

Rules Of Practice For

The Upper Sandusky

Municipal Court

Upper Sandusky, OH

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Rule 1

Sessions

The sessions of this Court shall be from 8:00 o'clock a.m. until 4:30 o'clock p.m. during each day of the week, legal holidays and weekends excepted. The Court shall reconvene at 7:30 o'clock p.m. on Each Thursday evening, all subject to temporary modification by the Court to meet emergencies or the requirements of particular cases. The Office of the Clerk shall be open for the transaction of business during these hours.

Rule 2

Records

The Clerk shall prepare and keep the following dockets and books which shall be public records of the Court:

- A. A Civil Appearance and Execution Docket in which shall be entered in consecutive order all civil cases brought in this Court, together with all proceedings had therein, properly dated, which docket shall be the final and complete record of such cases. An extended record of case will be made only upon order of Court or written demand of party at his costs.
- B. A Criminal Appearance Docket in which shall be entered in consecutive order all criminal cases brought in this Court, together with all proceedings had therein, properly dated, which docket shall constitute the final and complete record of such case.
- C. A Traffic Appearance Docket in which shall be entered in consecutive order all traffic cases brought in this Court, together with all proceedings had therein , properly dated, which docket shall constitute the final and complete record of such case.
- D. A Journal in which shall be recorded the Orders of the Court.
- E. A General Index, showing parties to both criminal and civil cases.
- F. A Criminal Cash Book, showing receipts and disbursements.
- G. A Civil Cash Book, showing receipts and disbursements.
- H. A Trusteeship Cash Book, showing receipts and disbursements.

Rule 3

Court Records Management and Retention

In all cases, the provisions of Rule 26 of the Ohio Supreme Court Rules of Superintendence shall be applicable to the Municipal Court and not inconsistent with the Act establishing this court or with the Rules of Superintendence adopted by it, shall be held to govern the minimum standards for the maintenance, preservation, and destruction of records within the court and to authorize alternative electronic methods and techniques.

Attached hereto a copy of Rule 26 of the Ohio Supreme Court of the Rules of Superintendence.

Rule 4

Papers Filed With The Clerk

The Clerk shall file and carefully preserve all papers filed in every action or proceeding. Original papers and depositions shall not be removed from the files except upon a written order of the Court or with the consent of the Clerk and upon receipt by the attorney. The Clerk shall not advise or prepare pleadings for litigants or affidavits for arrest, but may assist litigants in the small claims division.

Rule 5

Miscellaneous Cost

Schedule of fees and costs to be taxed in civil and criminal division in accordance with Sub. H.B. 405 effective January 1, 2000.

1. All basic court costs on a civil case is \$69.00, \$26.00 financial assistance to Legal Aid Societies that operate within the State of Ohio and \$20.00 to be used for Special Projects pursuant to Ohio Revised Code Section 1901.26(B)(1).
2. All basic court costs on a small claim case is \$39.00, \$11.00 financial assistance to Legal Aid Societies that operate within the State of Ohio and \$20.00 to be used for Special Projects pursuant to Ohio Revised Code Section 1901.26(B)(1).
3. All basic court costs in criminal/traffic case is \$49.00 together with a \$9.00 fee for Victims of Crime Act, \$7.00 to be used for computerization of the office of the Clerk of Court \$30.00 to be used for Special Projects pursuant to Ohio Revised Code 1901.26(B)(1), \$10.00 mandated costs pursuant to House Bill 562 (eff 9/22/08) and \$20.00

mandated

on all

costs pursuant to H.B. 1 (eff 10/16/09). It is further ordered that

bond forfeitures the Clerk shall deduct \$125.00 first for costs and the balance shall be applied to the fine. Further, in criminal/traffic case with more than one cause, the \$30.00 Special Projects Fee and \$7.00 Computer Fee shall be assessed to each cause pursuant to Ohio

Revised

Code 1901.26(B).

