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PROPOSED RULES OF LOCAL PRACTICE AND PROCEDURE
FOR THE
CLERMONT COUNTY MUNICIPAL COURT

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RULE 1

SCOPE AND EFFECTIVE DATE

These Local Rules of Court govern practice and procedure in the Clermont County Municipal Court. They are adopted pursuant to the Court's inherent authority as set forth in the Rules of Civil and Criminal Procedure and Rules of Superintendence. These rules may be cited as "Loc. R. x". They are effective as of March 1, 2013 and shall govern all proceedings filed subsequent to that date.

These rules shall be applied, construed and enforced so as to avoid inconsistency with other rules of court, case law, and statutes governing proceedings, functions and services of this Court; to provide equity and simplicity in procedure; to avoid technical and unjustifiable delays; and to secure just and expeditious determination of all actions and proceedings in this Court. These Local Rules and any amendments thereto shall govern practice and procedure in this Court.

RULE 2

DAY AND TIME OF SESSION

The sessions of the Clermont County Municipal Court shall be from 8:30 a.m. until 12:00 noon and from 1:00 p.m. to ~~5:00~~4:30 p.m., Monday through Friday, except on holidays. The offices of the Clerk of Court shall be open from 7:00 a.m. until 3:00 a.m. the following day, seven (7) days a week.

These hours may be extended or reduced by order of the Court to accommodate special circumstances at the court's discretion.

RULE 3

USE OF ABBREVIATIONS AND IDENTIFIERS

The Court ~~adopts~~may adopt abbreviations and/or symbols that may be used in entries, and special identifiers that shall be used in cases with multiple counts or charges, ~~as identified in~~

RULE 4
ADMINISTRATIVE JUDGE OF THE CLERMONT COUNTY
MUNICIPAL COURT

The Administrative Judge of the Clermont County Municipal Court shall be selected and exercise the powers provided for in Sup.R. 4. The Administrative Judge of the Clermont County Municipal Court shall also serve as the Presiding Judge of the court and exercise the powers provided in Sup. R. 4. During any extended absence of the Administrative Judge of the Court, the next most senior Judge of the Court shall be acting Administrative Judge and shall perform all duties related thereto; including the duties of the Presiding Judge.

RULE 5
DESIGNATION OF TRIAL COUNSEL

Attorneys shall designate their capacity as trial counsel on all documents in civil, ~~and~~ criminal and traffic cases and shall include their office address, telephone number, fax number, email address, and Supreme Court registration number or pro hac vice registration number.

Trial counsel's designation in a criminal-traffic case shall be made on ~~Form CR1-~~ included as Appendix B the appropriate form. One copy of the designation form must be filed per case number.

No designation of a law firm or governmental agency will be acceptable as trial counsel. However, substitution of counsel within the same law firm or agency may be authorized by the assigned judge or magistrate.

RULE 6
WITHDRAWAL OF TRIAL COUNSEL

Counsel may be granted leave to withdraw as trial counsel with the consent of the assigned judge or magistrate. No such application will be considered unless a motion is made stating the reasons for the application. Withdrawing counsel shall notify the client of the motion to withdraw. The court, at its discretion, may hold a hearing on the matter. An entry ruling on

the motion shall be journalized. Withdrawing counsel shall mail a copy of the entry to the client at his/her last known address.

RULE 7

UNAUTHORIZED PRACTICE OF LAW

No person, not a party in interest, who is not an attorney licensed to practice in the State of Ohio or admitted to practice pro hac vice, will be permitted to file, conduct or defend any action or proceeding in the Clermont County Municipal Court. ~~Any party violating this rule is subject to having its action dismissed.~~

A corporation may, through a bona fide officer or salaried employee, file and present its claim or defense in an action heard on the small claims docket where the corporation is a party to the underlying contract or claim. The officer or employee may not engage in argument, cross examination, or other acts of advocacy.

RULE 8

PLEADINGS

Other than the original complaint, every pleading, motion, or other paper filed with the Clerk shall contain a certification of service on the other parties to the action.

RULE 9

FILINGS BY ELECTRONIC TRANSMISSION

Pleadings and other papers may be filed with the Clerk of Court by facsimile transmission to 513-732-7831 for criminal and traffic filings, and 513-732-8134 for civil filings from 8:00 a.m. until 4:30 p.m., Monday through Friday, excluding holidays. A party filing by fax shall ensure that all fees are paid in a timely manner. A document shall not be considered filed until the document is received and all applicable fees are paid.

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, but must maintain

in their record, 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 and the source copy of the facsimile cover sheet used for the filing. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post-judgment relief are exhausted.

A signature on an electronically transmitted document shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the filing was transmitted without authority, the court may order the filing stricken from the record.

Any risk associated with transmitting a document electronically shall be borne by the sending party.

~~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: enter the document in the Case Docket and file the document or 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).~~

The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing.

No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until court costs and fees have been paid. Documents tendered to the Clerk without payment of court costs and fees will not be filed.

No additional fee shall be assessed for facsimile filings.

Facsimile filings shall not exceed fifteen (15) pages in length. The filer shall not transmit service copies by facsimile.

RULE 10 EXHIBITS

All evidence of a tangible nature to be offered at trial shall be:

- a. Marked numerically and identified as “Plaintiff’s Exhibit;” or “State’s Exhibit” or marked alphabetically and identified as “Defendant’s Exhibit;” and
- b. Prepared in numbers sufficient to provide one copy each for the Court, the witness and

each party;

RULE 11
CONTINUANCES

Except by leave of Court, upon good cause shown, every request for continuance shall be made by motion and be granted upon showing of good cause. The motion shall set forth a date from which a continuance is requested and the reason for the continuance.

Any praecipe for subpoena or order designating a person to serve a subpoena shall be filed with the Clerk not later than seven (7) days before the date of trial. If a witness fails to appear at a trial and the filing for such service was made less than seven (7) days before trial, then such non-appearance may not constitute a ground for continuance. The application for continuance on the grounds of unavailability of a particular witness shall be made as soon as a party is informed of that fact.

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, the case which was set first for trial shall have priority and shall be tried on the date assigned. If a prior trial conflict exists, the date of scheduling shall be stated in the motion. Criminal cases shall have priority over civil cases.

The granting of any request for continuance shall be a matter within the discretion of the court. Consent of opposing parties or counsel shall not, in and of itself, constitute good cause. No continuance shall be granted without first setting a definite date of trial or hearing. An entry may accompany a motion for continuance with signature of opposing counsel if agreed upon.

If a designated trial attorney has such a number of cases assigned for trial in this Court so as to cause undue delay in the disposition of such cases, the Administrative Judge may summon such trial attorney who persistently requests continuances and extensions to warn the attorney of the possibilities of sanctions and to encourage the attorney to make necessary adjustments in the management of their practice. Where such measures fail, restrictions may properly be imposed by the Administrative Judge on the number of cases in which the attorney may participate at any one time.

RULE 12
MOTION PRACTICE

All motions, except those normally made at a trial, shall be in writing, signed by the party or counsel making the motion, served on opposing counsel or party, and made within the applicable time limits.

All motions for a definite statement and all motions to strike shall set out the language, in full, sought to be stricken or claimed to be indefinite. In a motion to suppress, the items of evidence in question shall be specified.

Motions interposed under Civil Rules 12, 37, 41(B)(1), 42, 50(B), 56, 59, 60(B) and 65(A), and pretrial motions timely filed under the Criminal and Traffic rules, shall be scheduled for hearing before the Court. A party filing such a motion shall obtain a date for hearing from the Assignment Commissioner or the court, and shall promptly notify the other parties to the action.

All other motions will not be set for hearing except as required by law, or as the Court, in its discretion, orders. A party desiring an oral hearing shall request the same in a clearly identifiable portion of the motion.

A party filing a motion, not required to be scheduled for hearing pursuant to this Rule, shall submit a proposed entry at the time of filing of the motion.

Unless otherwise defined by statute or rule of procedure, or pursuant to a schedule established by the court, parties wishing to file a written response to a motion shall do so no later than fourteen (14) days following service of the motion or three (3) days prior to the oral hearing date, if one is scheduled, whichever is earlier. When a motion is set for hearing, the Court shall advise the parties to the action of the date and time of the hearing.

Any motion not filed in compliance with this Rule may be summarily dismissed.

