibit C, which may be modified from time to time.

EFFECTIVE DATE

These Rules will be in effect as of the _____ day of _____, 2006.

Judge Mark A. Frost

Judge Carol Ann Robb

Court Order

For the purpose of assisting in providing security in the Columbiana County Municipal Court House, it is ordered that:

(A) For security screening at the main entrance:

- (0) All persons entering the court facility through the main entrance shall be asked to empty their pockets, place the contents in the container provided and walk through the metal detector. All purses, briefcases and packages shall be scanned through the x-ray machine.
- (0) Persons who are unable to pass through the metal detector because of a health condition or disability shall be checked using the hand-held metal detector and/or appropriately searched for weapons and contraband.
- (0) No person who activates the metal detector alarm shall be permitted access beyond the security station until the cause is determined and the person is deemed clear.
- (0) If a suspicious item is detected during x-ray the bag or package shall be further inspected in the owner's presence. If an illegal weapon or contraband is located it shall be seized and the appropriate action shall be taken. If the illegal weapon is a firearm or dangerous ordnance or if the contraband is an illegal substance it shall be seized and secured, the person properly identified and the prosecutor's office shall be advised. Generally, most items will be returned to the owner upon leaving with caution not to bring the item into the facility again.
- (0) Any person who refuses to pass through the metal detector or submit to a pat-down search shall not be permitted access to the facility. Persons who refuse to allow their bags to be x-rayed shall not be permitted access beyond the security station or be allowed to remain in the facility until the bag in question is removed from the building and secured in their vehicle.
- (0) When necessary, pat-downs should be conducted by an officer of the same gender. Otherwise, the hand-held metal detector will be used.
- (0) No person shall be permitted to loiter in the security station area.

(B) For policy regarding possession of firearms and deadly weapons:

- (0) Officers escorting prisoners shall secure their deadly weapons in the gun lockers provided in the sally port. **NO DEADLY WEAPONS ARE PERMITTED IN THE HOLDING AREA.** When two officers escort a prisoner, the second officer may, with approval of the court, carry a firearm into the courtroom. Once the prisoner is secured in a holding cell, the second officer may re-enter the building through the employee entrance, then enter the courtroom. The armed officer shall be seated in the jury box or in a chair on the opposite side of the courtroom.

- (0) Officers appearing pursuant to a subpoena or on official business shall park in the secured area at the rear of the facility and access the building through the east employee entrance. The jury room may be used as a waiting area. If the jury room is in use, officers will be directed to another waiting area.
- (0) Officers who are in court to testify may carry their weapons into the courtroom and should enter and exit through the door nearest the witness stand.
- (0) Officers present to observe court proceedings may carry their weapons into the courtroom and shall be seated in the jury box. If a jury is present, the officer should sit in a chair on the opposite side of the courtroom. Please enter and exit through the door nearest to where you are seated.
- (0) Officers who are conducting business with the court staff or assistant prosecutor should access the building through the east employee entrance and shall remain in the secured area. These officers may carry deadly weapons.
- (0) All armed officers entering the facility through the public entrance will be asked to secure their deadly weapons in a gun locker at the security station. **NO DEADLY WEAPONS ARE PERMITTED BEYOND THE SECURITY STATION.**
- (0) Firearms and other deadly weapons to be used as exhibits shall be inspected and deemed safe by the security staff or bailiff before taken into the courtroom.

NOTE: All uniformed officers shall carry their weapons in a level II or higher security holster. Plain clothes and off-duty officers shall conceal their weapons at all times.

C. For the use of the sally port and holding area:

- (1) All deadly weapons shall be secured in the gun lockers provided. **NO DEADLY WEAPONS ARE PERMITTED IN THE HOLDING AREA.**
- (2) All persons brought into the facility in custody shall be handcuffed and belly-chained by the transporting officer/agency. Those persons charged with offenses of violence, felonies or who are considered escape risks by the transporting agency shall be in leg restraints. At the discretion of the escorting agency, the officer or by order of the court those persons who are disruptive shall be placed in leg restraints.
- (3) The escorting agencies are asked to notify court security, prior to transporting, of any disruptive persons, escape risks or special needs individuals.
- (4) The escorting officers shall remain in the holding area with their prisoners at all times, unless relieved by the bailiff or court security. The bailiff will generally escort the prisoners to and from the courtroom.
- (5) At no time shall any unauthorized person be permitted to enter the sally port or holding area without approval of the court, bailiff or court security.