- | | |
|-----------------------------------|--------|
| 4. Marriage | \$3.00 |
| 5. Making Transcript | 25.00 |
| 6. Calling off jury | 50.00 |
| 7. Driver's License Reinstatement | 20.00 |
| 8. Service Fee for bad check | 20.00 |

9. Court costs shall be 2% of all disbursements in trusteeships

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10. Expungement Fee 70.00

(\$50 per ORC 2943.42 & \$20 local costs)

11. Deposit for writ to another county 60.00

12. Copy of court proceedings on CD10.00

13. Credit card bank fee 3.00

So Ordered.

Thomas E. Osborn, Judge
Revised 9/1/10

Rule 6

Journal Entries

All judgments, orders, decisions or ruling entered on by the Court shall constitute the journal entries unless otherwise ordered by the Court or required by counsel.

The trial judge may require attorneys or parties in any case to prepare journal entries and to submit them to opposing counsel or parties who shall approve or reject the same within five days from the date received. Such entries shall be approved by the trial judge, or, in his absence, by another judge, before being placed upon the journal.

When conclusions of fact found separately from conclusions of law are requested, the party requesting same shall, within five days after such request, prepare proposed conclusions of fact and conclusions of law and submit the same to opposite counsel and within five days after their receipt by him/her, the same shall be submitted to the Court, together with his/her objections thereto, if any, suggestions in writing.

For want of strict compliance with this rule by the party requesting such conclusions, unless good cause is shown to the contrary, the Clerk shall, upon direction by the Court, enter a general finding instead of conclusions of fact found separately from conclusions of law.

Rule 7

Court Reporters

Until further order of this Court, the basic mode of recording and preserving all proceedings in the Upper Sandusky Municipal Court shall be by audio electronic recording device, or video recording device. Any party desiring a certified court reporter, in lieu of a recording device, shall make such a request at least 14 days prior to the trial and deposit \$100.00 with the Court towards the court reporter's fee. The cost of a court reporter shall be allocated by agreement of the parties or absent agreement by order of the Municipal Judge.

Rule 8

Rules Of Procedure And Evidence

In all cases, the provisions of the Ohio Rules of Civil Procedure governing practice, pleadings, evidence and procedure in all courts, so far as the same are applicable to the Municipal Court and not inconsistent with the Act establishing this court or with the rules of practice adopted by it, shall be held to govern the proceedings herein.

Rule 9

Attorney And Notary Fees

An allowance of \$10.00 shall be made to attorneys for services in connection with cognovit judgments and guardian for the suit. Such fees so allowed shall be taxed in the court costs of the pertinent case.

PART II - CIVIL BRANCH

Rule 10

Civil Court Costs

No civil action or proceeding shall be accepted for filing by the Clerk unless a filing fee is deposited as shown on Appendix A, unless exempted by law or otherwise ordered by the presiding judge. Such prescribed fees may be amended from time to time by order of the Court. All entries or other dismissals terminating any case shall indicate the responsibility for payment of court costs.

If at anytime the Clerk or Court is of the opinion, because of peculiar circumstances indicating extraordinary expenses, storage, etc., that a deposit for costs in excess of the amount herein before indicated should be made, the Clerk shall estimate such probable extraordinary costs and require an additional deposit commensurate therewith.

Appendix A

Upper Sandusky Municipal Court

Civil Court Costs

\$15,000.00

COMPLAINT - CERTIFIED MAIL SERVICE TWO DEFENDANTS	\$115.00
FORCIBLE ENTRY AND DETAINER ACTION Each Additional Defendant	\$115.00 \$ 10.00
TENANT - Landlord Application - Rent Escrow deposit	1% of rent
CIVIL ACTION WITH ATTACHMENT OR GARNISHMENT	\$185.00
REPLEVIN ACTION - Bailiff Service	\$ 80.00
CROSS COMPLAINT, COUNTERCLAIM AND THIRD PARTY COMPLAINT	\$ 15.00
COGNOVIT JUDGMENT CERTIFIED MAIL	\$115.00
TRUSTEESHIP	\$ 25.00
TRANSFER FOR IMPROPER VENUE (Also transfer to any Court)	\$ 40.00
WRIT OF RESTITUTION	\$ 60.00
EXECUTION - Plus mileage, storage and appraisal	\$ 50.00
ORDER AND SHOW CAUSE	\$ 20.00
REVIVOR (Mandatory Order) Each	\$ 25.00
GARNISHMENT OF WAGES	\$ 70.00