RULE 13

~~**DEPOSITS FOR COSTS – CIVIL CASES**~~

~~Unless waived by this Rule, no civil action or proceeding shall be accepted for filing by the Clerk of the Court unless there is deposited a sum of money set forth in the Schedule of Deposits as~~

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~~appended to these Rules (Appendix “C”) as amended by this Court. A copy of such schedule shall be made available by request to the Clerk of Court and shall be placed on the court’s website. The Clerk may, in a case where the deposit of costs is insufficient, require additional security if deemed necessary.~~

~~In the event that a party wishing to file an action in this Court is indigent, the party or his counsel shall file an Affidavit of Indigency. The Clerk shall submit such affidavit to a magistrate or judge for review before accepting any pleadings for the filing. Upon finding that such indigency does exist, the deposit by that party shall be waived.~~

~~Where a jury demand is filed in a civil case, the demanding party shall pay the fee established by the court at the time of filing their demand. For good cause shown, this deadline may be extended by the magistrate or judge assigned to the case. Failure of the parties to timely comply with this provision shall be deemed a waiver of the jury demand.~~

~~Notice to the Court of withdrawal of a jury demand shall be made to the Court no later than seven (7) days prior to the date of a jury trial. In the event a party or counsel fails to comply with this Rule, or if the case is settled or dismissed prior to trial and notice is not made to the Court at least seven (7) days in advance of the commencement of the trial, the requesting party shall bear the costs of juror fees incurred if a panel of jurors appears for service, unless such failure to comply is a result of an extreme emergency or conditions beyond the control of the party or his/her counsel, and such compliance is waived by the Court.~~

RULE ~~1413~~

COURT COSTS AND FEES

Costs and fees shall be assessed in accordance with the Schedule of Deposits and Costs published by the Clerk of Courts and as amended from time to time by the Court.

In criminal and traffic cases, if a defendant is charged with more than one offense arising out of the same act or transaction or series of acts or transactions, and one or more but not all of the offenses charged are felonies, the felonies shall be given one case number and the misdemeanors a separate case number. The basic cost identified in the Schedule of Deposits and Costs shall be charged ~~once~~ for the felonies, and ~~once~~ for the misdemeanors, and ~~additional~~ costs

shall be charged as determined by the Court and included in the Schedule of Costs.

In all other criminal and traffic cases, if a defendant is charged with more than one misdemeanor arising from the same act or transaction, or series of acts or transactions, the basic cost identified in the schedule of costs shall be charged ~~one~~ with respect to these misdemeanors, and an additional cost ~~shall~~ may be charged as determined by the Court and included in the Schedule of Costs.

RULE ~~15~~14

JURY DEMANDS AND WAIVERS

Any party filing a jury demand shall include a motion to continue a prior scheduled non-jury hearing with certificate of service to all parties. A party may file a withdrawal of jury demand in a civil case. The withdrawal must include written consent of all parties and a motion to continue any scheduled jury trial with a certificate of service to all parties.

RULE ~~16~~15

TRIAL BRIEFS AND PROPOSED JURY INSTRUCTIONS

In the event the Court determines that the issues in a particular action require it, the Court may require the parties or their counsel to file with the Court trial briefs and/or proposed jury instructions at least five (5) days before a trial is to commence. Counsel for the parties shall submit with proposed jury instructions citations of authority for any such instructions.

RULE ~~17~~16

VIEWS

A request for a view by a judge or jury will be made at the time of the pretrial conference.

RULE ~~18~~17

COURT ~~REPORTER~~STENOGRAPHER -RECORDING OF ALL PROCEEDINGS

The official record of this Court shall be taken by ~~digital~~ audio electronic recording. ~~If a party desires a court reporter, the party must make their own arrangements for the presence and payment of the court reporter. In the event that such a record is taken, however, it shall not be an~~

~~official record of the proceedings, nor shall it be represented or certified as such, unless so designated in advance by the court.~~

A party appealing a decision of a trial court shall file a praecipe advising the Court what portion(s) of the record he/she wishes transcribed. If the party wishes a typewritten transcript, then payment arrangements shall be made with a certified court ~~reporter stenographer~~ who will certify the typewritten transcript. Subject to prior certification by the Court, a party may make arrangements with another to provide a typewritten transcription.

All ~~digital~~ audio electronic recordings will be maintained on file for a period of one year. These will be deleted after one year unless an appeal is pending and a request is filed with the Court requesting that the recording be maintained for a longer period of time.

RULE ~~19~~18

ASSIGNED JUDGE PROCEDURE

All cases shall be assigned to an individual judge or to a particular session of court in accordance with Sup. R. 36 and Local Rule ~~19~~20. The assignment of individual judges shall be accomplished in compliance with Sup. R. 36.

One of the judges of the Court may be substituted for another judge of the Court when the assigned judge is unavailable for any reason including illness and a scheduling conflict. Where related cases are assigned to different judges, and consolidation is appropriate, a judge may transfer one or more of the related cases to the judge having the lowest case number for trial. Before transferring the case(s), the consent of the transferee judge shall be obtained by an endorsement on the proposed entry consolidating the cases.

Where necessary or proper, a judge may disqualify himself/herself from a particular case. In those circumstances, an entry shall be prepared and signed by the Administrative Judge transferring the case to another judge of the Court, to be selected in accordance with Sup. R. 36

Where a case is returned on an appeal for further review or action by the Municipal Court, the case file shall be submitted for review to the originally assigned judge for proper disposition.

If a case has been individually assigned to a judge and a warrant is issued, upon recall of the warrant or establishment of bond, the matter shall be rescheduled to the assigned judge.

All probation violation cases shall be assigned to the judge who imposed the original sentence. When more than one judge has been assigned to the same defendant on more than one case, the probation violations shall be heard by the judge presiding over the case with the lowest case number. If the defendant has been charged with new offenses, the judge assigned to the new case may adjudicate the probation violation subject to the agreement of the State, Defendant, and both judges.

A motion for new trial, for judgment notwithstanding verdict or for relief from a judgment or Order shall be heard by the judge who rendered the judgment or Order from which relief is sought.

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RULE ~~1920~~
REFILING OF CASES

In any instance where a previously filed and dismissed case is refiled, that case shall be referred to the Assignment Commissioner for scheduling and shall be assigned to the judge originally assigned to hear it, unless for good cause that judge is precluded from hearing the case. In a criminal/traffic case, the complainant in such case shall indicate to the Clerk, upon refileing, that the complaint was previously filed and dismissed, and the Clerk shall so advise the Assignment Commissioner.

RULE ~~2120~~
MAGISTRATES

A Magistrate may be appointed by the Administrative Judge and shall have all of the authority and powers set forth in the applicable Rules of Procedure, statutes, and this court's general order of reference.

The Court may, from time to time, establish forms for the Magistrate's report on various types of cases which will be used by the Magistrate.

When a party asserts an error any of the factual findings of the Magistrate, and a copy of all relevant portions of the transcript is not filed with the objections, a statement shall be included that a transcript was ordered and the approximate date when the transcript will be provided. An affidavit in lieu of a transcript will only be accepted when no digital audio electronic recording is available of a hearing to allow for the making of a transcript.

RULE 22

CLERK OF COURT

~~The Clerk of the Municipal Court shall promptly file, index and preserve, in appropriate case folders, all entries, notices, and other papers delivered to him for that purpose in every action or proceeding. The original papers or depositions shall not be removed from the Clerk's office, except for submission to the Court for consideration in proceedings, on a written order of the Court, or to an appellate court upon appeal. If a folder has been removed to a judge's chamber from the Clerk's Office, the clerk shall promptly deliver to such judge additional papers filed in such cases.~~

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~~The Clerk shall keep and have in his/her custody the following records:~~

~~1. Dockets which shall be separated into a civil docket, a small claims docket, a traffic docket, a criminal docket, an execution docket, and a trusteeship docket. Each docket shall list all cases filed within the particular classification, serially in order of filing, and as to each case shall state the number and title by Plaintiff and Defendant of each case, names of counsel, counsel's Supreme Court or pro hac vice number, the date of filing, the nature of the charge(s) or claim(s), and a summary of all proceedings had therein, properly dated and referencing each motion or pleading, service or process, return notice, report, order, verdict, entry, or other proceeding of the Court.~~

~~2. A bond docket in which shall be entered the originals of all bonds given to stay execution, as well as bonds given by any party for any purpose in connection with a case pending in this Court, with a proper index thereof.~~

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~~3. A journal in which shall be recorded the orders of the Court, entered in chronological sequence.~~

~~4. A "summary sheet" which shall be printed on each file folder and shall include the following:~~

- ~~— a. Names and addresses of counsel;~~
- ~~— b. Names and addresses of parties;~~
- ~~— c. In criminal and traffic cases, the name and address of the arresting officer or private complainant;~~