- (6) At no time shall a prisoner be permitted to make or receive telephone calls unless authorized by the court or court staff.
- (7) All incidents such as disruptive behavior, security threats, or medical problems shall be reported to court security as soon as possible.

(D) For the purpose of providing officers of this court with guidelines for the use of deadly and non-deadly force:

- (1) It is the policy of this court that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of officers and others.

(2) Definitions

- () Deadly Force: Any use of force that is reasonably likely to cause death.
- () Non-Deadly Force: Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.
- () Objectively Reasonable: This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject and the danger to the community.

(3) Procedures

(a) Use of Deadly Force

Officers are authorized to use deadly force to:

Protect the officer from what is reasonably believed to be a threat of death or serious bodily harm.

Protect others from what is reasonably believed to be a threat of death or serious bodily harm

Prevent the escape of a fleeing violent felon whom the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others. When practicable prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.

(b) Deadly Force Restrictions

Warning shots will not be fired at any time.

C. Use of Non-Deadly Force

(1) When deadly force is not authorized, officers may use only the force that is objectively reasonable to bring an incident under control.

(2) Officers are authorized to use non deadly force techniques and issued equipment to:

Protect the officer or others from physical harm;

Restrain or subdue a resistant individual; and/or

Bring an unlawful situation safely and effectively under control.

(4) Training

In addition to training required by the Ohio Peace Officers Commission for firearm qualification, officers may receive court authorized training designed to simulate actual shooting situations and conditions and, as otherwise necessary, to enhance officers' discretion and judgment in using deadly and non-deadly force in accordance with this policy.

Judge Mark A. Frost
Administrative Judge

Judge Carol A. Robb
Presiding Judge

STATE OF OHIO)
) SS:
COLUMBIANA COUNTY)

IN THE COLUMBIANA COUNTY
MUNICIPAL COURT

IN THE MATTER OF THE ADOPTION)
OF A COMBINED BOND AND)
VIOLATIONS BUREAU SCHEDULE)
)

**JOURNAL AND
JUDGMENT ENTRY**
(Amendment to Court Rules)

The following schedule is hereby adopted to be effective in this Court as of April 1, 2006 to serve as the combined bond and violations bureau schedule. All such schedules previously adopted are hereby superseded.

CRIMINAL AND TRAFFIC BOND SCHEDULE

For the following Misdemeanor and Traffic offenses, a defendant may post the indicated bond in lieu of appearance in accordance with Rule 13 of the Ohio Traffic Rules: (Appearance is not required merely because the defendant was involved in an accident.)

**Each defendant must post the bond set forth below plus the stated amount for court costs, but the defendant is only required to post one court cost amount, which shall be the highest court cost for any of the defendant's alleged offenses.
(Note: costs are due for each separate case, not each separate charge.)**

O.R.C.	Offense	Bond	Costs
955.21	Dogs: Failure to Register	30.00	67.00
955.22	Dogs: Failure to Confine	50.00	67.00
955.221	Dogs: Local Ordinances (not dog bite or vicious dog)	50.00	67.00
1533.10	No Valid Hunting Permit	75.00	67.00
1533.32	No Valid Fishing License	75.00	67.00
1547.25	Operating Without Personal Flotation Device	30.00	67.00
4301.62	Open Container	50.00	67.00
4503.11	Improper / Expired Registration	30.00	67.00
4503.12	Failure to Transfer Registration	50.00	67.00
4503.18	Expired Temporary Tag	30.00	67.00
4503.19	Expired Validation Decal	30.00	67.00
4503.21	Failure to Display Valid Sticker	50.00	67.00
4506.14 (D)	Failure to Notify Registrar of Address Change for CDL	50.00	67.00
4507.02 (A)	Operating Without Valid License (but <u>only</u> if expired six (6) months or less – otherwise mandatory appearance)	50.00	67.00
4511.12, .13	Traffic Control Devices	30.00	67.00
4511.15	Flashing Traffic Signals	30.00	67.00
4511.20, .201	Reckless Operation (roads or private property)	150.00	67.00
4511.202	Failure to Control	30.00	67.00
4511.21	Speed (1-10 and A.C.D.)	30.00	67.00
	(11-15)	35.00	67.00
	(16-20)	45.00	67.00
	(21-25)	65.00	67.00
	(over 25)	150.00	67.00
4511.213	Stopped Safety Evhicle	50.00	67.00
4511.22	Slow Speed	30.00	67.00
4511.25, .26, .33, .35	Lane Violations	30.00	67.00
4511.27, .28	Improper Passing / Passing on Right	30.00	67.00
4511.29	Left of Center	30.00	67.00