GARNISHMENT OTHER THAN WAGES \$ 15.00
Plus \$1.00 For Financial Institute

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CIVIL COSTS CONTINUED

PHOTOCOPY FOR EACH PAGE \$.50
CERTIFIED COPY WITH PHOTOCOPY \$ 1.00
CERTIFICATE OF JUDGMENT \$ 5.00
TRANSCRIPT \$ 25.00
JURY DEMAND \$200.00
CALLING OFF JURY \$ 50.00
LICENSE SUSPENSION APPEAL \$115.00
WITNESS FEE (Per Day) \$ 12.00
JUROR'S FEE (Per Day) \$ 20.00
APPRAISER FEE (For 3 Appraisers) \$ 75.00

SMALL CLAIMS \$6,000.00

SMALL CLAIMS FILING - 1 Defendant \$ 70.00
2 Defendants \$ 75.00
COUNTERCLAIM WITH CERTIFIED MAIL - 1Defendant \$ 20.00
2Defendants \$ 25.00
DEBTOR'S EXAM - CERTIFIED MAIL \$ 20.00
OUT OF COUNTY BAILIFF OR SHERIFF SERVICE \$ 30.00
BENCH WARRANT - ISSUANCE \$ 20.00
AMENDED COMPLAINT \$ 25.00
APPEAL \$150.00

RULE 11

CASE MANAGEMENT IN CIVIL CASES

(A) Purpose: The purpose of this rule is to establish, pursuant to M.C. Sup. R 18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

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

© Clerical steps:

- (1) Summons shall be served in accordance with the Ohio Rules of Procedure. In the event there is a failure of service, the clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six (6) months from the date the cause of action has been filed, then the clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.
- (2) Upon perfection of service, the clerk shall notify counsel of the default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed.
- (3) After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the judge so the matter may be set for a hearing.
- (4) 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 clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.
- (5) When a file has been marked “settlement entry to come” and the entry has not been received within thirty (30) days, then the Clerk shall notify the party that his case will be dismissed unless the entry is received within ten (10) days.

Rule 11 Continued

(D) Judicial Steps:

- (1) Status Hearing: After an answer is filed, the case will be assigned to a judge and the Clerk will forward the file to said judge. The Court will then set a status hearing which may be heard in court or by phone. The purpose of the status hearing is to set discovery and motion deadlines so a formal pre-trial can be set.
- (2) 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 said fourteen (14) day period unless time is extended by the Court.

There will be no oral hearings granted in said motions unless the parties request an oral hearing in writing and the court deems is necessary.

- (3) 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” used hereinafter shall mean the party or parties to the action, and/or, his, hers, or their attorney of record.

Any attorney for a party to the action who fails to attend at a scheduled pre-trial conference, without just cause being shown, may be punished as for contempt of this Court.

Notice of pre-trial conference shall be given to all counsel of record by mail and/or by telephone from the assignment commissioner not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be addressed to the judge to whom the case has been assigned.

Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and

must have full settlement authority.

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The primary purpose of the pre-trial conference shall be to achieve an amicable settlement of the controversy in suit.

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 statement to become part of the record and the case embracing all stipulations, admissions, and other matters which have come before it in the pre-trial. The court shall, at that time, determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed.

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 to determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pre-trial conference or trial as required; to make such other order as the Court may deem appropriate under all the circumstances.

If the case cannot be settled at pre-trial, then the case will be set for trial at a time agreeable to all parties.