~~—d. A notation of each order and judgment of the Court.~~

~~Such additional information shall be included on this Court “summary sheet” as is deemed pertinent by the Clerk of Court or the judge.~~

~~5. One or more General Indices giving the name of each Plaintiff (in civil cases only) and each defendant.~~

~~6. One or more cash books which shall be in such form as is approved by the Bureau of Inspection of State Offices, and shall show a separate line of entries for each case or proceeding in which funds are collected by the Clerk, shall show the distribution of such funds received, the number of the receipt given therefor, and the number of the check or voucher disbursing funds. All records and transcripts of this Court shall be authenticated over the signature of the Clerk and the presiding judge, or in his/her absence, a judge designated by the presiding judge, with the seal of the Court attached.~~

~~The Clerk shall, in addition to his/her statutory duties, prepare and/or issue, at the request of a judge assigned to a case, and upon such terms and conditions as are outlined by the judge, notices, letters, warrants, demands, or other documents pertaining to the case. The judges of the Court may prescribe forms to be used in the preparation of such notices, letters, warrants, demands, or other documents.~~

RULE 21

FORMS

The court may develop standardized forms for the convenience and use of the court, attorneys, and parties to an action. The Clerk of Courts shall make those forms available on the court’s website.

RULE 2322

PUBLICATION OF COURT NOTICES

The Clerk of Court is authorized to publish notices authorized by the Court or by law in any newspaper of general circulation in the County of Clermont.

Unless waived by order of the Court for indigency or hardship, upon filing of a praecipe for publication of notice in a particular cause of action, the party filing such request shall deposit with the Clerk of Court security for the costs of such publication as set forth in the Schedule of Deposits established from time to time by the Court. The party shall not publish the notice until such deposit has been received.

RULE 23

JURY USE AND MANAGEMENT PLAN

All jury trials shall be heard by the judges of this court. Upon the filing of a jury demand, the magistrate shall transfer the case to the docket of the assigned judge for a formal pretrial conference after disposing of all preliminary matters.

The responsibility for administration of the jury system shall be vested in the Clermont County Jury Commissioner. The Jury Commissioner shall be responsible for the selection of potential jurors from the public at large, determination of eligibility, notification, compensation, and assignment to the Municipal Court. All procedures concerning jury selection and service should be governed by Ohio Rules of the Court.

The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques shall be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

Voir dire examination shall be limited to matters relevant to determining the jurors fairness and impartiality. Basic background information regarding panel members will be made available to counsel for each party. The court may conduct a preliminary voir dire examination of the jurors. Counsel will then be permitted to voir dire panel members.

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The court shall ensure that the privacy of prospective jurors is reasonably protected, and questioning is consistent with the purpose of the voir dire process.

If the court determines that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual may be removed from the panel. Such a determination may be made on motion of counsel or by the court.

Jury deliberations shall take place under conditions that are designed to ensure impartiality and to enhance rational decision making. The court shall instruct the jury concerning appropriate procedures to be followed during deliberations. A jury shall not be required to deliberate after a reasonable hour unless the court determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.

The jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences. The trial Judge shall have the discretion to sequester a jury on the motion of Counsel or on the Judge's initiative and shall have the responsibility to oversee the conditions of the sequestration. The court shall ensure that training is provided to personnel who escort and assist jurors during sequestration.

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RULE ~~24~~24
CONDUCT IN FACILITY

No smoking is permitted in a courtroom or the court facilities under any circumstances.

No eating or drinking is permitted in a courtroom or the court facilities, without the express permission of the judge or magistrate. Counsel and parties shall be dressed appropriately for all court appearances.

RULE ~~25~~25

COURTHOUSE SECURITY

No person shall enter areas marked “Court Personnel Only” without prior authorization of any court personnel authorized to permit such entry.

RULE 2626

COURT RECORD RETENTION POLICY

All dockets, indexes, journals, and cash books of the Court shall be retained and preserved by the Court in a manner consistent with Sup. R. 26. Court docket, indexes, journals, cash books, and all other court records shall also be subject to destruction or other disposition.

RULE 27

SUPREME COURT FILING

~~In accordance with the Ohio Rules of Superintendence, these rules of local practice shall be filed with the Supreme Court of the State of Ohio along with any amendments hereto.~~

RULE 2827

PUBLICATION OF LOCAL RULES

The Clerk of Clermont County Municipal 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 costs of production. The Clerk shall make a copy of these rules available on its website.

CIVIL RULES

RULE 2829

CLASSIFICATION FORM

The plaintiff(s), or counsel for the plaintiff(s), shall, when filing a civil complaint, attach a completed Classification form indicating the classification into which the case falls and all other information which may be requested on the Classification form. ~~A copy of the Classification form is appended to these rules as Appendix “D”.~~

RULE ~~3029~~

CASE MANAGEMENT IN CIVIL CASES

Sufficient copies of pleadings shall be filed with the Clerk to accomplish service of process, if required. Summons shall be served in accordance with Ohio Rules of Civil Procedure.

The Clerk of Court shall accept service of process methods as outlined in Civ. R. 4.1 and include “virtual” service of process through the U.S. Post Office’s eCertified mail. All service of process of complaints or other documents served with virtual services are subject to review and/or challenge as further outlined in Civ. R. 4.1 with confirmation of service of process data being made available through the Clerk’s office.

In the event there is a failure of service, the clerk shall notify the party or counsel immediately. If no action is taken within sixty (60) days thereafter, the Clerk shall notify the party or counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary. The action shall be set for an informal pretrial conference within thirty (30) days after an answer or other responsive pleading is filed by at least one defendant.

After any responsive pleading or motion is filed, the Clerk shall immediately forward said pleading or motion and file to the Assignment Commissioner for scheduling and/or submission to the judge for a ruling.

If no action has been taken on a case for a six (6) month period, and the case is not set for trial, then the Clerk shall set the matter for report/dismissal and notify all parties or their counsel of the report/dismissal and inform them that their failure to appear may result in a dismissal of the action without prejudice.

When a file has been marked “entry to be submitted” and the entry has not been received within thirty (30) days, then the Clerk shall set the matter for report and notify all parties or their counsel of the report and inform them that their failure to appear may result in a dismissal of the action without prejudice.

The court may refer any matter to a magistrate to conduct a settlement conference or to a private organization for participation in alternative dispute resolution activities. The cost of participation shall be borne by the parties.

RULE 30

DEPOSITS FOR COSTS

Unless waived by this Rule, no civil action or proceeding shall be accepted for filing by the Clerk of the Court unless there is deposited a sum of money set forth in the Schedule of Deposits as amended by this Court. A copy of such schedule shall be made available by request to the Clerk of Court and shall be placed on the court's website. The Clerk may, in a case where the deposit of costs is insufficient, require additional security if deemed necessary.

In the event that a party wishing to file an action in this Court is indigent, the party or his counsel shall file an Affidavit of Indigency. The Clerk shall submit such affidavit to a magistrate or judge for review before accepting any pleadings for the filing. Upon finding that such indigency does exist, the deposit by that party shall be waived.

Where a jury demand is filed in a civil case, the demanding party shall pay the fee established by the court at the time of filing their demand. For good cause shown, this deadline may be extended by the magistrate or judge assigned to the case. Failure of the parties to timely comply with this provision shall be deemed a waiver of the jury demand.

Notice to the Court of withdrawal of a jury demand shall be made to the Court no later than seven (7) days prior to the date of a jury trial. In the event a party or counsel fails to comply with this Rule, or if the case is settled or dismissed prior to trial and notice is not made to the Court at least seven (7) days in advance of the commencement of the trial, the requesting party shall bear the costs of juror fees incurred if a panel of jurors appears for service, unless such failure to comply is a result of an extreme emergency or conditions beyond the control of the party or his/her counsel, and such compliance is waived by the Court.

RULE ~~30~~31

CIVIL PRETRIALS

A Pretrial Conference shall be conducted in civil cases where an answer has been filed, except in forcible entry and detainer actions, small claims, and Bureau of Motor Vehicle license suspension appeals, unless waived by the Court. A Pretrial Conference will be scheduled by the

Assignment Commissioner within ninety (90) days of completion of the pleadings. All parties or their counsel are encouraged to have a preliminary conference before any Pretrial Conference at which time they will inspect exhibits, arrive at all possible stipulations and fully explore the question of settlement.