4511.30	Driving on Left	30.00	67.00
4511.32	One Way Traffic	30.00	67.00
4511.34	Following To Closely	30.00	67.00
4511.36, .37	Improper Turn	30.00	67.00
4511.38	Improper Backing	30.00	67.00
4511.39, .40	Turn or Hand Signal Violation	30.00	67.00
4511.41, .441	Right of Way and Stop Signs	30.00	67.00
4511.45, .451, .452	Fail to Yield: Public Safety or Funeral	150.00	67.00
4511.46, .48	Fail to Yield: Pedestrian / Blind	150.00	67.00
4511.50	Pedestrian on Road	30.00	43.00
4511.51	Hitchhiking / Improper Riding	30.00	43.00
4511.53	Cycle, Snowmobile Violations	30.00	67.00
4511.61 - .64	Violation: Rail Crossing	150.00	67.00
4511.66, .68, .69	Parking Violations	30.00	43.00
4511.69 (F)	Parking in Handicap Zone	150.00	43.00
4511.70	Driver Obstruction / Interference	30.00	67.00
4511.71	Driving on Closed Highway	30.00	67.00
4511.79	Impaired Alertness	30.00	67.00
4511.81	Child Restraint (1 st Offense)	35.00	65.00
	(2 nd Offense)	75.00	65.00
4511.82	Littering from Vehicle	150.00	67.00
4511.84	Earphone or Earplugs	30.00	67.00
4513.02	Unsafe Vehicle	30.00	67.00
4513.021	Bumper Height	30.00	67.00
4513.03 - .20	Violations: Lighting or Reflectors, etc...	30.00	67.00
4513.22	Loud Exhaust	30.00	67.00
4513.23 - .261	Miscellaneous Equipment Violations (include tinted windows)	30.00	67.00
4513.263(B)	Seat Belt or Restraint:		

	(1) Driver	30.00	43.00
	(2) Passenger	20.00	43.00
4513.28	Safety Equipment	30.00	67.00
4513.31	Insecure Load	50.00	67.00
4549.18	No Registration Certificate in Vehicle	150.00	67.00
4573.32	Improper Towing	30.00	67.00
5577.02, .03, .04, .041, .07, .071, .08, .09 or 5591.42	Gross Weight Violations: 0-2000 lbs 2,000-5,000 (per each 100 lbs over gross) 5,000-10,000 (per each 100 lbs over gross) over 10,000 (per each 100 lbs over gross)	80.00 100.00 + 1.00 130.00 + 2.00 160.00 + 3.00	67.00 67.00 67.00 67.00
5577.05, .06	Size Limitations	30.00	67.00
5728.04	Mud Flaps	30.00	67.00
5728.04	Failure to Display HUT Sticker	150.00	67.00
	All Minor Misdemeanors <u>EXCEPT</u> Drug Abuse	150.00	67.00

For municipal ordinances, for which there is no equivalent Revised Code section, the Court sets the bond as follows:

Squealing/Peeling tires	50.00	65.00
Noise/burning violations	50.00	65.00

The Court further incorporates into this order the separate schedules of bonds for hunting law and/or P.U.C.O. (equipment) violations which may be adopted from time to time by this Court.

This bond schedule shall apply in similar amounts to all local ordinances which can be identified as being substantially the same as the state code violation.

In the event the defendant is charged with a **second violation within one year** of any of the offenses listed above or in any separate schedule of bonds, the defendant may post a bond in lieu of appearance in the amount of the fine listed in the bond schedule plus Fifty Dollars (\$50.00).

Bond for all offenses more serious than first degree misdemeanors, including felonies and capital cases, and bonds for certain violent misdemeanors listed in the next paragraph **must be set within 48 hours of the defendant's arrest by a judge of this Court. If the defendant is charged with Domestic Violence, Violation of a Protection Order, and if the alleged victim is a family or household member, then the bond may only be set by court appearance (in person or by video) which shall be held at the earliest available opportunity.**

The misdemeanors which require the court to set bond are: Domestic Violence, Violation of a Protection Order, Assault, Menacing by Stalking, Aggravated Menacing, Permitting Child Abuse, Escape, and Witness Intimidation. The bond in any of these misdemeanor cases , whether cash or surety, personal recognizance, or 10%, shall contain the express Bond Conditions set forth on attached Exhibit A, unless there is no alleged victim.