(4) Continuances: No party shall be granted a continuance of a trial or a hearing without a written motion from the party or his 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 of a scheduled trial is a matter within the discretion of the trial court.

If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the administrative

judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

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Rule 11 Continued

(5) Judgement Entries: Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry. That entry shall be submitted to opposing counsel within five (5) days of 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 an 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 state which party will pay the court costs.

Rule 12

Trial By Jury

All Civil cases shall be tried to the Court, unless either party shall in writing not less than fourteen (14) days after the service of the last issue pleading demand a jury, or unless the Court in the interest of justice on its own motion orders a trial by jury. Further, in any civil action, where a jury is demanded, unless a jury of twelve (12) persons is demanded by either party, or the parties agree to a lesser number than

eight (8), such jury shall be composed of eight (8) qualified electors.

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Rule 12 Continued

Jurors shall be chosen and summoned by the jury commissioners of the County as provided in Section 2315.01-2315.26 inclusive of the Revised Code and the number required shall be certified by the Clerk of the Court of Common

Pleas.

Jurors shall be compensated at the rate of \$20.00 for each day or part thereof, for which their presence is required. The fees of all persons who appear in response to jury summons shall be paid by the City Treasurer out of the General Fund fund and vouchers shall be issued to such persons by the Clerk of this Court and such vouchers shall be redeemed by cash. The fees of the persons who serve shall be taxed in the court costs and paid by the losing party and upon collection of the costs, the Clerk of this Court shall make reimbursement to the City Treasurer.

The party requesting a jury shall deposit as security for costs in addition to all other deposits the sum of \$200.00.

Rule 13

Conduct Of Sales

The officer of this court shall follow the rules prescribed by Section 2339.13 et seq Revised Code of Ohio, in advertising and conducting sales upon attachment, execution and

foreclosure

of chattel mortgages.

Rule 14

Witnesses, Compensation

The fees of witnesses in civil cases shall be \$12.00 per day or \$6.00 per half-day part thereof and such fees shall be taxed in the costs of the case, but shall not be paid in any case until the court costs therein have been paid. When the costs are paid, the Clerk of this Court shall issue checks to such witnesses as appear under subpoena and mail same to persons entitled thereto.

In addition to their fees as herein provided, witnesses who appear under subpoena shall receive mileage for the distance traveled by them to and from their homes at the rate of \$.10 per mile.

Rule 15

Case Management In Special Proceedings

- (A) Purpose: The purpose of this rule is to establish, pursuant to M.C. Sup. R 18, 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 referee, to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, motion to cite, garnishment hearings, and debtor's exams. The following criminal matters are considered special proceedings and they are to be heard by a judge, to wit: preliminary hearings, extradition hearings, and B.M.V. hearings.
- (B) Scheduling Of Events: Cases 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.

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Rule 15 Continued

- © Clerical Steps: In all new cases, if counsel fails to obtain service of summons within six (6) months, the Clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.
- (D) Upon perfection of service, the Clerk shall notify counsel of said default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed.
- (E) After any responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the judge so the matter may be set for a hearing.
- (F) 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 Clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.
- (G) When a file has been marked “settlement to come” and the entry has not been received within thirty (30) days, then the Clerk shall notify the party that his case will be dismissed unless the entry is received within ten (10) days.

Rule 16

Forcible Entry And Detainer Hearings

- (A) Hearing: All forcible entry and detainer cases shall be set for hearing before a Judge, pursuant to the time limits set forth in the Ohio Revised Code. At that hearing, the Ohio Rules Of Evidence and the applicable Ohio Rules Of Civil Procedure will be applied.
- (B) Judgment Entries: Judgment entries shall be prepared by the

party in whose favor the order or judgment is rendered and submitted to the Court within five (5) days.

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Rule 17

Small Claims Division

(Section 1925.01 et seq.)