Subsequent to the completion of a Pretrial Conference, the Court may enter upon the record a Pretrial Order embracing all stipulations, admissions, and other matters which have come before the Court. The Court may require a pretrial memorandum of law and/or proposed jury instructions, where applicable, and may request that the Pretrial Order be prepared and submitted by the parties.

For the purpose of this Rule, a “Pretrial Conference” is defined as a court-supervised conference designed to help produce an amicable settlement; to establish the procedure to be followed in the case; to establish time limits to be observed in the case pertaining to discovery and other matters; to establish procedures to inform the Court as to the law and as to jury instructions; and to limit the issues at trial. A Pretrial Conference may be formal or informal.

Informal Pretrial Conference

The Court may, in its discretion, conduct one or several ~~Informal~~ Pretrial Conference(s) by telephone provided that every statement is audible to every person. Each party is responsible for its own long distance or other fees associated with their appearance. A party’s failure to appear may result in a dismissal of the action or counterclaim and/or a finding that the party or its counsel is in contempt of court.

Formal Pretrial Conference

The court in its discretion may order the parties to appear in person at a Formal Pretrial Conference. Upon scheduling of a Formal Pretrial Conference, each party shall, at least three (3) days before the conference, present the Court in writing with a statement of:

1. The issues involved;
2. Whether or not a jury trial previously demanded will be waived, and if not, the number of jurors demanded;
3. Whether the case is one where the issue of liability should be tried separately with a subsequent trial on the issue of damages, if liability be found;
4. Any discovery difficulty;

5. List of exhibits;
6. Itemization of special damages;
7. Witness list;
8. Whether a view is requested;
9. Other matters which are expected to be involved in the case.

Counsel will have in their Pretrial statements a list of all witnesses they expect to call or testify. In the absence of reasonable notice to opposing counsel of additions to this list, only those witnesses listed in the Pretrial statement, or Pretrial Order issued by the Court, will be permitted to testify at the trial. The only exception will be witnesses solely for the purpose of impeachment, rebuttal or other witnesses permitted to be called upon the showing of good cause.

All Pretrial statements must contain certificates of service.

Each counsel shall bring to a formal Pretrial Conference all exhibits which are expected to be offered as evidence at the trial. Except for good cause shown, the Court will not permit the introduction of any exhibits unless they have been listed in the Pretrial statement, or Pretrial Order issued by the Court, with the exception of exhibits solely to be used for the purpose of impeachment.

Upon the failure of a party to appear at a Pretrial Conference or otherwise comply in any respect to this Rule, and any Order made pursuant thereto, the Court may make such Order as deemed appropriate under the circumstances, including, but not limited to dismissal of a cause of action for lack of prosecution, a hearing on whether the non-complying party shall be held in contempt of court, and/or an ex parte proceeding for the party in compliance.

At the completion of a Pretrial Conference, a trial date shall be scheduled by the assigned judge unless another Pretrial Conference or a motion hearing is scheduled at that time.

SPECIAL CIVIL PROCEEDINGS

RULE ~~3232~~

TIME LIMITS; APPLICABILITY OF CIVIL RULES

Cases that have time limits established by the Ohio Revised Code and the Ohio Rules of Civil Procedure shall be set for hearing within those time limits. In all other special proceedings, a case shall be set for a hearing within a reasonable time not to exceed six (6) months.

The Civil Rules pertaining to case management in civil proceedings shall also apply to special civil proceedings, including provisions for notice of service, dismissal of an action, submission of entries, notification of the judge upon filing of a responsive pleading and other such provisions.

RULE ~~3333~~

FORCIBLE ENTRY AND DETAINER

Actions in forcible entry and detainer shall be filed and proceedings conducted in accordance with the provisions of Ohio Revised Code and case law. A complaint in forcible entry and detainer shall state the reason for the eviction, and plaintiff shall include copies of the required notice(s) and a copy of any written instrument upon which the claim is based as attachments to the complaint. If an action in forcible entry and detainer contains an additional cause of action for money, then the court shall schedule a separate hearing on the additional cause of action.

The plaintiff's failure to appear on a claim for forcible entry and detainer may result in the dismissal of the claim, in addition to the dismissal of any other causes of action which are stated in the complaint. Trial by jury will be deemed waived unless demand is made and the appropriate deposit required by these rules is paid unless such deposit is waived pursuant to these Rules.

Once judgment has been entered ordering a defendant to vacate property, a writ of restitution for the premises shall be issued by the Clerk upon receipt of a praecipe requesting that said action be taken and upon deposit of the costs set forth in these Rules.

Should actual physical eviction of property be required pursuant to writ of restitution of premises, the Plaintiff shall arrange for sufficient equipment and workers to be present to accomplish the vacation under the supervision of a Deputy Sheriff.

An objection to a magistrate's decision shall not stay the issuance and execution of a writ of restitution. A defendant who seeks a stay shall file a motion with the court requesting a hearing on the matter by the assigned judge.

RULE ~~3434~~
RENT ESCROW

A tenant may initiate a rent escrow by filing a form supplied by the Clerk which shall include a statement that the tenant is current in his/her rent and has given the landlord written notice of the defect(s).

The tenant may apply to the Court for an order directing the landlord to remedy the condition(s); and/or using the rent deposited to remedy condition(s). The tenant shall, in his/her application specify the periodic rental due from the date of filing. The tenant must deposit any rent~~al~~ due, subject to reduction by order of the Court, on or before the due date.

The Clerk shall assign the rent escrow a case number and shall give written notice by certified mail to the landlord. Upon filing of an application by a landlord, a hearing shall be scheduled before a judge or magistrate, within the time allowed by law.

A one percent (1%) fee shall be charged as costs to be applied against all amounts escrowed and shall be assessed to the landlord unless the court directs otherwise.

RULE ~~35~~35
SMALL CLAIMS

Actions filed in the Small Claims Division of the Court shall be filed and proceedings had in accordance with provisions of the Ohio Revised Code and case law.

A plaintiff must file sufficient copies of any documents supporting his/her claim to allow for service of process and provide the current address of each defendant. The plaintiff may also file, at the time of filing the complaint, a request for regular mail service in the event of failure of certified mail service.

Upon failure of service on the defendant(s), the Clerk shall notify the party or counsel immediately. If no action is taken within sixty (60) days thereafter, the Clerk shall notify the party or counsel that the case will be dismissed unless good cause is shown to the contrary.

At any time before a trial is held on a small claims complaint the Court may, at the request of a party, or on its own motion, refer the parties to a conciliator for conciliation proceedings, if the Court determines that the parties have not previously attempted to settle their dispute, or if it appears that the matter might be reasonably resolved through conciliation. If the conciliation procedures are unsuccessful, this fact shall be reported to the Court and the matter shall then proceed to trial. If the conciliation procedures are successful, the case may be continued for report or be dismissed in accordance with the agreement reached between the parties.

No transfer to the regular docket of the Court will be permitted until filing costs are paid, unless waived by the Court pursuant to these rules.

If more than one attorney becomes involved with the case, the case shall be transferred to the regular docket of the Court.

RULE 36

REPLEVIN

~~Actions in replevin shall be filed and proceedings had in accordance with the provisions of the Ohio Revised Code and case law. If other causes of action or money judgment are included within the action for replevin complaint, then such causes shall be separately dated and numbered and processed under the applicable Ohio Rules of Civil Procedure.~~

RULE ~~37~~36

JUDGMENTS UPON WARRANT OF ATTORNEY TO CONFESS

Immediately upon entering a judgment by confession upon warrant of attorney, the attorney for plaintiff shall cause a praecipe to be filed with the Clerk of Court requesting a copy of the judgment entry to be forwarded to the defendant at the address shown in the complaint by certified mail, return receipt requested, in accordance with the -Ohio Revised Code and case law.

CRIMINAL RULES

RULE ~~38~~37

CASE MANAGEMENT-ARRAIGNMENT

Arraignment will be scheduled on the first working day after a physical arrest and lock up. Except in extraordinary cases, no case will be continued more than one time for arraignment.

A written “not guilty” plea may be entered prior to the date scheduled for arraignment. A written “not guilty” plea shall be made on the appropriate form. ~~appended as Appendix “E”.~~ Such plea shall be filed with the Court, and the person filing the not guilty plea shall obtain a hearing date from the Assignment Commissioner.

When filing written “not guilty” pleas on multiple charges, it is required that a plea form be signed and completed for each case. The plea form shall contain the following information:

1. Full name of defendant
2. Case number

If a written not guilty plea is entered in accordance with this rule, neither counsel nor the defendant need to appear at the scheduled arraignment. However, if a separate hearing is required to be scheduled, for review of license or bond, the appearance of counsel and/or defendant is not excused from this hearing.

