CELINA MUNICIPAL COURT

RULES OF COURT

The Celina Municipal Court of Celina, Mercer County, Ohio adopts the following Rules for the conduct, government, and management of business operations, proceedings and other functions and services of the Court. They shall become effective July 1, 2014, shall supersede all previous Rules and shall remain in effect until amended or repealed.

These Rules shall apply in all instances except when they conflict with the provisions of Rules promulgated by the Supreme Court of Ohio or are clearly not applicable.

The Rules of this Court are designed with the purpose in mind to make the judicial system better for the people we serve.

These Rules shall be construed to achieve an orderly administration of the business of this Court, to govern the practice of attorneys and parties before this Court and to secure the just, speedy and inexpensive determination of every action. Reference to statutes, regulations or rules shall be interpreted to include all revisions and amendments thereto. Reference to the Clerk shall be interpreted to include the Clerk of this Court and any Deputy Clerk.

The Judge of this Court reserves the right to vary any Rule, after hearing, in the interest of justice.

TABLE OF CONTENTS

BY RULE		**PAGE**
1	Term of Court	5
2	Hours of Court Sessions and Holidays	5
3	Conduct in Court and City Hall Building	5
4	Records	6
5	Subpoena-Timeliness of Filing	7
6	Pleading Appearance not Required	8
7	Forcible Entry and Detainer	8
8	Jury Demand	8
9	Orders in Aid of Execution	9
10	Trusteeship	10
11	Costs and Security for Costs	11
12	Criminal Procedure-General	13
13	Numbering	14
14	Withdrawal of Charges	15
15	Judgments, Orders and Entries	15
16	Court Mailbox Slots and Certificates of Delivery	15
17	Violations Bureau	15
18	Bail and Bond	16
19	Failure to Appear-Traffic Case	16
20	Case Management Plan	16
21	Jury Use and Management Plan	23
22	Court Security Rule	29
23	Filing by Facsimile and Electronic Mail	29
24	Expungements	32
25	Electronic Filing	32
26	Collections	32
27	Assigned Counsel	32
28	Mediation	33
29	Court Records Management and Retention	34
30	Notification of Alleged Victim(s)	34
31	Filing by Electronic Transmission	34
32	Reporting to Law Enforcement Compliance Plan	37

BY TOPIC		
1.01	Term of Court	5
2.01	Hours of Court Sessions and Holidays	5
3.01	Conduct in Court and City Hall Building	5
4.01	Records Open for Inspection	6
4.02	Filing	7
4.03	Releases and Assignments	7
4.04	Disposition of Case Files	7
4.05	Search Warrants	7
5.01	Subpoena-Timeliness of Filing	7
6.01	Pleading Appearance not Required	8
7.01	Forcible Entry and Detainer	8

8.01	Jury Demand	8
9.01	Orders in Aid of Execution	9
9.02	Executions	10
9.06	Sales and Confirmation	10
10.01	Trusteeship	10
11.01	Costs and Security for Costs	11
12.01	Criminal Procedure-General	13
12.02	Criminal action-filing	13
12.03	Arraignments	13
12.04	Computer Printouts in Traffic Cases	14
12.05	Pre-trial Conferences	14
12.06	Forfeiture of Property	14
12.07	Court costs-Criminal Action	14
12.08	Use of electronically produced ticket	14
13.01	Numbering	14
14.01	Withdrawal of Charges	15
15.01	Judgments, Orders and Entries	15
16.01	Court Mailbox Slots and Certificates of Delivery	15
17.01	Violations Bureau	15
18.01	Bail and Bond	16
19.01	Failure to Appear-Traffic Case	16
20.01	Case Management Plan	16
20.03	Failure of Service	17
20.04	Continuances	17
20.06	Compliance with Soldiers and Sailors Relief Act	17
20.07	Final Judgment Entries	17
20.11	Findings of Fact and Conclusions of Law	18
20.14	Pleadings and Motions	18
20.16	Withdrawal of Counsel	18
20.19	Notification of Representation	19
20.20	Civil Matters-Generally	19
20.23	Motions	19
20.24	Summary Judgment	20
20.25	All Other Motions	20
20.26	Final Pre-trials	20
20.27	Settled Cases	22
20.28	Bankruptcy	22
20.29	Post Decree/Judgment Motions	22
20.30	Criminal Matters-Discovery	22
20.31	Pre-trials and Hearings	23
20.32	Entries	23
20.33	Post Conviction Motions	23
21.01	Opportunity for Service	23
21.03	Jury Source List	23
21.07	Random Selection Procedures	24
21.14	Eligibility for Jury Service	25
21.15	Term of and Availability for Jury Service	25
21.17	Exemption, Excuse, and Deferral	25

21.20	Voir Dire	25
21.26	Removal from the Jury Panel for Cause	26
21.27	Peremptory Challenges	26
21.28	Administration of the Jury System	26
21.30	Notification and Summoning Procedures	26
21.32	Monitoring the Jury System	26
21.33	Juror Use	27
21.35	Jury Facilities	27
21.37	Juror Compensation	27
21.39	Juror Orientation and Instruction	27
21.42	Jury Size and Unanimity of Verdict	28
21.43	Jury Deliberations	28
21.47	Sequestration of Jurors	28
21.51	Enforcement of Rules	28
22.01	Court Security Rule	29
23.00	Filing by Facsimile and Electronic Mail	29
23.01	Applicability	29
23.02	Original Filing	29
23.04	Cover Page	30
23.07	Signature	30
23.09	Exhibits	31
23.11	Time of Filing	31
23.14	Fees and Costs	31
23.16	Length of Document	32
24.01	Expungements	32
25.01	Supreme Court Login/ Report	32
26.01	Collection of Delinquent Fines, Cost and Restitution	32
27.01	Assigned Counsel	32
28.01	Definitions	33
28.02	Domestic Violence	33
28.03	Referral to Mediation	33
28.04	Mediation Case Summary	33
28.05	No Advice	34
28.06	Mediation Report and Confidentiality	34
28.07	Settlement Agreement	34
29.01	Audio Records	34
30.01	Notification of Alleged Victim(s)	34
31.01	Filing by Electronic Transmission	34
32.01	Fingerprint, Incident Tracking Numbers & Case Dispo Reporting	37
32.02	Mental Health Adjudication Reporting	38
32.03	Protection Order and No Contact Orders	38
32.04	Ohio Bureau of Motor Vehicles (BMV) Reporting	39

CELINA MUNICIPAL COURT
RULES OF COURT

LOCAL RULES – SCOPE AND AUTHORITY

The following supplemental Local Rules of the Celina Municipal Court are intended to be supplemental to and to be used in conjunction with the (1) Ohio Rules of Civil Procedure, (2) Ohio Rules of Criminal Procedure, (3) Ohio Rules of Superintendence for Municipal Courts and County Courts, (4) Ohio Traffic Rules, (5) Rules of Superintendence of the Supreme Court of Ohio, and all amendments or supplements thereto as may occur from time to time.

These Local Rules are not to be interpreted in any way that will conflict with the various Ohio Rules. Should any conflict or contradiction be found, the Ohio Rules shall, in all cases, prevail over the supplemental Local Rules.

The Rules of Practice of the Common Pleas Court of Mercer County may be followed when a situation arises for which no provision has been made.

RULE 1
Term of Court

1.01 There shall be no term of Court, but in accordance with ORC Section #1901.29, for the purpose of computing time, 90 calendar days following judgment shall be considered after term.

RULE 2
Hours of Court Sessions and Holidays

2.01 The offices of the Court and the Clerk of Court shall be open for the transaction of business during the hours set by the Court, Monday through Friday, legal holidays excepted.

Holidays will be observed as approved and established by the Judge of The Celina Municipal Court each year. The Court may also close by this Court's order when circumstances exist which the Court feels it would be necessary and proper to cease operations.

RULE 3
Conduct in Court and City Hall Building

3.01 Any person entering the City Hall Building or Court is subject to search at any time by any law enforcement officer, Court Bailiff or Court Probation Officer. Any item, container, book bag, backpack, vehicle or possession, within the confines of the City Hall building, shall be subject to search and inspection at any time by any law enforcement officer, Court Bailiff, or Court Probation Officer.

The Court will not tolerate any inappropriate facial expressions, grimaces or gestures during any Court appearance. Rude and disrespectful behavior towards opposing counsel, parties, witnesses, jurors or Court staff will not be tolerated. Any of these actions may be considered by the Court as direct Contempt.