- (A) A small claims action is commenced by filing a small claims petition, pursuant to Ohio Revised Code Section 1925.04. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for hearing, after being duly served, then a default judgment will be entered against said defendant. All pleadings will be construed to accomplish substantial justice.
- (B) Upon filing of motion and affidavit, as required by Ohio Revised Code Section 1925.10, and upon payment of the required cost, the small claim will be transferred to the regular docket. No transfer will be granted until the filing costs are paid.
- © Hearing: The hearing in small claims court shall be conducted by a judge or a referee. The judge or referee shall place all parties who plan to offer evidence under oath and then allow the plaintiff and defendant to state their case. The plaintiff and defendant may subpoena and call witnesses if they desire to do so. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure will not apply to a hearing in small claims court.
- (D) Appeal from Referee Hearing: The referee shall, at the conclusion of each case, serve a copy of his findings upon the plaintiff and defendant and inform the parties that they may file objections to the referee's findings within 14 days, in writing.

The objections to the referee's findings should state, with specificity, the reason a new hearing is requested. No oral hearing will be granted on said motion. The court shall, after consideration of the reasons in the objections to the referee's findings, rule on

said

objections to referee's findings within 14 days of the filing of the objections.

(E) The judge shall review the findings of the referee, each week, and enter the appropriate judgment.

(F) Collection of Judgments: The employees of the court shall assist the prevailing parties in collecting their judgments pursuant to Ohio Revised Code Section 1925.13.

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PART III - TRUSTEESHIP DIVISION

Rule 18

A debtor applying to this Court for the appointment of a trustee after being served with a statutory demand for payment of debt and notice of pendency of garnishment proceedings shall first deposit the sum of \$25.00 to guarantee his compliance with the trusteeship laws and rules of this Court and upon failure to make such compliance the Court may order said deposit forfeited and paid to the City of Upper Sandusky.

Rule 19

If debtor fails to make each payment as required by law he shall be notified by letter to show cause why the trusteeship should not be dissolved and terminated.

Rule 20

Debtor shall either exhibit his payroll record or mail the same to the Clerk with the remittance in order that the amount of the payment may be verified.

Rule 21

The Clerk as Trustee shall make disbursements at least one time during each three-month period.

If a claim listed by debtor varies substantially in amount from that verified by creditor, the Clerk shall notify debtor of the discrepancy and require him to appear and amend his schedule, or to request that discrepancy be certified to Civil Division of the Court for determination of true amount due. Upon certification, proceedings shall be had as for a declaratory judgment to determine the true amount, treating the application as a petition and the verification of the creditor as an answer. Notice of hearing shall be given to each party and hearing had and judgment rendered as in other civil cases.

PART IV - CRIMINAL BRANCH

Rule 22

Case Management in Criminal Cases

- (A) The purpose of this rule is to establish, pursuant to M.C. Sup. R 18, a system for criminal case management which will provide 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 court justice system.

- (B) Scheduling of Events: The scheduling begins after arraignment. Thereafter, the case is managed in four (4) judicial steps.

Rule 22 Continued

- (1) Pretrials: After arraignments, all first degree and second degree misdemeanors shall be set for pretrial by the assignment commissioner within thirty (30) days. All other misdemeanors shall be set for trial unless the judge orders a pretrial in said case.

The pretrial shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon should first be filed in said case. Any attorney who fails to appear for pretrial without just cause being shown may be punished for contempt of court.

If the parties cannot resolve the case, then the case should be set for trial to court unless a jury is demanded.

- (2) Motions: All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. All motions shall be set for oral hearing.
- (3) Trials: Each case not resolved at pretrial shall be set for trial to Court. If a jury demand is timely filed, then the case will be moved to the jury trial schedule. All attorneys shall notify the Court by 3:00 o'clock P.M. of the day preceding their trial of any change in plea or jury costs will be attached to their case.
- (4) Sentencing: Sentencing hearings shall be set within seven (7) days from trial if no pre-sentence report is requested. After the court receives the probation report, the court will set the hearing for sentencing within seven (7) days.