RULE ~~39~~38

JURY DEMAND

All jury demands must be filed within the time limits established by the Ohio Rules of Criminal and/or Traffic Procedure and/or the Ohio Revised Code. A jury demand may be signed by counsel on behalf of a defendant. A jury demand shall be filed with the Clerk and shall be scheduled for Pretrial Conference.

A written jury demand is not required if the offense is “serious” as that term is used in the Ohio Rules of Criminal and/or Traffic Procedure.

No cash deposit for costs shall be required to accompany a demand for jury trial.

RULE ~~40~~39

APPEALS/TRANSFERS FROM MAYOR’S COURT

In any case originating from a Mayor’s Court, transferred for trial where a right to a jury trial exists, or appealed from the Mayor’s Court to this Court pursuant to statute, or transferred pursuant to R.C. 1905.032, the clerk of the mayor’s court shall present to the Court:

1. A notice of appeal or transfer;
2. The original traffic citation or criminal complaint and affidavit under which the Defendant was charged;
3. A docket statement, certified by the Mayor or the Mayor’s designated authority which shall serve as certified transcript of the proceedings in such Mayor’s Court, together with all papers filed in the case, every cost to date, the recognizance given and a copy of the ordinance section, including penalty section, under which the Defendant was charged.

All appeals or transfers shall be set on the arraignment docket.

RULE ~~41~~40
PRETRIAL DIVERSION/PRIVATE COMPLAINT
PROGRAM PROCEDURE

Before completing a complaint, affidavit and warrant, the Clerk of Court shall direct any private citizen wishing to “prosecute” another private citizen for alleged misdemeanor offense to the private complaint program for further prosecutorial review, unless the offense involves domestic violence and there is no one available within the private complaint program to review the complaint.

If the private complaint program is unavailable to develop a solution satisfactory to the parties involved, or if the nature of the offense or other circumstances make processing of the case through the private complaint program unadvisable, the prosecutor may make a recommendation for warrant issuance to the Clerk, or alternatively, the prosecutor may recommend that a probable cause hearing be scheduled before a judge or magistrate of the Court. The Clerk of Court shall complete a complaint, affidavit, and warrant in a case in which a warrant referral form has been issued by a prosecutor indicating that the case was initially screened by the private complaint program and stating the specific reason why the case is being referred for warrant issuance. Where there has been a recommendation for probable cause hearing, the Clerk of Court shall schedule a probable cause hearing on an arraignment docket before a judge or magistrate of the Court.

Private citizen cases which reach the Court without a program hearing may be referred back to the program with the consent of all parties at the discretion of the judge in accordance with the following procedures:

1. Referral from Arraignment
 - A. No plea will be taken;
 - B. Arraignment will be continued for one month;
 - C. The defendant and complainant, if present, will be directed to schedule a program hearing to attempt an out-of-court settlement;
 - D. A protection order or bond hearing will be held where appropriate and any necessary entry made;
 - E. The defendant and the complainant, if present will receive a referral slip and

proceed immediately to the private complaint program office;

F. The defendant shall execute a waiver of time limitations for the period of referral.

2. Referral from post-arraignment proceedings. The same procedure will be followed as with referral from arraignment, except that a report hearing shall be scheduled.

3. Reappearance at arraignment or trial court following a program hearing.

On the reappearance day, the prosecutor will report to the Court the results of the mediation hearing.

A. If the parties have resolved their dispute, the Prosecutor will present to the Court a statement of voluntary settlement signed by both parties for inclusion in the case jacket.

B. If, for any reason, the complainant requests a dismissal of charges, the Prosecutor will present to the Court such a request signed by the complainant for inclusion in the case jacket.

C. The Court will take note of the Prosecutor's report and proceed with or dispose of the case as it deems appropriate.

RULE 4241

CASE MANAGEMENT—PLEA OR TRIAL SETTING PRETRIAL CONFERENCE

No case, with the exception of a minor misdemeanor case, shall be scheduled for trial without first being scheduled either for a plea or trial setting or pretrial conference, unless the Defendant is represented by, or waives his/her right to, counsel and requests the immediate scheduling of a trial to the Court or the assigned judge directs the immediate scheduling of the case for trial.

Unless a pretrial conference is requested, or counsel files a jury demand, a case shall be scheduled for plea or trial setting within twenty-one (21) days (1 week if the Defendant is confined), unless there is a time waiver, or unless the judge directs otherwise. Without prior approval from the assigned judge, no plea or trial setting shall be scheduled more than six (6) weeks from the date of arraignment. At the plea or trial setting, if the case is not concluded, the case shall be scheduled by the Judge, Magistrate, or Assignment Commissioner for a subsequent hearing.

A pretrial conference shall not be scheduled except upon request or if the judge so directs.

The filing of a jury demand by counsel for a Defendant shall be construed to include a request for pretrial conference. Pretrial conferences shall be scheduled within fifteen (15) days of the arraignment unless there is a time waiver, or the judge otherwise directs. Without prior approval from the assigned judge, no initial pretrial conference shall be scheduled more than six (6) weeks from the date of arraignment.

Unless the assigned judge otherwise directs, the defendant, counsel for the defendant, private complainant, and prosecutor who will try the case shall be present at the pretrial conference.

If a case is not concluded at a pretrial conference, the case shall be scheduled for an appropriate hearing by the assigned judge.

If a jury demand has been timely filed, no case shall be scheduled for a bench trial, unless a waiver of jury trial is signed by the defendant and counsel, if applicable, and filed with the Clerk.

RULE ~~43~~42

**CASE MANAGEMENT-TRIAL, MOTION HEARINGS
AND SENTENCING**

In scheduling a case for hearing on a motion, trial to the court, or a trial to a jury, it shall be the responsibility of counsel to advise the court or the Assignment Commissioner of the estimated time required for the hearing or trial, if the time required will be more than fifteen (15) minutes.

Based on the number of cases scheduled for jury trials, and the need to resolve cases within the time limits specified in the Ohio Revised Code and the Rules of Superintendence, it may be necessary to schedule more than one case for trial to a jury on a given day. In such event, it shall be assumed that each case will proceed to trial on that day, and counsel and parties shall prepare accordingly. In the event more than one case remains unresolved seventy-two (72) hours prior to the time for commencement of a jury trial, the judge shall, in order to minimize inconvenience to parties, attorneys and witnesses, designate which case shall be tried on that date. The Assignment Commissioner shall then notify counsel and unrepresented parties to any other case scheduled for trial on that date, that their case is being continued due to a crowded trial

docket. At the same time, the Assignment Commissioner shall notify the counsel and unrepresented parties to this case of the trial date(s).

Upon a finding of guilty, sentencing shall occur within seven (7) days from trial, if no pre-sentence investigation is requested, or, in the case of a pre-sentence investigation, within forty-two (42) days. The Court may extend these time limits for good cause shown.

RULE 443

APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS

When it appears to the Court that an accused in a traffic or criminal case is indigent and cannot be represented by a public defender because of a conflict of interest, the Court may appoint an attorney from the approved counsel list to represent the defendant in a criminal case. Generally, the appointments shall be made sequentially from the list. However, the court may consider the skill and expertise of the attorney when making its selection. The court shall review appointments at least annually to ensure an equitable distribution of appointments among persons on the list.

The attorney master list of the appointed counsel program and the qualifications therefore shall be created by the court and shall be maintained by the Clerk of Court. Any eligible attorney whose name does not appear on the master list may have his name added upon request to the Clerk. The attorney is responsible for obtaining and maintaining eligibility.

An attorney appointed to represent an indigent defendant shall submit his/her request for payment, on a form approved by the Court, within thirty (30) days after the termination of the case. Any failure to comply with this requirement may result in a disallowance of the request, to the extent that the compensation would be subject to reimbursement by the State Public Defender's Office.