All attorneys, parties and witnesses should wear appropriate attire to Court. Counsel should ensure that their clients and witnesses are appropriately attired. Failure of such may result in the hearing or trial being postponed and costs assessed. Hats shall be removed upon entering the Courtroom.

Attorneys may remain seated when addressing the Court unless otherwise directed by the Court. Objections shall be stated with consistency and with reliance on proper legal authority.

Any person who brings a child to Court shall not leave the child unattended or allow the child to disrupt the proceedings of the Court.

Food is prohibited in the Courtroom during all hearings. No smoking is permitted in the City Hall building.

The Courtroom shall be cleared at all recesses unless instructed otherwise by the Court.

Representatives of the media will under no circumstances question or converse with prospective or selected jurors concerning a cause set for trial.

All cellular phones and other communication devices are to be turned off or silenced by all persons before entering any Courtroom.

No person shall have on his or her possession, or under his or her control or direction, any dangerous ordnance other than law enforcement officer(s), Court Bailiffs on official business, and other persons authorized by the Court. No firearms, deadly weapons, or dangerous ordnances are permitted in the City Hall building or property surrounding the building.

RULE 4
Records

Records Open for Inspection

4.01 The Clerk of Courts shall refuse to file depositions upon oral examination, interrogatories, requests for documents, requests for admissions and answers and response thereto, unless on order of the Court or for use as evidence or for consideration of a motion in the proceeding.

All indexes, dockets and journals maintained in accordance with law by the Clerk shall be open to inspection during regular business hours. Original papers, however, shall not be removed from the office of the Clerk of Court. The same shall apply to affidavits, warrants, and other documents filed of record in all criminal cases.

This rule shall not be construed as a right to examine any and all documents contained in a file, such as accident reports, mental evaluations, alcoholic influence reports, trial notes, arrest reports or any other forms, as depositions, interrogatories, that may be contained therein of a confidential nature discoverable only upon Court orders pursuant to Ohio Criminal Procedure Rules.

Civil case files shall have the same right of public examination above.

Documents photocopied by the clerk shall be charged for at the rate of $.05 per page.

Filing

4.02 All pleadings, motions and all other papers filed in an action shall be filed in compliance with the Rules of Civil Procedure.

Any pleadings, motions or leave not filed in compliance with the Rules of Civil Procedure shall be reported by the clerk of this Court to the Judge and may be stricken from the files on the Court's own motion.

Releases and Assignments

4.03 The assignment, cancellation or release of judgment shall be in writing and filed as other papers in the case.

Disposition of Case Files

4.04 The disposition of case files shall comply with Rule 11.33 of the Rules of Superintendence for the Court of Ohio.

Search Warrants

4.05 The search warrant affidavit is not to be released to anyone until the return is filed with the Judge by the issuing department.

RULE 5
Subpoena-Timeliness of Filing

5.01 Praecipes for the service of subpoenas shall be filed at least **TEN** (10) working days before the subpoenaed party is required to appear. If this rule is not complied with, the failure of the subpoenaed party to appear because of failure of service shall not constitute grounds for a continuance. This rule applies unless it can be shown that the person filing the praecipe was unaware of the name or location of the persons sought to be subpoenaed in sufficient time to comply and that such information could not reasonably have been obtained in time.

RULE 6
Pleading Appearance not Required

6.01 In criminal matters every attorney of record should appear to plead, however, written pleas of not guilty may be accepted by the Court at the discretion of the Judge.

RULE 7
Forcible Entry and Detainer

7.01 Actions in Forcible Entry and Detainer shall be filed and proceedings conducted in accordance with provisions of Chapter 1923 ORC and any amendments made thereto according to law.

7.02 If an action in Forcible Entry and Detainer contains an additional cause of action for money judgment, then such additional cause of action shall proceed under all applicable Ohio Rules of Civil Procedure. If the defendant is present in such action, the Court may proceed to the issue of damages at the time of hearing on the Forcible Entry and Detainer.

7.03 When it is necessary to forcibly vacate real property, the plaintiff and/or landlord/plaintiff's counsel shall notify the bailiff and the plaintiff shall file a praecipe for writ of restitution (to identify the articles to be moved) and unless otherwise ordered by the clerk, shall require a deposit of not less than $50.00 before execution of the writ may be ordered. Any costs beyond the $50.00 are to be advanced by plaintiff according to the need for additional costs as required by the Court.

The plaintiff/landlord shall directly choose and make all contacts, moving expense payments and arrangements with the moving company. The moving company will schedule dates and times with the bailiff to remove tenant's possessions. Any moving company within Mercer County and/or adjacent Ohio county chosen or selected by the landlord however must be duly licensed by the Public Utilities Commission of Ohio (PUCO) and is to have dry storage facilities available as may be appropriate for the storage of tenant's removed possessions.

RULE 8
Jury Demand

8.01 Jury demand shall be made pursuant to Criminal Rules and Civil Rules. Subsequent to the issuing of jury notices, which are normally issued fourteen (14) days in advance of a scheduled trial date, any party (or parties) requesting a continuance which is granted, or who agrees to a settlement, or who withdraws a jury demand shall be responsible for notice to the prospective jury that their attendance is no longer required. Where appropriate and proper, the Court may assign costs regarding such procedure, or failure thereof.

8.02 In the event a panel of jurors appears for service and the trial is continued or postponed due to the failure of a party or his counsel to appear, such party shall be assessed the per diem cost of the panel unless such failure to appear is as a result of

extreme emergency or conditions beyond the control of the party or counsel as the same may be determined by the Court.

8.03 The failure of the party demanding the jury to comply with any of the provisions of this rule may constitute a waiver of the jury and the matter may be submitted to and decided by the Court.

8.04 Failure to timely rescind jury demand: After a jury has been demanded, unless the jury is waived in writing not less than seven (7) days prior to the date set for trial, the party who requested that jury, and thereafter within such seven (7) days prior, waives same, shall pay all jury fees and expenses incurred as a result of such demand.

8.05 Any application for withdrawal of counsel shall be accompanied by a withdrawal of all pending motions and any jury demand. Such withdrawal shall not prejudice a subsequent jury demand by or in behalf of a criminal defendant.

RULE 9
Orders in Aid of Execution

9.01 Orders in aid of execution shall be served and scheduled pursuant to statute and civil rules.

Service thereof may be made by regular United States mail.

No order in aid of execution shall be accepted by the clerk unless the name of the attorney filing the same appears at the bottom of each copy.

The clerk shall not accept such orders unless one copy is furnished for each party to be served and one copy for the clerk.

In the event the plaintiff or his attorney fails to appear for the examination of a debtor, the presence of the party shall be noted on the docket and the party excused.

A debtor may obtain a release of wages upon delivery to the Court of a signed statement from his employer as to his earnings for the past thirty (30) days and upon payment to the clerk of the amount required by law to be withheld. This provision shall not relieve the debtor of his duty to appear at the time assigned if he has been ordered to appear for examination.

Except for good cause, made known to the Court, no citation in contempt for failure to appear may be issued where more than sixty (60) days have elapsed after the date on which the debtor was ordered to appear.

Order in aid and citations in contempt shall be filed by the party requesting the orders and in a form acceptable to the Court.

Executions

9.02 Praecipes for execution shall describe specifically and in detail (including model and serial numbers if known) all property to be seized by the bailiff or sheriff on execution.

9.03 When an execution is issued, and unless otherwise ordered by the clerk, the Court shall require a deposit of not less than seven hundred fifty dollars ($750.00) to secure the estimated basic costs of pick-up and storage of the items that are to be executed upon plus costs and estimated mileage. This deposit shall occur prior to any pick-up action.

9.04 Any judicial sale shall be first approved by the bailiff as to exact time and date to avoid conflict.

9.05 Counsel for the party requesting any judicial sale shall prepare any newspaper publication required, cause the same to be published at the party's expense and file an Affidavit of Publication with the clerk and bailiff prior to sale.

Sales and Confirmation

9.06 A copy of the notice of the sale of personal property shall be mailed by the bailiff to parties and to attorneys of record in the case; however, failure to mail such notice shall not invalidate the sale.

9.07 Entries of confirmation and distribution shall be prepared by the party who requested the sale and shall contain a statement that the sale was regular and proper in every respect unless otherwise directed by the Court and also a statement of the balance, if any, still due on the judgment.

RULE 10
Trusteeship

In all cases where a trustee is appointed by this Court pursuant to Section 2329.70 O.R.C., the following shall apply:

10.01 A person making application for appointment of a trustee must have in his possession a fifteen day notice of garnishment that has been served on him by a creditor.