Rule 23

Compensation of Witnesses

In criminal cases, the fees of witnesses for both the prosecution and the defense shall be paid out of the general fund of the taxing district, that is to say, the fees of witnesses in state cases shall be paid by the County Auditor and in the City cases by the City Treasurer. Vouchers for such fees at the rate of \$12.00 for each day of \$6.00 per half-day, the mileage at the rate of .10¢ per mile for distance traveled to and from home, shall be issued by the Clerk of this Court to such witnesses as appear under subpoena, which vouchers shall be presented by such persons to either the County Auditor or City Treasurer, who shall redeem them.

The fees paid witnesses in criminal cases shall be taxed in the costs of each case and, upon collection of the costs in such cases, the Clerk of this Court shall reimburse the County or City for the fees so paid.

Rule 24

Criminal, General

- (A) Insofar, as applicable, all rules of the Civil Branch of the Court shall control and be in effect in the Criminal Branch.
- (B) Every criminal action in the Court shall be commenced by filing in the Clerk's office a proper affidavit. The Ohio Uniform Traffic Ticket shall be used in all moving traffic cases and the Clerk of this Court shall be the issuing authority. No criminal charges shall be filed by other than law enforcement officers unless approved by the Clerk, Municipal Prosecutor, County Prosecutor, or the Judge.
- (C) A deposit for costs in the minimum amount of \$15.00 may be required by the Clerk or Judge in the filing of each criminal affidavit, except that no such deposit shall be required when

affidavits are filed by law enforcement officers or a poverty affidavit is filed by complainant.

Rule 24 Continued

- (D) All cases in which affidavits are filed by law enforcement officers, the Municipal Prosecutor shall represent the prosecution if requested by such officers or by the Court, except felony matters. In all cases in which the complaining witness is not a law enforcement officer, the complaining witness may employ counsel in his behalf or he may request the presence of the Municipal Prosecutor, who shall appear on the case if he considers the case of sufficient importance to justify his or if his presence is requested by the Court.
- (E) All persons accused of bailable offenses shall be permitted to give proper bond as soon as reasonably possible and the sufficiency thereof shall be passed upon by the Clerk or the Judge, who shall abide by and follow all pertinent statutes or ordinances with respect thereto.
- (F) Juries in criminal cases shall consist of eight persons called as set forth in Rule 11.
- (G) It is ordered, adjudged and decreed that all defendants charged with a traffic offense or with a minor misdemeanor for which the penalty does not exceed a fine of \$150.00 may, within the time the defendant is ordered to appear before this Court, appear personally at the office of the Clerk of Court, or her designate, and upon signing a plea of guilty and a waiver of trial, in the form hereinafter set forth, pay a stated fine and stated cost.

The Court shall establish a fine and bond schedule which shall list the fine and bond requirements for such traffic offense and minor misdemeanor which schedule shall be prominently posted in the place where such fines and costs are paid.

A minor misdemeanor is an offense for which the potential penalty does not exceed a fine of \$150.00.

It is further ordered that the above referred to plea of guilty

and waiver shall be substantially in the following form:

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Rule 24 Continued

Date _____

CAUSE: Violation of Section _____
Of the (Ohio Revised Code) (Municipal Ordinance)

In consideration of my not appearing in Court, I, the undersigned, do hereby enter my appearance for the offense charged and WAIVE the reading of the affidavit in the above named cause and the right to be present at the trial of said action, I hereby enter a plea of guilty and waive the right to prosecute, appeal or error proceedings. I understand the nature of the charge against me; I understand my right to have counsel and I WAIVE this rights and the right to a continuance. I WAIVE my right to trial before a judge or jury. I plead GUILTY to the charge being fully aware that my signature to this plea will have the same effect as a judgment of the Court (and that a record of it will be sent to the Ohio Bureau of Motor Vehicles) (exclude where appropriate).

\$ _____
Total Fine and Costs

Receipt No.