For all misdemeanors not listed above, (nor listed in any other bond schedule which may be adopted by the by the Court for P.U.C.O. violations, or for hunting and fishing law violations) an appearance is mandatory. However, the arresting or bonding officer may permit a defendant to sign a personal recognizance bond, post a 10% bond in the amount indicated, or completely excuse bond when such bond is not deemed necessary by the officer to assure the defendant's court appearance, and the officer reasonably believes the defendant is not a danger to himself or others.

The bond schedule for offenses not listed above is as follows:

Misdemeanor 1	1000.00	Misdemeanor 2	750.00
Misdemeanor 3	500.00	Misdemeanor 4	250.00

When an offense is not specifically denominated by the Revised Code as a particular class of misdemeanor, the bond for that offense shall be set by comparing the penalty indicated by the Revised Code for the offense to the penalties for the classes of misdemeanor listed above.

Any bond may be posted by use of a valid credit card pursuant to procedures in effect through the Clerk of Courts.

Upon the adoption of this Journal and Judgment Entry, the Clerk shall mail a copy of this document to every law enforcement agency headquartered within the area of jurisdiction and provide a copy to the Secretary of the Columbiana County Bar Association.

ADOPTED AND APPROVED THIS 1ST DAY OF MARCH, 2007 BY:

MARK A. FROST, JUDGE

CAROL ANN ROBB, JUDGE

STATE OF OHIO)
) SS:
 COLUMBIANA COUNTY)

IN THE COLUMBIANA COUNTY
 MUNICIPAL COURT

IN THE MATTER OF THE ADOPTION)
 OF A SCHEDULE OF)
 CIVIL COST DEPOSITS)
)

**JOURNAL AND
 JUDGMENT ENTRY**
 (Amendment to Court Rules)

The following schedule is hereby adopted to be effective in this Court as of the 1st day of March, 2007, to serve as a schedule of advanced civil cost deposits. All such schedules previously adopted are hereby superseded.

CIVIL DEPOSIT SCHEDULE

The Clerk of Courts shall require an advance deposit or security for costs before the filing of any civil action or proceeding. Such deposit shall be in accordance with the following schedule:

Small Claim	(one defendant)	\$59.00
	(each additional defendant)	10.00
Other civil action, incl. Cognovit Judgment	(one defendant)	96.00
	(each additional defendant)	10.00
Transfer from Small Claims to regular	(by party requesting)	96.00
To Re-Open, Vacate, or Modify a case		60.00
Answer with Cross-claim or Third Party Complaint	(1 defendant)	60.00
	(certified mail service request per additional defendant)	10.00
Publication for Service	(including printer's fee)	200.00
Publication upon Order of Sale		275.00
Release (Satisfaction of Judgment)		5.00
To issue a Certificate of Judgment		5.00
Motion for Contempt (Show Cause)	(with Sheriff's service*)	100.00
	(by Certified Mail)	10.00
Notice of Appeal		150.00

Proceeding in Aid of Execution (Wage Garnishment, Bank Attachment) (plus fees to Garnishee per Revised Code)	60.00
Garnishment Report (Interim or Final -- each report)	35.00
Execution	260.00
Request for Sheriff's Service*	100.00
Request for Certified Mail Service (items not listed above – per defendant)	10.00
Request for Certificate of Mailing (per defendant)	5.00
Writ of Restitution (including \$200 deposit for Sheriff's service*)	206.00
Subpoena, one witness (including \$100 deposit for Sheriff's service*) (plus fee and mileage directly to witness – \$6 per half day and 10¢ per mile both ways)	100.00
Civil Jury Demand (in advance from whoever demands jury)	150.00
Debtors Exam (each additional defendant)	45.00 5.00

* Note – The \$100.00 deposit for Sheriff's service includes up to three attempts at service. If the party requesting service deposits \$200.00, then the Sheriff will attempt service for the reasonable number of times necessary to accomplish service or to determine that service may not be had. The larger deposit for service is required for a Writ of Restitution. In any case, all of the unused deposit will be refunded.

Upon the adoption of this Journal and Judgment Entry, the Clerk of Courts shall mail a copy of this document to the Secretary of the Columbiana County Bar Association.

ADOPTED AND APPROVED THIS 1st DAY OF MARCH, 2007 BY:

MARK A. FROST, JUDGE

CAROL ANN ROBB, JUDGE