10.02 To be eligible for the appointment of a trustee a debtor must be a resident of Mercer County or a non-resident of Ohio employed in Mercer County and must be subject to garnishment in accordance with the law.

10.03 The application must be accompanied by a statement as to creditors, containing the name and complete address of each creditor, what was purchased, amount due each creditor, and the account number.

10.04 No debt for $50.00 or less shall be included in the trusteeship.

10.05 Debtor shall pay to the trustee twenty-five percent (25%) of his gross income, less taxes only, weekly, bi-weekly or monthly, according to his pay schedule. Other items which appear on check stubs which are withheld such as union dues, credit union charges, insurance, savings or anything of this nature will be included in the wages on which the 25% is based. Debtor's pay stub shall be submitted with each trusteeship payment.

10.06 Any payment which is ten days late will cause the trusteeship to be dismissed. If the debtor misses two consecutive payments to the trustee and the reason for missing the payment is that the debtor has not worked and has not received wages from his employer, the debtor must, by the date that the second payment is due, submit to the trustee a written statement from the employer indicating that no wages were paid for the preceding work period. The debtor may not reopen or file for a new trusteeship within six months without satisfactorily showing that the failure to pay was not due to willful negligence.

10.07 If the debtor becomes unemployed a minimum payment of $10.00 per week must be paid to the trustee.

10.08 Distribution to creditors will be made when $800.00 has been accumulated in the trusteeship. A fee of 2% of the distribution will be assessed to cover costs. Debtor will be advised of amount distributed and new balances due creditors.

10.09 Debtor shall notify the Court immediately of any change in address or employment.

10.10 A secured creditor may elect not to participate in the trusteeship. Therefore the debtor would be required to make payment directly to them, over and above the amount that is paid into the trusteeship. Failure of the debtor to make payments to the secured creditor who does not wish to participate in the trusteeship can result in the creditor repossessing the property that is given as security. However, no creditor can garnish the debtor's wages while he is in trusteeship regardless of whether the creditor has or has not elected to participate in the trusteeship.

RULE 11
Costs and Security for Costs

11.01 When a case in this Court is dismissed for want of prosecution or for failure to comply with an order of the Court, or by plaintiff without prejudice before judgment, all the proceedings by the plaintiff in the same case or in any subsequent suit upon the same cause of action shall be stayed until the costs in the former action are paid, unless otherwise ordered by the Court.

11.02 No action or proceeding shall be accepted for filing by the clerk of this Court unless there first shall be deposited the filing fee required by this Court in its schedule of costs, except that upon representation of indigency, the clerk of this Court shall investigate the accuracy of such representation and upon finding that such indigency does exist, the security for costs shall be waived.

11.03 Filing fee of $100.00 shall be required in all civil cases except those listed in Rule 10.06. This includes certified mail to two defendants. Certified mail service for each additional defendant costs $15.00. The filing fee for Small Claims cases is $60.00 with each additional defendant being $15.00. These fees shall be paid at the time the complaint is filed.

11.04 A fee of $35.00 will be required in all civil cases upon the filing of a cross-complaint or upon the filing of a third-party complaint or counterclaim. The filing fee for a Small Claims counterclaim is $30.00.

11.05 In any case wherein service is to be made by publication, counsel for the party desiring service by publication shall submit to the clerk of Court the proposed legal notice for such publication. This notice shall be promptly published in the local newspaper by the Clerk of Courts. The cost of the legal notice shall be paid by counsel directly to the newspaper.

11.06 The filing fee for civil BMV petition cases shall be $90.00. The filing fee for a Forcible Entry & Detainer shall be $125.00.

11.07 A deposit of $750.00 is required for the issuance of an execution for an automobile and a deposit of $750.00 is required for an execution on personal property. The actual court cost for the issuance of the execution is $25.00.

11.08 In cognovit cases, the costs shall be paid upon the filing of the judgment.

11.09 A filing fee of $60.00 shall be required for a Debtor's Examination.

11.10 A filing fee of $100.00 shall be required for a personal earnings garnishment. An additional fee will be charged for personal service outside of Mercer County if so requested by the attorney. Otherwise, all garnishments outside of Mercer County will be sent regular mail with certificate of mailing.

11.11 A filing fee of $60.00 shall be required for an Other Than Personal Earnings Garnishment (plus $1.00 for the garnishee).

11.12 The clerk shall not accept a poverty affidavit for filing (an affidavit setting forth a party's inability to make the required deposit for costs), unless and until the Court indicates thereon his approval of the same. To secure such approval, the attorney for the party desiring to file said affidavit shall certify that no monies have been paid to him by the party and that to his best knowledge and belief, the party is unable to make the deposit.

11.13 In any case in which the Court has approved a poverty affidavit, the clerk may, upon request by such party's attorney, waive deposit for costs of publication. However, in such cases, it shall be the responsibility of the attorney making the request to advise the publisher in writing at the time the legal notice is presented for publication, that no funds have been deposited with the clerk for payment of the publication costs, and at the

same time the attorney shall file with the clerk a written certification signed by the attorney stating that he has so advised the publisher.

11.14 No new proceedings shall be accepted by the clerk for filing when the party has unpaid costs due the court as a result of prior proceedings, except when approved by the Judge, or the party's indigency has been established.

11.15 A deposit of $40.00 is required in all Trusteeship cases at the time of filing.

11.16 A deposit of $1,000.00 is required in all civil cases where a Jury Demand is filed. Said deposit is to be made thirty (30) days prior to the date scheduled for the jury trial.

11.17 In the civil division, personal service by bailiff (in-county) is $20.00 for each individual. Personal service by sheriff (in/out-of-county) is $50.00 for each individual. When the return by the sheriff is made with the court and additional money is due, the additional fees will be billed to the person who deposited the fee. If the service is less than the $50.00 deposit, the difference will be returned to the person who deposited the fee.

11.18 A fee of $15.00 will be assessed as costs in a traffic or criminal case when a payment plan is established rather than payment in full at the conclusion of the case.

11.19 Overpayments on traffic and criminal cases and balances of civil deposits $5.00 or less will not be refunded.

RULE 12
Criminal Procedure – General

12.01 All rules set forth above with reference to civil proceedings shall, where applicable, be enforced in criminal proceedings before this Court, in addition to the other rules contained herein.

Criminal action – filing

12.02 The Clerk of Court and all deputy clerks shall not accept criminal filings, other than criminal minor misdemeanor and traffic offenses, from any person except a duly authorized police officer, having jurisdiction within the territorial jurisdiction of this Court unless the complaint has been reviewed and approved by a County or Municipal Court Prosecutor or investigating officer of Mercer County. Private citizens may file complaints only after consulting with the Mercer County Prosecutor's office or the City of Celina Law Director.

Arraignments

12.03 It is ordered that no eligible traffic offense or minor misdemeanor be scheduled for Court appearance sooner than seven (7) days after issuance of the ticket unless: (1) Defendant requests an earlier appearance or; (2) Defendant is incarcerated due to inability to post bond.

Computer Printouts in Traffic Cases

12.04 All traffic citations for offenses more serious than minor misdemeanors shall be accompanied by a computer printout of the defendant's record if the defendant is a resident of Ohio. It is the responsibility of the arresting officer to ensure that the printout is filed with the case.

Pre-trial Conferences

12.05 No pre-trial conferences shall be held on minor misdemeanors except on written order of the Court. Other contested cases will normally be pre-tried. The defendant's presence is not required at pre-trial conferences if represented by counsel, unless ordered by the Court otherwise. Presence is required for pro se defendants.

Forfeiture of Property

12.06 All property seized by law enforcement agencies in accordance with ORC 2933.41 and subject to forfeiture in accordance with division (C) of said section shall be deemed forfeited unless the Court orders otherwise. All applications for return of property subject to forfeiture shall be in writing, signed by the owner, and submitted no later than 30 days after final disposition of the case.

Court Costs – Criminal Action

12.07 All costs for traffic and criminal actions are imposed pursuant to the mandatory requirements of Sections 311.17, 1901.26, 2743.70 and 2949.091 of the Ohio Revised Code.

Use of electronically produced ticket

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

RULE 13
Numbering

13.01 All actions brought in this Court shall be numbered consecutively as filed and shall be entered on the docket and indexed as numbered. Thereafter, in filing any papers therein or calling the attention of the Court to any case, its number must be given.

RULE 14
Withdrawal of Charges

14.01 All recommendations for withdrawal or dismissal of a case and the reasons thereafter shall be made in writing or in open Court.