Defendant's Signature

Address

Signature of Person Taking Waiver

Title (Clerk, Deputy Clerk, Deputy Bailiff)

Rule 24 Continued

- (H) Every law enforcement officer shall, for the purpose of each case in which he appears, in discharge of his duties as such officer, be considered as an officer of this Court and entitled to such privileges and immunities as attached thereto, and shall be subject to the order of the Court.

- (I) Any person who disposes of or who solicits or knowingly aids in the disposition of a traffic ticket in any manner other than that authorized by the Court and these rules may be proceeded against for criminal contempt in the manner provided by law.

- (J) Reference is herein made to the Rules of Practice and Procedure in traffic cases for all courts inferior to Common Pleas Courts and any amendments or supplements thereto as drafted and promulgated by the Supreme Court of Ohio, which rules shall prevail in case of conflict with the local rules herein set forth.

Rule 25

Traffic Violations Bureau

In accordance with Ohio Traffic Rule 13, there is hereby established in the Upper Sandusky Municipal Court, a Traffic Violations Bureau with authority to process and dispose of those traffic offenses for which no court appearance is required by law, the Court, or the discretion of the arresting officer. The Chief Clerk is hereby appointed Violations Clerk with authority to delegate the duties of the office as the Clerk sees fit. A schedule of fines has been adopted and is available at the office of the Violations Clerk or Deputy Clerks authorized to accept waivers of trial and pleas of guilty. Such schedule is subject to change by the Municipal Judge.

LOCAL RULE 25.01

USE OF ELECTRONICALLY PRODUCED TICKETS

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Upper Sandusky Municipal Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket set forth in the Ohio Traffic Rules' Appendix of Forms. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall serve the defendant's paper copy of the ticket as required by Rule 3 (E) of the Ohio Traffic Rules.

It is ORDERED, ADJUDGED AND DECREED that the preceding rule shall become effective August 15, 2014.

LOCAL RULE 25.02

ACCEPTANCE OF E-CITATIONS

The Upper Sandusky Municipal Court hereby authorizes the submission of electronic citation data from the Ohio Department of Public Safety (ODPS). Henschen and Associates will host the server and allow this Court to download the e-Citation

information onto the Court's server.

It is ORDERED, ADJUDGED AND DECREED that the preceding rule shall become

effective September 15, 2015

25.01

Rule 26

Minor Misdemeanor Violations Bureau

In accordance with the Ohio Rules of Criminal Procedure 4.1, there is hereby established within the Upper Sandusky Municipal Court a Minor Misdemeanor Bureau, with the authority to process and dispose of minor misdemeanors other than traffic offenses for which no court appearance is required either at the discretion of the arresting officer of the Court. The Chief Clerk is hereby appointed Violations Clerk with authority to delegate the duties of this office as the Clerk sees fit. A schedule of fines has been adopted and is available at the office of the Violations Clerk or Deputy Clerks authorized to accept waivers of trial and pleas of guilty. Such schedule is subject to change by the Municipal Judge.

Rule 27

Procedure In Criminal Jury Trial

Juries in Criminal cases shall consist of eight persons. Jurors shall be chosen and summoned by the Jury Commissioners of the County as provided in Section 2315.01 - 2315.26 inclusive of the Revised Code and the number required shall be certified by the Clerk of the Court of Common Pleas.

Jury Demand must be filed ten (10) days prior to date of trial

Jurors shall be compensated at the rate of \$20.00 for each day or part thereof, for which their presence is required. The fees of all persons who appear in response to jury summons shall be paid by the City Treasurer/County Treasurer out of the General Fund and vouchers shall be issued to such persons by the Clerk of this Court and such vouchers shall be redeemed by check. The fees of the

persons who serve shall be taxes in the court costs and paid by the losing party and upon collection of the costs, the Clerk of this Court shall make reimbursement to the City/County Treasurer.

Upon Jurors having been served their summons for jury duty and trial being cancelled a fee of \$50.00 shall be assessed as costs and paid by the Defendant.