RULE 445

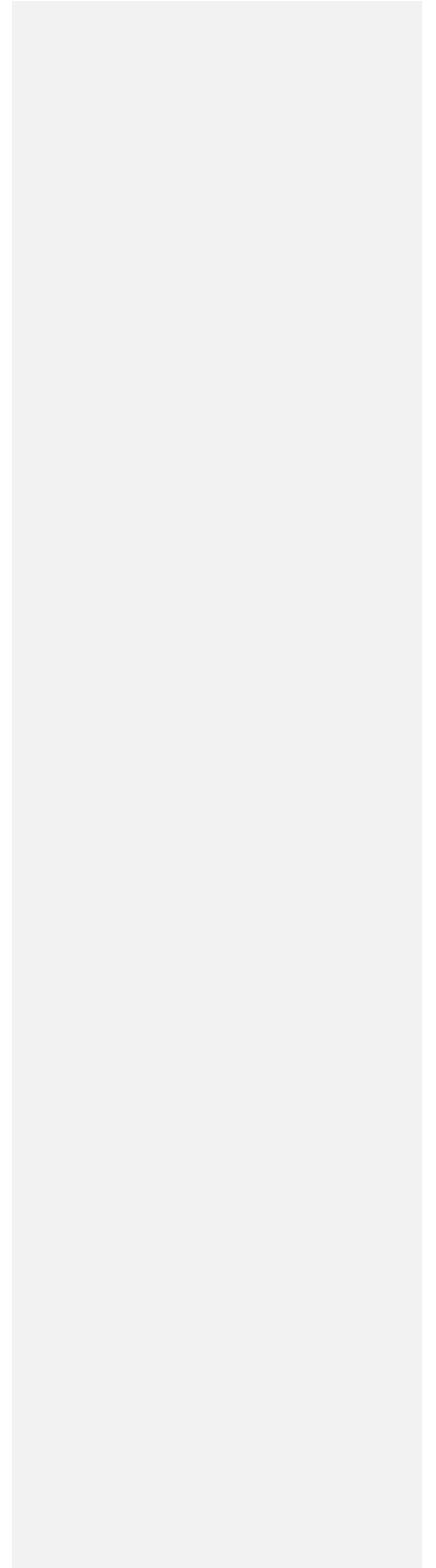
VIOLATIONS BUREAU

A Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13 with authority to process and dispose of those traffic offenses for which no court appearance is required by law or Court. In accordance with Ohio Criminal Rule 4.1, there is hereby established

a Minor Misdemeanor Violations Bureau, for which no court appearance is required by law. A schedule of fines shall be established from time to time by this Court and shall be posted in the Clerk's Office. The judges of the Court may prescribe statistical forms to be used in the reporting of cases processed through the Bureau.

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SPECIAL CRIMINAL PROCEEDINGS

RULE ~~46~~45

CASE MANAGEMENT-SPECIAL CRIMINAL PROCEEDINGS

The purpose of this rule is to establish, pursuant to Sup.R. 5 (formerly M.C. Sup. R. 18), a case management system for special criminal proceedings to achieve a prompt and fair disposition of these matters. Examples of special criminal proceedings include probation violations, contempt hearings, preliminary hearings, extradition hearings, and bond hearings.

A case that has a time limit established by the Ohio Revised Code or the Ohio Rules of Criminal Procedure shall be set for hearing within these time limits. In all other special proceedings a case shall be set for hearing within a reasonable time, not to exceed ninety (90) days unless, upon the request of the defendant or for other good cause, the Court extends this time limit.

When a defendant is charged with one or more misdemeanor offenses, together with one or more felony offenses, the misdemeanor offense(s) shall be scheduled for plea or trial setting at the same time, and before the same judge, as the preliminary hearing on the felony charge(s), if the offenses are of the same or similar character, or based on the same act or transaction, or are based on two (2) or more acts or transactions connected together or constituting parts of a common scheme or plan, or are part of a course of criminal conduct. Upon the dismissal or bind over of the felony charge(s), if there has been no resolution of the misdemeanor charge(s), the case(s) involving misdemeanor charges shall be ~~assigned to a judge and~~ scheduled for appropriate hearing before the same judge.

RULE ~~47~~46

CONCURRE~~E~~ANT SUPERVISION WITH THE CLERMONT COUNTY COURT OF COMMON PLEAS

For individuals placed on reporting community control in both the Clermont County Municipal Court and the Clermont County Court of Common Pleas, the probation departments of

both courts shall confer to determine if resources can be conserved by having one probation officer supervise the offender's compliance with the sentences imposed by both courts. If the Common Pleas Adult Probation Department and Municipal Court Adult Probation Department agree that only one department should supervise the offender, and further agree on which department should provide said supervision, then their joint recommendation shall be presented to the original sentencing Judges in both Common Pleas and Municipal Courts. If, upon consideration of the factors set forth in R.C. 2951.022(C), both judges agree with the recommendation of the Probation Departments to consolidate supervision, said supervision shall be consolidated per the agreement and this fact journalized by an Entry.

If, upon consideration of the factors set forth in R.C. 2951.022(C), either sentencing judge objects to the consolidation of supervision, the consolidation shall not occur, and the offender shall be supervised by both probation departments.

Individuals placed on court monitored, non-reporting community control in Clermont County Municipal Court shall remain subject to the Clermont County Municipal Court's monitoring of compliance with the sanctions imposed. No offender placed on court monitored, non-reporting community control in Municipal Court shall have their supervision transferred to the Common Pleas Adult Probation Program.

RULE 48

CLERMONT COUNTY MUNICIPAL COURT

JURY USE AND MANAGEMENT PLAN

- I. **Opportunity for Services**
 - A. ~~The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.~~
 - B. ~~Jury service is an obligation of all qualified citizens of Clermont County, Ohio.~~
- II. **Jury Source List**
 - A. ~~Pursuant to Court Order, the jury source list~~

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~~shall be obtained from the Board of Elections' list of registered voters. The Court shall designate a key number based on the total number of registered voters and the number of jurors needed for a year of service. The Jury Commissioners shall then receive a computer printout from the Board of Elections (for example, every 14th name).~~

~~B. The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.~~

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~~C. The Court shall annually review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.~~

~~D. Should the Court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.~~

~~III. Random Selection Procedures~~

~~A. The jury source list from the Board of Elections shall be printed out on a computer list which has printed jurors' names at random.~~

~~B. Departures from the principle of random selection are appropriate only to comply with lawful exception.~~

~~IV. Eligibility for Jury Service~~

~~A. All persons shall be eligible for jury service except those who:~~

- ~~1. Are less than eighteen years of age;~~
- ~~2. Are not citizens of the United States;~~
- ~~3. Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Clermont County.~~
- ~~4. Are not able to communicate in the English language; or~~
- ~~5. Have been convicted of a felony and have not had their civil rights restored.~~

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~~V. Term and Availability of Jury Service~~

~~A. The time that persons are called upon to perform jury service and to be available would be the shortest period consistent with the needs of justice.~~

~~B. Jurors shall be "on call" for a one week period.~~

~~They do not report every day. The Assignment Office has implemented a telephone system whereby jurors can call either a local number or a toll free number to hear a message which informs them as to whether they are still needed for jury service.~~

~~VI. Exemption, Excuse, and Deferral~~

~~A. All automatic excuses or exemptions from jury service, with the exception of statutory exemption, are eliminated.~~

~~B. Prospective jurors may be excused for the following reasons: over age 70 and requests to be excused; financial hardship; personal or family illness; child care hardship. Prospective jurors are rescheduled for the following reasons: vacation; employment hardship; or student.~~

~~C. Deferrals for jury service for reasonable short periods of time may be permitted by a judge or specifically authorized court official.~~

~~D. Requests for excuses and deferrals and their disposition shall be written or otherwise made or recorded.~~

~~VII. Voir Dire~~

~~A. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.~~

~~B. To reduce the time required for voir dire, basic background information regarding panel members should be made available to counsel in writing for each party on the day on which jury selection is to begin.~~

~~C. The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.~~

~~D. The judge should ensure that the privacy of prospective jurors is reasonably protected, and that the questioning is consistent with the purpose of the voir dire process.~~

~~E. In civil and criminal cases, the voir dire process shall be held on the record.~~

~~VIII. Removal from Jury Panel for Cause~~

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~~If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.~~

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~~IX. Peremptory Challenges~~

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~~Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.~~

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~~X. Administration of the Jury System~~

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~~A. The responsibility for administration of the jury system shall be vested in the Clermont County Jury Commissioner.~~

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~~B. All procedures concerning jury selection and service should be governed by Ohio Rules of the Court.~~

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~~XI. Notification and Summoning Procedures~~

~~A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be:~~

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- ~~1. Combined in a single document;~~
- ~~2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and~~
- ~~3. Delivered by ordinary mail.~~

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~~B. A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.~~

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~~C. The jury questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:~~

- ~~1. Determining whether a person meets the criteria for eligibility;~~
- ~~2. Providing basic background information ordinarily sought during voir dire examination; and~~
- ~~3. Efficiently managing the jury system.~~

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~~D. Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.~~