RULE 15
Judgments, Orders and Entries

15.01 All criminal and traffic judgments and orders of this Court shall be shown as entered on the dockets of the Court as of the date the said judgments were announced by the Court.

RULE 16
Court Mailbox Slots and Certificates of Delivery

16.01 The Clerk of the Celina Municipal Court shall maintain mailboxes for the use of attorneys who wish to effectuate the service of pleadings, motions, briefs, memoranda, and other legal papers. When copies of pleadings, motions, briefs, memoranda and other papers have been placed in the appropriate attorney's Court mailbox, and the Certificate of Delivery reflects such action, it shall be deemed by the Court as delivery to counsel, pursuant to the requirements of the Ohio Rules of Criminal and Civil Procedure. The person responsible for placing said papers in the appropriate attorney's mailbox in the Clerk of Court's Office shall, upon placing said papers in said Mailbox, note thereon the date of making deposit, together with his/her initials. All assignment notices generated by the Court will be placed in the respective mailboxes as well. This Rule will apply to the attorneys who routinely practice in the Celina Municipal Court and choose to have a mailbox provided within the Celina Municipal Court Clerk of Court's Office. The Attorneys who choose to have a mailbox will be given a key to their mailbox. They must return the key to the Clerk of Court at any time they choose to no longer maintain a mailbox at the Court.

RULE 17
Violations Bureau

17.01 Pursuant to Rule 13 of the Uniform Rules of Procedure in traffic cases (and see also Ohio Criminal Procedure 4.1) a violations bureau is hereby established for the acceptance of pleas of guilty in those cases not prohibited by said uniform rules.

17.02 The clerk of this Court is hereby appointed as violations clerk of the bureau.

17.03 In accordance with Ohio Crim. Proc. R. 4.1 (E), this Court establishes the bond, fines and costs per schedule filed in the office of the clerk.

RULE 18
Bail and Bond

18.01 All monies for bail can be posted in the name of the defendant or the name of the person advancing the bond. The person advancing the bond needs to indicate if the bond is being posted in their name or the defendant's. Surety may be liable for the full amount of bond if the defendant fails to appear.

18.02 When the case is finished and if the defendant has been found guilty, all bond money posted in the defendant's name shall be applied to the Court cost, fine and restitution in the following manner: All monies paid shall be first applied to pay restitution. Upon all restitution being satisfied, monies paid shall be applied to costs and then to fine. Any bond remaining after the payment of costs, fine and restitution is ordered released. Any bond money posted in the name of the person advancing the bond shall be released to them.

18.03 In all cases in this Court, bond is designated as cash bond, can also be made in an equal amount of surety bond unless otherwise ordered or specified by the Court. Real property bond is also permitted to be posted in twice the amount of the cash bond indicated. Said real property must be located in Mercer County and by proper proof and verification be shown to have a net value and equity of at least twice the amount of the cash bond.

RULE 19
Failure to Appear – Traffic Case

19.01 Failure of a defendant to appear as indicated on his citation shall proceed in accordance with Traffic Rule 7 and as follows: (1) His bond, if posted, may be forfeited. (2) He may be granted a week's continuance to appear at a subsequent arraignment hearing, but no notice will be mailed to him. Failure to then appear shall result in the issuance of a bench warrant, subject to appropriate bond. (3) Failure of Ohio resident to appear within thirty (30) days, the Court shall declare the suspension of the person's license per ORC 2935.26 and 2935.27. (4) Failure of non-resident to appear shall proceed according to non-resident violator compact as appropriate.

RULE 20
Case Management Plan

20.01 The purpose of this rule, pursuant to Rule 3.02 of the Rules of Superintendence for Municipal Courts is to establish an automated system for civil, criminal and domestic relations case management which will achieve the prompt and fair disposition of all cases, provide the Court with an efficient means of controlling the flow of cases, and save time by providing members of the bar with information and case management facilities.

20.02 The Clerk of Courts will provide to the Court a list of all cases filed or reactivated during the preceding week.

Failure of Service

20.03 If service is not completed within six (6) months as required by Civil Rule 4 (E), the Court will serve notice on plaintiff's counsel that unless service is obtained within fourteen (14) days, the case may be dismissed.

Continuances

20.04 To assure compliance with the requirements of Rule 5.24 of the Rules of Superintendence for Municipal Courts, the Court will not grant a Motion for Continuance without said motion being in writing, stating the reason for the continuance, and containing or being accompanied by an appropriate entry granting the motion and reassigning the matter for a date and time certain when all counsel are available and which has been approved by the Court.

20.05 When counsel requests a continuance for the reason that counsel is scheduled to appear in another case assigned on the same date, the Court will give priority to the case that was first assigned; provided however, criminal cases shall have priority over civil cases. Counsel shall attach a copy of the conflicting assignment notice to the motion.

Compliance with Soldiers and Sailors Relief Act

20.06 In any action or proceeding commenced in this Court, if there shall be a default of any appearance by any party, the party seeking judgment shall file with the Court an affidavit setting forth facts showing that the party in default is not in the military service. If unable to file such affidavit, the party seeking judgment shall file an affidavit setting forth that the party in default is either in the military service or that the affiant is not able to determine whether or not such defaulting party is in the service so that judgment can be entered as 50 U.S.C. 520, et seq.

Final Judgment Entries

20.07 At all uncontested hearings, the Court requests counsel to present a judgment entry with supporting orders and sufficient copies to be served on all parties and other entities as required by these rules.

20.08 After the Court renders a decision in a contested matter and requests counsel to prepare a judgment entry, counsel requested to prepare the entry shall have fourteen (14) days to submit the entry to opposing counsel for approval. Opposing counsel shall have seven (7) days to approve and deliver the entry to the Court or submit it, along with an alternate proposed entry to the Court. If the Court does not receive the entry within twenty-one (21) days of rendering its decision, the Court may give notice of a Hearing on Entry, and counsel of record shall appear and show cause why they have failed to submit the entry. If the Court receives two (2) alternate proposed entries, the Court may issue one of the alternate proposed entries, issue its own entry, or schedule a Hearing on Entry.

20.09 When counsel prepare an entry to be signed by the Court, counsel shall add the following Certificate of Service at the end of the entry:

This is to certify that a copy of the foregoing (state the title of the document being served) has been issued by regular U.S. Mail to (list the names of the counsel of record or the parties, if no counsel of record) at their respective addresses on _____, 20____.

_____

20.10 In all cases, counsel shall supply sufficient copies of all documents to be served on parties, counsel of record and any other appropriate parties as may be necessary and required. Civil plaintiffs or counsel not supplying service copies to the court will be charged $.25 per page for copies.

Findings of Fact and Conclusions of Law

20.11 When a party requests the Court to state its findings of fact separately from its conclusions of law under the provisions of Civil Rule 52, the party requesting such statement shall, within seven (7) days after receipt of notice of the Court's decision, submit to the Court a statement of proposed findings of fact and conclusions of law and shall serve copies thereof on all opposing parties or their counsel. Within seven (7) days after receipt of such proposed statement of findings of fact and conclusions of law, opposing counsel shall submit and similarly serve their proposals.

20.12 For want of strict compliance with this rule on the part of the party requesting this statement of finds of fact and conclusions of law, the Court will enter a general finding.

20.13 A party moving for dismissal pursuant to Civil Rule 41 (B)(2) shall submit to the Court proposed findings of fact and conclusion of law in writing together with his Motion for Dismissal.

Pleadings and Motions

20.14 All filed documents containing more than one page shall have numbered pages. The second page and all pages thereafter shall recite the case name, case number and shall identify the documents by name. This Rule of Court shall not apply to depositions which are bound and filed in booklet form.

20.15 In all matters submitted on memoranda, each memorandum shall be filed with the clerk of Courts and a copy mailed or delivered by counsel to opposing counsel.

Withdrawal of Counsel

20.16 The Court will not permit counsel to withdraw from any action at any time within twenty-one (21) days in advance of trial, final pre-trial or evidentiary hearing without written approval of the Court. At other times, the Court will permit counsel to withdraw only upon: (1) Written application with the written consent of the party and Entry of Appearance of a substitute counsel, or; written application showing good cause with service of said application and a copy of this rule upon the represented party and upon such of the terms as the Court may impose.

20.17 If counsel shall become unable to represent a party or formally withdraw from a case, the party shall have fourteen (14) days to secure new counsel. Upon application of the parties, said time may be extended. If a party fails to procure counsel within fourteen (14) days or fails to request the Court for an extension, the Court will assign the matter as in any other case, and the case will proceed. In such case, Notice of Assignment filed with the clerk and made a part of the original papers will be deemed notice to the party without counsel.