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Rule 28

Local Court Security

The Upper Sandusky Municipal Court is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the Court.

Accordingly, appropriate levels of security should exist in the Court to protect the integrity of Court procedures, protect the rights of individuals before it, deter those who would take violent acts against the Court or litigants, sustain the proper decorum and dignity of the Court, and assure that Court facilities are secure for all those who visit and work there.

Therefore, pursuant to the Rules of Superintendence for the Upper Sandusky Municipal Court, Court Rule Part V; Rule 26, the Court establishes as follows:

The Court has appointed a Local Security Advisory Committee, consisting of one representative of each for the following groups: Mayor of the City of Upper Sandusky, law enforcement responsible for court security, Ronald Gottfried, and City Council Member, funding authority, Branson Miller Court Liaison.

The Court shall implement a local Security Police and Procedure Plan by July 1, 1996 which plan shall address the Ohio Court Security Standards adopted by The Supreme Court of Ohio on October 17, 1994.

The Local Court Security Advisory Committee shall adopt a Security Operations Manual, which manual shall establish written directives for the purpose of ensuring security within the Court while maintaining accessibility to the community.

Amendment To Rule 28

The Upper Sandusky Municipal Court is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the Court.

Accordingly, appropriate levels of security should exist in the Court to protect the integrity of Court procedures, protect the rights of individuals before it, deter those who would take violent action against the Court or litigants, sustain the proper decorum and dignity of the Court, and assure that Court facilities are secure for all those who visit and work there.

Therefore, pursuant to the Rules of Superintendence for the Upper Sandusky Municipal Court, Court Rule Part V; Rule 26, previously entered on May 16, 1996 is amended as follows:

The Court appoints a Local Security Advisory Committee, consisting of one representative of each of the following groups:

Mayor of the City of Upper Sandusky, OH or his representative,

Chief of Police of the Upper Sandusky Police Department or his representative, being the agency responsible for court security.

Ronald E. Gottfried, Chief Probation Officer of the Upper Sandusky Municipal Court.

Member of the Upper Sandusky City Council, being the funding authority for the Court.

Laurie Scheck, Attorney At Law, member of the Wyandot County Bar Association.

Marilyn Lee, as a representative of Beta Usando Literary Club of Upper Sandusky, being a member of a community group.

The Court has implemented as a local Security Police and Procedure plan as of July 1, 1996 which plan addresses the Ohio Court Security Standards adopted by the Ohio Supreme Court on October 17, 1994.

28

Amendment to Rule 28 Continued

The Local Court Security Advisory Committee shall adopt a Security Operations Manual, which manual shall establish written directives for the purpose of ensuring security within the Court while maintaining accessibility to the community.

LOCAL RULE 29

SUPREME COURT WEBSITE LOGIN CREDENTIALS

The Clerk of Courts shall submit, in electronic format, via the Ohio Supreme Court website reports as required by Supreme Court Sup.R. 37.01 through 37.03. The reports shall be as prescribed by the Supreme Court and submitted no later than the fifteenth day after the close of the reporting period. Only the Judge/Administrative Judge and the Clerk of Courts shall have access to the Supreme Court website login credentials. The Judge/Administrative Judge and the Clerk of Courts shall take all necessary steps to ensure and maintain the security of the Supreme Court website login credentials.

**In The Upper Sandusky Municipal Court
Upper Sandusky, Ohio**

IN THE MATTER OF
THE RULES OF COURT

JUDGMENT ENTRY

It is hereby ORDERED, ADJUDGED AND DECREED that all the Rules of Court, hereto existing are repealed, revoked and annulled.

It is further ORDERED, ADJUDGED AND DECREED that the following rules set forth numerically shall become, and are, forthwith the Rules of Practice and procedure of this Court.

It is further ORDERED, ADJUDGED AND DECREED that the following rules shall become effective as of September 24, 2015.

Honorable Judge Thomas E. Osborn