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~~E. Jurors who fail to report for service are scheduled for a contempt hearing to inform the judge as to why they did not appear. Sanctions are imposed as warranted.~~

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~~XII. Monitoring the Jury System~~

~~The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:~~

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~~A. The representativeness and inclusiveness of the jury source list;~~

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~~B. The effectiveness of qualification and summoning procedures;~~

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~~C. The responsiveness of individual citizens to jury duty summons;~~

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~~D. The efficient use of jurors; and~~

~~E. The cost effectiveness of the jury management system.~~

~~XIII. Juror Use~~

~~A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.~~

~~B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for the jury duty and the number assigned to jury panels.~~

~~XIV. Jury Facilities~~

~~A. The Court shall provide an adequate and suitable environment for jurors.~~

~~B. The entrance and registration shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.~~

~~C. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.~~

~~XV. Juror Compensation~~

~~A. Persons called for jury service should receive a reasonable fee for their service and expenses pursuant to statutory authority.~~

~~B. Such fees shall be paid promptly.~~

~~C. Employers SHALL be prohibited from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.~~

~~XVI. Juror Orientation and Instruction~~

~~A. The Court shall have an orientation program designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors.~~

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~~B. The Court shall provide some form of orientation or instruction to persons called for jury service.~~

~~C. The trial judge should:~~

~~1. Give the preliminary instructions to all prospective jurors;~~

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~~2. Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed and the basic relevant legal principles;~~

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~~3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions may be made available to the jurors during deliberations.~~

~~4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system.~~

~~5. Before dismissing a jury at the conclusion of a case the trial judge should:~~

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~~a. Release the jurors from their duty of confidentiality;~~

~~b. Explain their rights regarding inquiries from counsel or the press;~~

~~c. Either advise them that they are discharged from service or specify where they must report; and~~

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~~d. Express appreciation to the jurors for their service, but not express approval of disapproval of the result of the deliberation.~~

~~D. All communications between the judge and members of the jury panel from time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and be given the opportunity to be heard.~~

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~~XVII. Jury Size and Unanimity of Verdict~~

~~Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.~~

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~~XVIII. Jury Deliberations~~

~~A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making and shall conform with existing Ohio law.~~

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~~B. The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.~~

~~C. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.~~

~~D. Training should be provided to personnel who escort and assist jurors during deliberations.~~

~~XIX. Sequestration of Jurors~~

~~A. A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.~~

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~~B. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.~~

~~C. Standard procedures should be promulgated to:~~

- ~~1. Achieve the purpose of sequestration; and~~
- ~~2. Minimize the inconvenience and discomfort of the sequestered jurors.~~

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~~D. Training shall be provided to personnel who escort and assist jurors during sequestration.~~

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RULE 49

SPECIALIZED DOCKET FOR MULTIPLE OVI OFFENDERS

In order to provide supervision and effective treatment of multiple OVI offenders, the Court hereby establishes the “Clermont County Municipal OVI Court Specialized Docket Program.”

A Judge may refer an individual to the OVI Court Team for consideration for participation in the Specialized Docket Program. The OVI Court Team will determine appropriateness for participation in the program based upon specific eligibility criteria and make recommendations to the OVI Court Program Judge. The OVI Court Program Judge shall then determine whether to accept the individual into the program. If admitted, the case shall be transferred to the specialized docket of the OVI Court Program Judge for further proceedings. The OVI Court Program Judge is authorized to accept any plea from the offender, sentence the offender, and shall have supervision responsibility over the offender. If terminated from the OVI Court Program, the individual shall be sentenced by the OVI Court Program Judge according to the criminal sentencing laws as contained in the Ohio Revised Code. For purposes of Supreme Court statistical reporting, the case shall be considered disposed by the assigned Judge when the offender is found guilty of the offense.

Individuals found to be in violation of their community control terms may be referred by a Judge to the OVI Court Team for Program consideration.

RULE 47

Specialized Docket for Multiple OVI Offenders

(A) Establishment of Clermont County OVI Court Specialized Docket. The Court hereby establishes the “Clermont County Municipal OVI Court Specialized Docket Program” effective March 1, 2013. This docket is created pursuant to the authority and requirements under Sup.R.36.20 through 36.29 of the Rules of Superintendence for the Courts of Ohio. The goals and objectives of the program are to provide supervision and effective treatment for multiple OVI offenders and to reduce recidivism of multiple OVI offenders.

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(B) Placement in the Clermont County OVI Court Specialized Docket. Upon the request of an OVI offender or probation officer following a conviction for an OVI offense, a Judge may refer an individual to the OVI Court Team for consideration to participate in the Specialized Docket Program. The offender will complete a screening and assessment. The OVI Court Team will then determine appropriateness for participation in the program based upon specific eligibility criteria and make recommendations to the OVI Court Program Judge. The OVI Court Judge will determine whether to accept the individual into the program. The program will consider offenders who meet the following legal eligibility criteria:

- Two or more OVI offenses in lifetime
- Clermont County resident and eligible for treatment services at the Clermont Recovery Center
- Out of county resident who possesses the financial resources to pay the cost of treatment at the Clermont Recovery Center

Offenders must have transportation as well as family or other sober support willing to be involved in the treatment process. Offenders may be disqualified from the program based upon the following factors:

- Significant mental illness
- History of violent offenses
- Pending felony charges
- Sex offense convictions
- Previous prison and/or parole history
- Currently on post release control or felony supervision
- Significant drug related charges
- Substantial drug abuse history
- Highly resistant to changing behavior in spite of previous interventions and/or punishments
- Lack of transportation or support from family/family assistance

- Receiving Developmental Disability services or eligible for such services
- Transient residency, or temporary or unstable housing

Individuals unsuccessfully terminated from the program are not eligible to re-enter the program.

Offenders will not be eligible for the program unless they have a diagnosis of alcohol dependence.

(C) Case Assignment. If an individual is accepted into the program, the case shall be transferred to the OVI Court Judge for further proceedings. The OVI Court Judge is authorized to accept any plea from the offender, sentence the offender, and shall have supervision responsibility over the offender. If terminated from the OVI Court Program, the individual shall be sentenced by the OVI Court Judge. For purposes of Supreme Court statistical reporting, the case shall be considered disposed by the assigned Judge when the offender is found guilty of the offense. The OVI Court Judge may request the Administrative Judge to reassign an OVI case by lot to another judge in the event that the OVI Court Judge determines the reassignment is in the interest of justice.

(D) Clermont County Municipal OVI Court Specialized Docket Case Management. OVI Court participants shall be placed on reporting community supervision of the Clermont County Municipal Probation Department. Participants shall be placed in treatment with the Clermont Recovery Center and attend sober support meetings. Participants will be monitored by the OVI Court Probation Officer, the OVI Court Judge and the Treatment Agency. Requirements of the OVI Court Specialized Docket are set forth in the Program Description, Participant Handbook and the Participation Agreement, all incorporated herein and adopted by reference.

(E) Termination from the Clermont County Municipal OVI Court Specialized Docket. A participant will be terminated from the program when found to be in non-compliance with the terms and conditions of the program. Common behaviors that lead to unsuccessful terminations

include:

- Ongoing noncompliance with treatment ;
- Resistance to treatment;
- New serious criminal, or new OVI conviction;
- A serious specialized docket infraction or series of infractions; and
- A serious probation violation or series of probation violations.

Termination proceedings will occur before the OVI Court Judge upon termination. A participant could face the imposition of the balance of sentence, transfer to an alternative supervision program, placement in a residential treatment program, or other penalties deemed appropriate by the OVI Court Judge. Individuals terminated unsuccessfully from the program are not eligible to participate in the future.