20.18 Any counsel formally withdrawing from a case shall advise the party to the action of this rule by furnishing a written copy of such rule to the party.

Notification of Representation

20.19 Any attorney upon accepting representation of a party in any civil, small claims or criminal matter, shall immediately notify the Court of such representation, even though his appearance may not as yet have been entered in the case.

Civil Matters – Generally

20.20 Thirty (30) days after an action is commenced by completion of service of process, if responsive pleadings have been filed, a Scheduling Conference will be assigned at which all counsel of record shall be present. The Court will conduct telephonic Scheduling Conferences only with leave of Court. If the Court grants such leave, counsel requesting the telephone conference shall arrange the conference call with all counsel of record and the Court at a time approved by the Court.

20.21 After the Scheduling Conference, the Court will issue a Scheduling Order which may include time limits for the following:

(1) To join new parties and amend the pleadings;
(2) To file and hear motions;
(3) To identify witnesses and expert witnesses;
(4) To complete discovery;
(5) To enter into any alternative dispute resolution proceedings;
(6) To establish a trial date;
(7) Any other matters appropriate to the particular case.

The Court will not modify the Scheduling Order except upon showing of good cause. Counsel shall have the obligation of notifying the Court of any noncompliance with the Scheduling Order.

20.22 After sixty (60) days of the completion of service, if no responsive pleading has been filed and no action has been taken by plaintiff's counsel, the Court will request plaintiff's counsel either to proceed in some manner, seek Default Judgment, or dismiss the action.

Motions

20.23 Default Judgments shall be granted in accordance with Civil Rule 55. All motions shall recite that the moving counsel has not been contacted by the defaulting party or

counsel for the defaulting party or, if contact has been made, the extent to which such contact has been made.

Upon the filing of a motion for default judgment, a judgment will be granted at that time if the following requirements are met: 28 days have passed since service; the court has a military affidavit on file in the case for the defendant(s); no answer has been filed or appearance made by the defendant(s); and a proposed judgment entry has been submitted to the Court for its approval.

If the party against whom judgment by default is sought has made an appearance, the party seeking a default judgment may be required to appear at a hearing, be prepared to present evidence and/or present supporting documentation in support of the claims as the Court may deem necessary or proper in accordance with Civil Rule 55 (A).

Summary Judgment

20.24 Motions for Summary Judgment shall be governed by Civil Rule 56. Upon the filing of a Motion for Summary Judgment, the Court will issue an order fixing a hearing date. The opposing party shall have twenty-one (21) days from the date of service of the order to file a response. Oral arguments shall be considered waived and the motion(s) submitted, unless written request for oral arguments is received not later than seven (7) days prior to the scheduled hearing.

In any memorandum or argument, counsel shall refer to specific pages, paragraphs, and lines of any pleadings, interrogatories, affidavits, depositions, or other documentary evidence which counsel desires the Court to consider.

All Other Motions

20.25 The Court will decide all other motions without oral arguments unless a party requests a hearing and/or the Court determines that a hearing is appropriate. The moving party shall attach to the motion a Memorandum in Support of the Motion which shall cite any authorities relied upon and shall submit with the motion a proposed Judgment Entry. Any party opposing the motion shall file a written response within fourteen (14) days of service of the motion. Reply or additional briefs or memorandums may be submitted only with the approval of the Court.

When a plaintiff files a voluntary dismissal under Civil Rule 41, the Clerk of Courts shall enter a Dismissal Entry on the docket and collect the Court costs from the plaintiff.

Final Pre-trials

20.26 At all scheduled final pre-trials, trial counsel of record shall be present with their clients and/or those persons with settlement authority.

Counsel are requested to meet prior to any scheduled pre-trial to resolve as many issues as possible.

The Court may order counsel to prepare a pre-trial statement containing any of the following information as may be appropriate:

(1) Concise statement of the general claims and defenses of the parties;

(2) Facts established by admissions in the pleadings, admissions by discovery, and stipulation of counsel;

(3) Contested issues of facts;

(4) Contested issues of law, together with counsel's citation of authority for counsel's position;

(5) Names and addresses of witnesses, as well as expert witnesses and their qualifications, expected to testify at trial, together with a brief statement of the subject matter of each witness's expected testimony;

(6) List of exhibits counsel intend to offer into evidence, marked as follows:

(a) Joint Exhibits – Roman numerals;

(b) Plaintiff's Exhibits – Arabic numerals;

(c) Defendant's Exhibits – Letters;

Counsel shall certify that they have exchanged exhibits and, if possible, provide a copy for the Court.

(7) Motions in Limine not already filed;

(8) Statement of any additional motions needed to be filed;

(9) Statement detailing completed discovery to date and additional discovery needed by counsel;

(10) List of specific damages being requested;

(11) Counsel's expectations of trial time needed to present his/her side of the case;

(12) Specific jury instructions other than standard, if jury trial;

(13) Request for a view of the scene, if appropriate, with instructions for the bailiff;

(14) Status of settlement negotiations;

(15) Any other information which will be helpful to the Court in either negotiations or preparation for trial.

All pre-trial statements shall not be filed with the clerk but shall be directly submitted to the Court with copies served upon all other counsel or pro se parties not less than seven (7) days prior to final pre-trial unless the Court otherwise directs.

The Court may order counsel to prepare a joint Pre-trial Statement, containing any of the foregoing information.

Failure to submit a Pre-trial Statement or to comply with any other Court orders in a timely manner may result in appropriate sanctions, including exclusion of testimony or exhibits, denial of claims, directed verdict, dismissal of the case, contempt of Court, or such other action the Court may deem appropriate.

Counsel is responsible for notifying the Court of any party's failure to cooperate with other parties or to diligently attempt to comply with all pre-trial orders of the Court.

Settled Cases

20.27 Counsel shall immediately notify the Court when a case has been settled. If the Court does not receive an entry terminating the case within twenty-eight (28) days after receipt of notification of settlement, the Court will assign the matter for Hearing on Enforcement of Settlement at which time all counsel of record and parties or persons with settlement authority shall be present unless a termination entry is received prior to said hearing.

Bankruptcy

20.28 If any party files a proceeding in the U.S. Bankruptcy Court which results in a stay of this court's proceedings, counsel for the debtor shall immediately file with the Court a notice of same with an attached, file stamped copy of the petition and entry staying proceedings as provided by the provisions of 11 U.S.C. 362. Counsel for the debtor shall immediately notify the Court of any action of the Bankruptcy Court which would permit this Court to proceed with the case.

Post Decree/Judgment Motions

20.29 Upon the filing of any post decree motion, counsel shall obtain a hearing date and include the hearing date in the motion to be served on the parties. The Court may recess the hearing and conduct a Pre-trial at its discretion.

The Court's rules on Pre-trial Statements; Settled Cases; and Final Entries shall apply to all post decree/judgment motions.

Criminal Matters – Discovery

20.30 Upon oral request, the Prosecutor shall deliver to defense counsel an information packet containing the following:

(1) All police reports;
(2) All known witness statements;
(3) Any statement of the defendant;
(4) All available laboratory reports;
(5) Names and addresses of all known witnesses;
(6) Video, audio & narrative discovery.

Police reports supplied in the information packet shall not be used for cross-examination of any witness unless the same is properly qualified under Criminal Rule 16 (B)(1)(g) and Ohio Rules of Evidence, Rule 16.

Receipt of the information packet by defense counsel automatically obligates the defense counsel to supply reciprocal discovery as provided by Criminal Rule 16.

Pre-trials and Hearings

20.31 An initial pre-trial shall be assigned at the time of arraignment for the purpose of establishing time periods for discovery and dates for motion hearings, pre-trials and trial.

Counsel are requested to meet promptly at the time the matter is scheduled for pre-trial to resolve as many issues as possible.

If the attorney for the defendant wants the defendant present for a hearing and the defendant is incarcerated out of county, it is the responsibility of defense counsel to file, at least ten (10) days prior to the hearing, a motion requesting the defendant be conveyed to Mercer County for the hearing.

The investigating law enforcement officers will be notified of all hearings, but need be present only for Trials and Motion Hearings unless otherwise notified by the City Law Director.

Entries

20.32 If counsel is requested to prepare an entry, counsel shall submit it to the Court within three (3) business days.

Post Conviction Motions

20.33 Upon the filing of any post conviction motion, the matter will be scheduled for either a conference or hearing if appropriate.

The Court's Rules on continuances; pre-trial; and entries shall apply to all post conviction motions.

RULE 21
Jury Use and Management Plan

Opportunity for Service

21.01 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.

21.02 Jury service is an obligation of all qualified citizens of Mercer County, Ohio.

Jury Source List

21.03 Pursuant to Court order, a jury source list shall be obtained from the Board of Elections' list of registered voters in the form of a computer printout. The Court shall designate a key number based on the total number of registered voters and the number of jurors needed for year of service.

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

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

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

Random Selection Procedures

21.07 Potential jurors shall be drawn from a jury source list which shall constitute a list of all registered voters in Mercer County, by the use of random selection procedures using automated data processing equipment in conformity with R.C. Chapter 2313 as adopted by Local Rule hereinbefore set forth or any other process allowed by law that may be adopted, ie drivers license issuance.

21.08 Jury commissioners, duly appointed pursuant to R.C. 2313.01, shall convene and select a sufficient number of prospective jurors for grand juries and petit juries for the calendar year.

21.09 The jury commissioners shall convene and complete a list of prospective jurors for the part term of court as needed.

21.10 In the event the number of prospective jurors is insufficient to meet the needs for the court in the calendar year, the jury commissioners shall reconvene as necessary to select additional prospective jurors in accordance with R.C. 2313.01.

21.11 The lists for prospective jurors shall be reviewed and unsuitable names purged from such lists, in accordance with the powers provided to jury commissioners by R.C. 2313.01. If, in the opinion of the Court, this jury source list is not representative of the adult population of the jurisdiction, additional source lists shall be utilized as authorized by law.

21.12 Departures from random selection shall be permitted only as follows:

(1) To exclude persons ineligible for service;
(2) To excuse or defer prospective jurors;
(3) To remove prospective jurors for cause or if challenged peremptorily;
(4) To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel.

21.13 All prospective jurors shall be notified by regular mail that their name has been drawn and placed upon the list for jury service. Each prospective juror shall be required to complete and return a juror questionnaire within seven days of the receipt of said notice.

All prospective jurors shall be notified of the requirement of their service by the issuance of a summons directing them to appear on a specific date for a particular case. Said

summons shall be phrased so as to be readily understood by an individual unfamiliar with the legal process and shall be delivered by ordinary mail.

Eligibility for Jury Service

21.14 All persons shall be eligible for jury service except those who:

(1) Are less than 18 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, Mercer County;
(4) Are not able to communicate in the English language;
(5) Have been convicted of a felony and have not had their civil rights restored.

Term of and Availability for Jury Service

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

21.16 Jurors shall be available during the part term for which the jurors have been summoned.

Exemption, Excuse, and Deferral

21.17 There shall be no excuses or exemptions from jury service except those authorized by R.C. 2313.16.

21.18 Prospective jurors may be excused for the reasons by R.C. 2313.16.

21.19 All requests for exemptions, excuses, and deferrals and their disposition shall be in writing.

Voir Dire

21.20 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.

21.21 To reduce the time required for voir dire, basic background information regarding panel members shall be made available to counsel for each party for inspection at the court.

21.22 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.

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

21.24 All voir dire examinations shall be held on the record.

21.25 Rules on voir dire:

(1) The case may not be argued in any way while questioning the jurors;
(2) Counsel may not engage in efforts to indoctrinate jurors;
(3) Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence;
(4) Jurors may not be asked what kind of verdict they might return under any circumstance;
(5) Questions are to be asked collectively of the entire panel whenever possible.

Removal from the Jury Panel for Cause

21.26 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.

Peremptory Challenges

21.27 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.

Administration of the Jury System

21.28 The responsibility for administration of the jury system shall be vested with the Court.

21.29 All procedures concerning jury selection and service shall be governed by Ohio Rules of Court and the laws of the State of Ohio.

Notification and Summoning Procedures

21.30 The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems and be delivered by ordinary mail.

21.31 Jurors who fail to report for service may be brought before the Court to explain why they did not appear. Sanctions will be imposed as warranted.

Monitoring the Jury System

21.32 The Court shall review the performance of the jury system annually in order to evaluate the fairness, effectiveness, and efficiency of the jury system.

Juror Use

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

21.34 The Court shall determine the minimally sufficient number of jurors needed to accommodate each particular trial.

Jury Facilities

21.35 The Court shall provide an adequate and suitable environment for jurors and otherwise accommodate the needs of the jurors.

21.36 To the extent feasible, juror facilities shall be arranged to minimize contact between jurors, parties, counsel, and the public.

Juror Compensation

21.37 Persons called for jury service shall promptly receive a reasonable fee for their service pursuant to statutory authority.

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

Juror Orientation and Instruction

21.39 The court bailiff shall be responsible for providing information concerning jury service to jurors in a uniform and efficient manner using combination of written, oral, or audiovisual materials.

21.40 The trial judge shall:

(1) Give preliminary instructions to all prospective jurors;

(2) Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures, the nature of evidence and its evaluation, the issue to be addressed, and the basic relevant legal principles;

(3) Prior to the commencement of deliberations, give instructions to 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, which instructions shall be made available to the jurors during deliberations;

(4) Before dismissing a jury at the conclusion of a case, the trial judge shall

(a) See if counsel wishes to poll the jury;

(b) Release the jurors from their duty of confidentiality;

(c) Explain their rights regarding inquiries from counsel or the press;

(d) Either advise them that they are discharged from service or specify where they must report; and

(e) Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

21.41 All communications between the judge and members of the jury panel from the 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 given the opportunity to be heard.

Jury Size and Unanimity of Verdict

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

Jury Deliberations

21.43 Jury deliberations shall 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.

21.44 The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.

21.45 A jury shall 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.

21.46 Training shall be provided to personnel who escort and assist jurors during deliberation.

Sequestration of Jurors

21.47 A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences and according to law.

21.48 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.

21.49 The bailiff shall be responsible for ensuring that standard procedures are followed to achieve the purpose of sequestration and minimize the inconvenience and discomfort of the sequestered jurors.

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

Enforcement of Rules

21.51 The court reserves the right within its sound discretion to enforce these rules and otherwise use and manage the jury system to ensure justice.

RULE 22
Court Security Rule

22.01 The Celina Municipal Court is charged with dispensing justice, supporting the Constitution of the United States and Ohio 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 and those present within, to protect the right of individuals and to assure the court facilities are secure.

Therefore, pursuant to the Rules of Superintendence the court establishes the following:

Subject to change hereafter as may be necessary, warranted or financially possible, considering in part the physical design of the structure the court is housed in and security procedures already incorporated, adopted and in use, the local security practice, procedures and policies currently existing and utilized by the Celina Municipal court are to remain in effect.

These practices will maintain accessibility of the court to the community and provide security for the same.

RULE 23
Filing by Facsimile and Electronic Mail

23.00 The provisions of this local rule are adopted under [Civ.R. 5(E)] [Civ.R. 73(J)] [Crim.R. 12 (B)] [Juv.R. 8] [App.R. 13(A)].

Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to **419-586-4735** or by electronic mail transmission to **court@celinaohio.org** subject to the following conditions:

Applicability

23.01 This rule applies to civil, criminal, traffic and small claims proceedings in the Celina Municipal Court.

Original Filing

23.02 A document filed by electronic means shall be accepted as the effective original filing. The person making an electronic filing need not file any source document with the clerk of court but must, however, maintain in his or her records and have available for production on request by the court the source document filed electronically, with original signatures as otherwise required under the applicable rules.

23.03 The source document filed electronically shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

Cover Page

23.04 The person filing a document by fax shall also provide therewith a cover page containing the following information:

(A) the name of the court;
(B) the title of the case;
(C) the case number;
(D) the name of the judge to whom the case is assigned, if any;
(E) the title of the document being filed (e.g. Defendant's Answer to Complaint; Plaintiff's Response to Motion to Dismiss; Plaintiff's Notice of Filing Exhibit to Plaintiff's Response to Defendant's Motion to Dismiss);
(F) the date of transmission;
(G) the transmitting fax number;
(H) an indication of the number of pages included in the transmission, including the cover page;
(I) if a judge or case number has not been assigned, state that fact on the cover page;
(J) the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and
(K) if applicable, a statement explaining how costs are being submitted.

23.05 If a document is sent electronically to the Clerk of Court without the cover page information listed above, the clerk may, at its discretion:

(A) enter the document in the case docket and file the document; or
(B) deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the document **shall not** be considered filed with the Clerk of Courts.