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APPENDIX A

FORM ENTRIES AND ABBREVIATIONS

A	In case notation-Felony
B	In case notation-Misdemeanor
BF	Bond forfeiture
BMV	Bureau of Motor Vehicles
BW	Bench warrant
C	In case notation-OMVI
CCV	Community control violation
C/P	Cash or Professional
CR	Refers to criminal cases/ used in case notation
CRC	Clermont Recovery Center
CS	Community Service
CV	Refers to civil cases/used in case notation
D	In case notation-all other traffic
DEF	Defendant
E	In case notation-personal injury and property damage
ENF	Enforcement
EXP	Expungement hearing
F	In case notation-contracts
F/C	Fines and costs hearing
FD	Final disposition
FED	Forcible entry and detainer
FRA	Financial Responsibility Act
G	In case notation-Forcible Entry and Detainer
G	Guilty Plea
H	In case notation-other civil (e.g., BMV appeal)
I	In case notation-Small Claims
JT	Jury trial
MH	Motion hearing
MTS	Motion to suppress
N/C	No contest plea
N/G	Not guilty plea
NOL	No operators license
NR	Non-reporting
OI	Order in
OL	Operator's license
P	Plaintiff

P — Prosecuting Attorney
PD — Public Defender
PH — Preliminary hearing
POI — Proof of insurance
PSI — Pre-sentence investigation
PT — Pretrial
PTD — Pretrial diversion
PTS — Plea or Trial Setting
PV — Probation violation hearing
RDIP — Residential Driver Intervention Program
RS — Reporting Status
S/R — Stay/Review hearing
TPO — Temporary Protection Order
TR — traffic cases/used in case notation
TTC — trial to court
W — waiver
A — Count One in case with multiple charges
B — Count Two in case with multiple charges
C — Count Three in case with multiple charges

APPENDIX B

CLERMONT COUNTY MUNICIPAL COURT

State of Ohio _____ Case No. _____

vs. _____

DESIGNATION OF TRIAL
ATTORNEY

Defendant

The undersigned attorney hereby states that he/she is the trial attorney for the above-captioned Defendant and shall remain so until he/she is relieved in accordance with and pursuant to Sup.R. 36.

Attorney for Defendant (Signature)

Attorney for Defendant (Typed or printed name)

Address _____

Phone No. _____

Supreme Ct. Reg. No. _____

**APPENDIX C
SCHEDULE OF DEPOSITS AND COSTS**

Civil Division

New Complaint	\$ 94.00
Foreible Entry and Detainer	94.00
Replevin	134.00
Action for Judgment by Confession	94.00
BMV Suspension Appeal	94.00
Petition for Driving Privileges for Non-Compliance Suspension	117.00
Petition for Reinstatement Fee Plan	117.00
Small Claims (includes certified mail service, one defendant)	45.00
Transfer Foreign Certificate of Judgment	20.00
Amended Complaint (after responsive pleadings filed)	15.00
Appeal to the Twelfth District Court of Appeals (case docket included)	140.00
Alias Summons	6.00
Bench Warrant	15.00
Certificate of Judgment	10.00
Certified copy	4.00
Certified Mail	10.00
Contempt Hearing/Motion to Show Cause	15.00
Copies	.25
Counterclaim	15.00
Cross Claim	15.00
Execution	115.00
Exemplified Copy	5.00
Garnishment/Personal Earnings	20.00
Garnishment/Other Than Personal Earnings (plus \$1.00 payable to garnishee)	20.00
Judgment Debtor Examination	20.00
Jury Demand	15.00
Jury Deposit	200.00
Motions	4.00
Motion to Vacate Judgment/Motion to Set Aside Judgment or Dismissal	20.00
Notices/Hearing, Appear, Failure	2.00
Objection to Magistrate's Decision	15.00
Order of Possession	15.00
Ordinary Mail/Ordinary Mail Waiver	5.00
Personal Service	50.00
Personal Service for Foreible Entry and Detainer	70.00
Rent Escrow—1% of rent deposited	—
Revivor Action	20.00
Service by Publication	200.00
Small Claim Questionnaire	15.00

Small Claim Transfer	45.00
Subpoena	5.00
Subpoena Duces Tecum	5.00
Supplemental/Intervener Complaint	15.00
Third Party Complaint	15.00
Trusteeship (plus \$2.00 per Creditor)	20.00
Witness Fee/Full Day + Mileage of \$0.10 per mile round trip	12.00
Witness Fee/Half Day + Mileage of \$0.10 per mile round trip	6.00
Writ of Restitution	115.00

Plus any and all reimbursement charges like witness, jury, sheriff fees, etc. which are part of the costs in each case.

Criminal Division

~~\$20.75 Court Costs~~
~~\$15.00 General Revenue Fund~~
~~-\$9.00 State Victims Reparation Fund~~
~~-\$6.25 Computer Clerk Fund~~
~~-\$2.00 Municipal Court Compliance Services Fund~~
~~-\$1.00 Computer Legal Research~~
~~\$54.00 TOTAL COURT COSTS~~

Additional Criminal Court Costs

~~\$15.00 Release of Forfeiture~~
~~-\$4.00 Motion/Filing~~
~~-\$6.00 Certified Mail~~
~~\$15.00 OLF and Non-resident Violator Compact Suspension~~
~~\$15.00 Bind Over Transcript~~
~~\$85.00 Notice to Court of Appeals~~
~~\$6.00 plus mileage Witness Fee One half day~~
~~\$12.00 plus mileage Witness Fee One full day~~
~~-\$2.00 Notice of Hearing/Notice of Appeal~~
~~\$50.00 Expungement~~
~~-\$5.00 Praecipe for Subpoena~~
~~-\$5.00 Praecipe Duces Tecum~~
~~-\$0.25 Copier copies (per one page side)~~
~~\$4.00 Certified copy~~
~~-\$5.00 Letter to Drive~~
~~\$15.00 Bench Warrant~~
~~\$100.00 Pre-sentence Investigation and Report~~
~~\$15.00 Jury Demand~~
~~\$135.00 Jury Trial~~
~~\$50.00 Supervision Fee Community Control/Counseling~~
~~\$36.00 Language Interpreter's Fee~~

APPENDIX D
CLERMONT COUNTY MUNICIPAL COURT

Classification Form

Case No. _____

Plaintiff

vs.

Defendant

Please indicate classification into which this case falls:

- Personal injury and property damage.....E
- Contract or account.....F
- F.E.D. (Eviction).....G
- 12 Point appeal.....H
- Implied consent appeal.....H
- Replevin.....H
- Small Claim.....I

Please print or type the information requested below

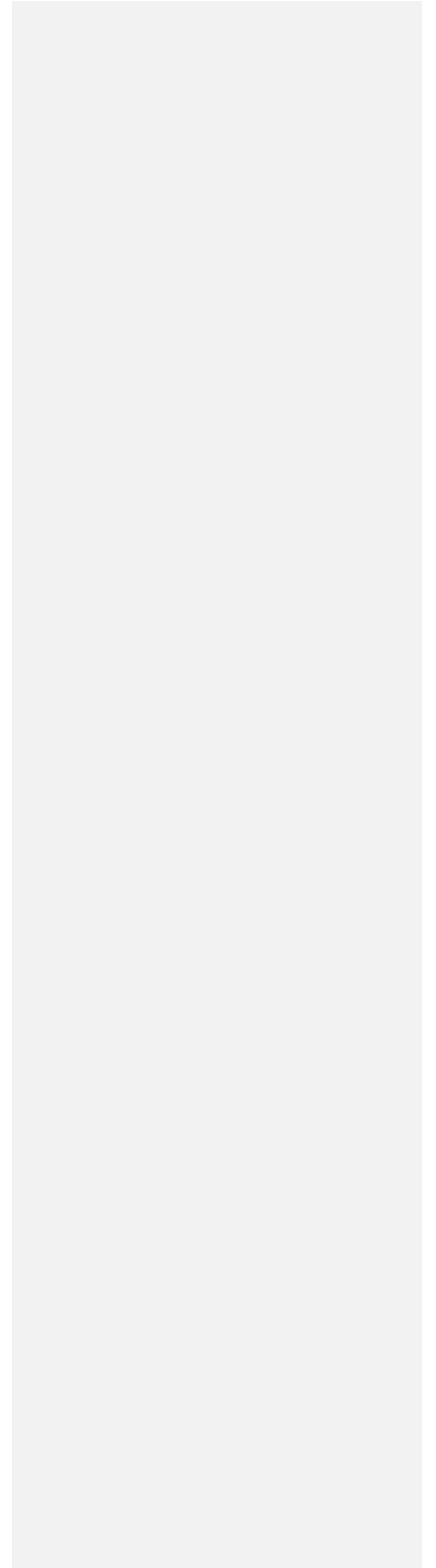
Date: _____ Attorney _____

Address _____

Telephone _____

Attorney Reg. No. _____

____ This case was originally filed under case number _____ and assigned
to Judge _____



~~APPENDIX E~~
~~CLERMONT COUNTY MUNICIPAL COURT~~

State of Ohio _____
_____ Case No. _____
Plaintiff _____
_____ Charges _____
_____ vs. _____

Entry of Not Guilty Plea:

Defendant

The defendant enters his/her plea of not guilty to the above numbered charge(s), having been fully informed of his/her rights. The defendant further waives the right to be present at arraignment and having charges read in open court, but hereby retains all other constitutional rights afforded him/her under the law.

Defendant/Defendant's Attorney