23.06 The Clerk of Court is not required to send any form of notice to the sending party of a failed electronic filing. However, if practicable, the clerk may inform the sending party of a failed electronic filing.

Signature

23.07 A party who wishes to file a signed source document electronically shall either:

(A) send a copy of the signed source document; or
(B) send a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

23.08 A party who files a signed document electronically represents that the physically signed source document is in his/her possession or control.

Exhibits

23.09 Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

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

Time of Filing

23.11 Subject to the provisions of these rules, all documents sent electronically and received by the clerk shall be considered filed with the Clerk of Courts as of the date the clerk file-stamps the document received, as opposed to the date and time of the transmission. However, the fax machine and email account will be available to receive transmission of documents on the basis of 24 hours per day seven days per week including holidays.

23.12 The Clerk of Court may, but need not, acknowledge receipt of an electronic transmission.

23.13 The risks of transmitting a document electronically to the clerk of courts shall be borne entirely by the sending party. Anyone using electronic filing are urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

Fees and Costs

23.14 No document filed electronically that requires a filing fee shall be accepted by the clerk for filing until court cost and fees have been paid. Documents tendered to the clerk without payment of court cost and fees or which do not conform to applicable rules will not be filed.

23.15 No additional fee shall be assessed for electronic filings.

Length of Document

23.16 Electronic filings shall not exceed ten (10) pages in length. The filer shall not transmit service copies electronically.

RULE 24
Expungements

24.01 Expungement applications filed pursuant to Section 2953.32 O.R.C. shall contain the following information concerning the applicant:

1. Exact name, including any applicable former name(s).
2. Date of birth.
3. Former conviction information including court case number, description of crime, applicable code section, date of conviction and sentence of Court.
4. A statement that the defendant is an eligible offender and has never had another case expunged that would make them ineligible for an expungement.

RULE 25
Electronic Filing

25.01 Supreme Court Login/Report
The Clerk of Court shall submit in electronic format via the Ohio Supreme court website reports as required by Supreme Court Sup.R. 5.33. The reports shall be as perceived the by the Supreme Court and submitted no later than the fifteenth day after the close of the reporting period. Only the Judge and the Clerk of Court shall have access to the Supreme Court website login credentials. The Judge and the Clerk shall take all necessary steps to ensure and maintain the security of the Supreme Court website login credentials.

RULE 26
Collections

26.01 Collection of Delinquent Fines, Cost and Restitution
The clerk of the court is authorized to contract with an outside service provider for the collection of delinquent fines, court cost and restitution. Any person or entity that does not pay fines, cost, and/or restitution by a deadline that the court has set may be charged additional court costs in connection with that debt-collection process.

RULE 27
Assigned Counsel

27.01 A list of attorneys available for appointment shall be maintained by the Court. Upon a proper affidavit of indigency, the Court shall appoint an attorney for parties in those cases for which appointed counsel is permitted.

27.02 Assigned counsel shall receive compensation for professional services and be reimbursed for expenses in accordance with R.C. 2941.51. Upon the completion of the service, it shall be the duty of such assigned counsel to submit an itemized statement of the services rendered and the time spent in connection with such services in the preparation and trial or other disposition of same, and any out-of-pocket expenses incurred therein. The Court shall determine the amount of compensation within the statutory limit thereon, in accordance with schedule of fees adopted by the Board of County Commissioners of Mercer County. No fees in excess of the maximums

prescribed therein shall be approved unless prior to incurring such expenses, counsel shall make application to the Court and obtain prior approval therefore by judgment entry.

NOTE: Pursuant to RC 120.33(A)(4), all requests for reimbursement are due to the Office of the Ohio Public Defender within ninety (90) days after the end of the month in which the case was finally disposed of or terminated. To provide sufficient processing time for the request at the county level and the state level, the request is due to the Court within thirty (30) days after the case is disposed of or terminated. Failure to comply may result in reimbursement amounts being reduced by a rate equal to the Ohio Public Defender's current reimbursement rate.

RULE 28
Mediation

The "Ohio Uniform Mediation Act" under Revised Code Chapter 2710 and Rule 6.20 of the Supreme Court of Ohio Rules of Superintendence is incorporated herein.

28.01 Definitions

Pursuant to Sup.R. 6.00 "Mediation" is any process by which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute. "Mediator" is any neutral and impartial individual who conducts a mediation. Mediators are independent contractors not employed by the court.

28.02 Domestic Violence

The use of mediation is prohibited (A) as an alternative to the prosecution or adjudication of domestic violation; (B) in determining whether to grant, modify, or terminate a protection order; (C) in determining the terms and conditions of a protection order; and (D) in determining the penalty for violation of a protection order.

28.03 Referral to Mediation

All civil cases may be reviewed by the judge for referral to mediation. If the parties do not settle the dispute in mediation, the case will proceed to trial. If a plaintiff fails to appear, the matter is subject to dismissal. If the parties to any civil case are directed by the court to participate in mediation, the parties must do so at their expense. The Judge will select the Mediator.

28.04 Mediation Case Summary

Not fewer than five days before the first mediation session, each party shall submit to the mediator a summary of facts and circumstances of the dispute, any arguments in support of their respective positions, the status of their compliance with any discovery requests, the amount of damages requested, and a summary of any prior settlement negotiations between the parties. The parties shall promptly provide whatever additional information and materials they deem necessary to aid the mediator in understanding the dispute. The mediator may request that the parties provide clarification or additional information. Parties may, but are not required, to have an attorney present at mediation to advise them. If any Attorney is going to attend mediation, they must let the opposing party know so they can have their Attorney attend as well, if desired. When a corporation or other legal

entity is a party to mediation, a person with the authority to settle the case on behalf shall participate in the mediation session.

28.05 No Advice
No statement by a mediator in mediation may be construed as giving legal advice. Materials for legal services and other support services may be provided to all parties, including victims and alleged victims of domestic violence. The mediator is authorized to provide such resource information; however, such distribution shall not be construed as a recommendation of, or referral to, such resource. The recipient of that information is charged with the duty to evaluate those resources independently.

28.06 Mediation Report and Confidentiality
The mediation process is confidential. All mediation communications are privileged as described in Revised Code Sections 2710.03-2710.05. Following mediation, the parties shall inform the court, in compliance with Revised Code Section 2710.06, who attended the mediation and whether the case settled. No other information shall be directly or indirectly communicated by the mediator to the court, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure. The mediator shall keep mediation communications confidential, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.

28.07 Settlement Agreement
If a settlement is reached, the parties shall notify the court in writing. The matter shall be reduced to writing in the form of a Consent Agreement to be signed by the parties, their Attorneys and approved by the Judge.

RULE 29
Court Records Management and Retention

29.01 Audio Records
Audio records of courtroom proceeding shall be kept for a period of five (5) years.

RULE 30
Notification of Alleged Victim(s)

30.01 The Mercer County Prosecutor, City of Celina Law Director or any prosecutor in the case by appointment, shall be responsible for providing the alleged victim(s), upon request, notice of all public proceedings involving the alleged criminal offense against the victim(s) and the opportunity to be present at all such proceedings, pursuant to Rule 37 of the Ohio Rules of Criminal Procedure.

RULE 31
Filing by Electronic Transmission

31.01 The clerk shall provide electronic filing service to all court users for all documents in any category of cases or any particular case unless otherwise restricted by the Judge. The electronically filed document will be part of the official court record. Paper records, if maintained, will be considered a copy of the official court record.

31.02 The following definitions shall apply herein, unless the context requires otherwise:

(A) "Electronic filing" means the transmission of a digitized source document electronically via the Internet to the clerk for the purpose of filing the document and refers to the means of transmission or to a document so transmitted.

(B) "Electronic mail" means messages sent by a user and received by another through an electronic service system utilizing the Internet. Any communication sent to the court by electronic mail is not considered a legal communication of any form and will not be received or ruled upon by a judge or entered into the court record.

(C) "Document" means any pleading, motion, exhibit, declaration, affidavit, memorandum, paper or photographic exhibit, order, notice, and any other filing by or to the court, except trial exhibits that have not yet been admitted into evidence by the court.

31.03 All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or party not represented by such an attorney.

(A) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the document stricken.

(B) No attorney shall authorize anyone to electronically file on that attorney's behalf, other than their employee or a service provider retained to assist in electronic filing.

(C) The electronic filing of a document by an attorney, or by another under the authorization of said attorney, or by a party not represented by an attorney shall constitute a signature of that attorney or party under Ohio Civil Rule 11.

(D) No person shall utilize, or allow another person to utilize, the password of another in connection with electronic filing.

31.04 The electronic filing service shall be available twenty-four hours per day, seven days a week. All electronic filing of documents must be completed during regular court hours to be considered timely filed that day. Any documents transmitted outside of regular court hours shall be deemed filed on the next normal business day.

31.05 A document electronically filed shall be accepted as the original filing if the filer complies with all of the requirements set forth in this rule. The filer shall not be required to file the source document with the clerk but must maintain the same in the filer's records, and have the same available for production on request of the court, the clerk or other counsel. The filer shall maintain the source document until the subject case is closed and all appeals and opportunities for appeal have been exhausted.

31.06 The system shall establish an electronic filer user account and assign a filer identification number and initial password to be used for electronically filed documents.

31.07 The filer electronically filing a document shall also complete an on-line Document Description Form containing the following information:

(A) The title of the case;

(B) The case number;

(C) The title of the document being filed;

(D) The date of transmission;

(E) The name, address, telephone number, fax number, and, if available, the e-mail address of the person filing the document, and

(F) For an attorney, his or her Ohio Supreme Court registration number and firm name, if any.

31.08 In the event a document is electronically filed without or with an incomplete Document Description Form, the clerk shall reject said document and the clerk shall notify the filer via electronic mail of said rejection.

31.09 A transaction number will be assigned to each document when it is received in its entirety by the receiving device of the clerk. The transaction number and the date and time of filing will be displayed on the screen of the filer's computer, with an image of the document filed, upon successful transmission of the document. Filers will be notified via electronic mail if the filing is rejected for any reason. A corrective filing may be sent at a later time if the filer elects to do so, but such a filing will be considered a new filing and will not relate back to the date and time of the original attempt to file the document. If a document is rejected due to technical errors and the filer wishes to have the corrective filing relate back as to date and time, the filer must file a motion with the court seeking such relief.

31.10 The clerk shall retain rejected documents for a period of one year from the date of transmission.

31.11 Any attorney, party or other person who elects to file any document electronically shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed with the clerk as a result.

31.12 Normal filing fees, deposits, and copy costs will be collected via filer credit card or deposit at the time the filing is processed by the clerk. Any document filed electronically that requires a filing fee may be rejected by the clerk unless the filer has complied with the mechanism established by the court for the payment of filing fees.

31.13 Documents submitted must be in a PDF format and the file size cannot exceed 1GB.

31.14 Documents filed with the court shall be served in accordance with Ohio Civil Rule 5 and Ohio Criminal Rule 49 unless an attorney or a party not represented by an attorney has filed an electronic mail address with the court. Where an electronic mail address has been filed with the court by affixing the same to any document or by the filing of a

separate notice of electronic mail address, service on the attorney or party by electronic mail shall constitute service pursuant to Ohio Civil Rule 5 and Ohio Criminal Rule 49 but shall not entitle the attorney or party to the additional three days provided by Ohio Civil Rule 6(E). Documents served electronically shall contain proof of service setting forth the electronic mail address at which the attorney or party was served.

RULE 32
Reporting to Law Enforcement Compliance Plan

Pursuant to Sup. R. 3.04, the Celina Municipal Court hereby establishes a Compliance Plan for the submission of Fingerprints, Incident Tracking Numbers (ITN) and case disposition numbers; Mental Health Adjudications (Hopper Act); Protections Orders; and Bureau of Motor Vehicle.

32.01 Fingerprint, Incident Tracking Numbers & Case Disposition Reporting

1. Court staff have a list of section codes that require Fingerprinting pursuant to Ohio Revised Code, Sections 109.572 and 109.60.
2. When setting up new cases, staff will identify if the section code cited is on the list for requirements to be fingerprinted. If so, it will then be determined if defendant was booked-in to the Mercer County Adult Detention Facility for the violation.
    a. If defendant was booked-in to the Mercer County Adult Detention Facility they would have been fingerprinted upon book-in.
    b. If defendant was not booked-in a neon yellow sticker will be placed on the front of the case jacket indicating that the defendant needs to be fingerprinted.
3. When defendant appears at arraignment and the sticker is on the front of the case file, the Judge will order the Defendant to be fingerprinted at the Mercer County Adult Detention Facility that same day.
4. If a not guilty is filed for defendant and the sticker is on the front of the case file, at the Change of Plea, the Judge will order the Defendant to be fingerprinted at the Mercer County Adult Detention Facility that same day.
5. The Mercer County Adult Detention Facility will submit fingerprint cards to the Court.
6. Once fingerprint cards are received, the ITN is entered, Fingerprint card is docketed and scanned into the case file.
7. Upon disposition of the case, the Court shall apply the appropriate disposition code to the ITN number and transmit to BCI electronically via FTP.
8. Cases are reviewed to ensure that fingerprints were completed. A copy of all fingerprint orders are sent to probation department to monitor compliance.

32.02 Mental Health Adjudication Reporting

1. Upon a defendant pleading guilty or being found guilty of an offense of violence as defined by Ohio Revised Code, Section 2901.01(A)(9)(a) or any substantially

similar municipal ordinance; or pleading guilty or being found guilty of conspiracy or attempt to commit, or complicity in committing an offense of violence as defined by Ohio Revised Code, Section 2901.01(A)(9)(a); or any substantially similar municipal ordinance and being ordered to a mental health evaluation; or being found not guilty by reason of insanity; or being found incompetent to stand trial, the Court shall complete Form 95: NCIC Mental Health Notice with all required information at the time of plea or adjudication.

2. The Clerk of Court shall docket the completion of the Form 95, maintain the original in the non-public access section of the Case file and transmit a copy of the completed form to the arresting law enforcement agency to enter into NCIC via the Ohio Law Enforcement Automated Data System (LEADS) as established in ORC 2929.44.

32.03 Protection Orders and No Contact Orders

1. Upon issuance of Temporary Protection Orders and No Contact Orders by the Court, the Court shall:
   a. Review and obtain defendant signature in all required areas.
   b. Provide a copy to the defendant and all parties.
   c. Complete NCIC Form and email to proper law enforcement agency (Celina Police Department or Mercer County Sheriff).
   d. The completed and executed Protection Order/No Contact Order and NCIC Form shall be docketed in the Case Management System (CMS) along with an image of the completed Orders.
   e. Protection Order/No Contact Order and NCIC Form will be sent interoffice mail to the proper law enforcement agency to be entered into LEADS program.
   f. Law Enforcement agency to process paperwork according to their procedures set in place.
2. Upon modification, dismissal, or termination of Temporary Protection Order and No Contact Order by the Court, the Court shall:
   a. A signed order by the Judge will be executed stating the change of the Temporary Protection Order and No Contact Order.
   b. Provide a copy to all parties that received the original Temporary Protection Order and No Contact Order.
   c. Complete NCIC Form with necessary changes.
   d. Signed order and NCIC Form will be sent interoffice mail to the proper law enforcement agency to be updated in the LEADS program.
   e. Law Enforcement agency to process paperwork according to their procedures set in place.

32.04 Ohio Bureau of Motor Vehicles (BMV) Reporting

1. Procedures and Timelines for Reporting to the BMV.
    a. Reporting of court actions to the BMV shall be done within 7 days as prescribed by law.
    b. BMV reporting will be completed on Tuesdays and Fridays.
        i. Tuesday reports will consist of cases that were completed on Wednesday – Friday of the prior week
        ii. Friday reports will consist of cases that were completed on Monday – Tuesday of that week.
    c. The report shall be in the format as prescribed by the Bureau of Motor Vehicles (BMV).
    d. The Case Management System (CMS) creates a file to report to the Bureau of Motor Vehicles (BMV).
    e. Once the report is run, the CMS will create a hard copy list of all cases that will be sent to the BMV including: forfeitures, registration blocks, convictions, warrant blocks and points.
    f. The list is double checked to verify all information and cases being sent are accurate. Changes are made if necessary.
    g. The electronic FTP file is created of the report.
    h. A copy of the report is then uploaded using FileZilla to send the file to the BMV using the FTP site created by BMV.
    i. Through the BMV FTP site, it is then verified to ensure that the file was uploaded correctly.
    j. A batch # is created. This batch number is assigned and can be viewed on each case in the CMS that was on the BMV report and sent to BMV.
    k. BMV FTP site will then be checked to see if there was an error report. If an error report is received, the report will be reviewed and any corrections and/or adjustments will be completed and sent to the BMV as stated above.