

**IN THE UPPER ARLINGTON MAYOR'S COURT
UPPER ARLINGTON, OHIO**

IN RE: Rules of Court

Order No. 91

October 22, 2018

It is hereby ordered that the attached Rules be amended for the continued regulation of practice and procedure of Upper Arlington Mayor's Court.

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Said RULE 2.01 PILOT DRUG COURT PROGRAM
(SPECIALIZED DOCKETS); and

Said RULE 21.00 SEALING OF RECORDS

It is hereby ORDERED, ADJUDGED, and DECREED, that these Rules of Court for the Upper Arlington Mayor's Court attached hereto be amended effective October 29, 2018.


Francis C. Greenhill, Mayor
Upper Arlington Mayor's Court



CITY OF | **UPPER**
ARLINGTON

CLERK OF COURTS

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UPPER ARLINGTON MAYOR'S COURT RULES

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COURT RULES

Upper Arlington Mayor's Court

RULE 1.00 SCOPE AND EFFECTIVE DATE

These rules are adopted as local Rules of Court governing practice and procedure in the Upper Arlington Mayor's Court. They are adopted pursuant to the Court's inherent authority as set forth in the rules of Civil and Criminal Procedure and Rules of Superintendence. These rules may be cited as "Upper Arlington Mayor's Court Rule (i.e. (M.C. Rule 1.00)". They are effective as of October 1, 1986 and govern all proceedings filed subsequent to that date. These rules may be amended from time to time by orders of the Mayor.

RULE 2.00 COURT SESSIONS

Mayor's Court shall be convened in regular session every Thursday at 12:00 P.M. for the arraignment of traffic and criminal cases or any other day designated by the Mayor. If a holiday falls on Thursday, court will convene on the Wednesday prior to the holiday or any other day designated by the Mayor. Trials shall also be scheduled at the convenience of the Court in compliance with Ohio Revised Code §2945.71, et seq, unless otherwise ordered by the Mayor or the Mayor's lawful designee. Additional sessions may be convened when necessary as ordered by the Mayor or the Mayor's lawful designee.

RULE 2.01 PILOT DRUG COURT PROGRAM (SPECIALIZED DOCKETS)

It is the mission of the Upper Arlington Pilot Drug Court Program to provide management and treatment to misdemeanor defendants who incur offenses directly related to drug addiction in an effort to recognize and correct their problematic behavior as well as reduce the risk they pose to the safety of the community.

The defendants will be afforded the opportunity before the judiciary, supervised treatment, mandatory drug and/or alcohol testing and the use of graduated services and rehabilitative services.

The establishment of the Upper Arlington Pilot Drug Court Program shall not be considered a mandatory court but, a pilot program. If the Upper Arlington Drug Court continues past January 1, 2019-2020, a permanent Court Rule shall be established.

Pilot Drug Court Case Management

Pilot Drug Court will be held on Wednesdays at 1:00 p.m. in the Council Chambers. The Upper Arlington Prosecutor, Criminal Justice Administrator or Magistrate may cancel or move Pilot Drug Court to another date at their discretion. If candidates have not been approved for Pilot Drug Court on a specific date, Court shall be cancelled.

Placement in the Pilot Drug Court Docket

This program will serve persons who are non-violent substance-abusing offenders and persons who are non-compliant or in violation of their probation.

In order to have a case placed on the Pilot Drug Court Docket, a defendant must be referred by the Upper Arlington Prosecutor with the approval of the Criminal Justice Administrator and must:

- Meet certain criteria including: having a substance abuse; be competent to stand Trial; understand the requirements of the program; have no history of drug trafficking; and not pose a threat or risk of harm to program staff or the community.
- A candidate must acknowledge having a substance abuse condition that needs treatment.
- A candidate will be required to enter Guilty pleas to the charge(s). Appeal rights to the Guilty pleas run from the date of conviction.
- A candidate will be required to execute a waiver of having the case appealed to Franklin County Municipal Court for failure to successfully complete the program.
- The Criminal Justice Administrator will provide pre-screening and assessments of eligibility into this program.

Pilot Drug Court will allow a participant to enter into the program directly from the sentencing stage of their case and successful completion will result in the conviction being vacated. The Pilot Drug Court will be for a minimum of one year.

In compliance with the Health Insurance Portability and Accountability Act of 1996, all participants are required to sign a release of information prior to their assessment. This release includes drug court treatment team members, mental health agencies, law enforcement, prosecution, defense counsel, drug testing services, ADAMH Board, and any friend or family member identified.

Drug Courts seek to halt the revolving door of addiction and crime linking these addicted offenders to drug treatment and judicial monitoring. The reward for successful completion of the program is the termination of court proceedings, clinical stability and freedom from drug/alcohol and incarceration.

Termination from the Pilot Drug Court Docket

- 1) Successful Termination – an offender has met all requirements of the drug court and graduated from the program. The Prosecutor will jointly request the conviction be vacated and the charge(s) dismissed.
- 2) Neutral Termination – an offender has died while participating in the program.
- 3) Termination – an offender is terminated from the program for non-compliance. The matter will be returned to court and the original sentence will be imposed.
- 4) Post-Conviction Referrals / Revocation Hearings will not have the option of vacation, however, probation may be successfully terminated upon completion of the program.

RULE 2.02 APPOINTMENT OF MAGISTRATE(S)

The Mayor shall appoint a Magistrate(s) to preside over Mayor's Court. In order to be appointed, a magistrate must have served as a Judge and be in compliance with the Judicial continuing legal education required or be a former Upper Arlington Mayor who is a licensed attorney and complete the Mayor's Court training as required by law. In addition to the required Mayor's Court training, magistrates shall complete annually three (3) hours of continuing legal education in areas relevant to cases heard in Upper Arlington Mayor's Court. Such courses may include, but are not limited to, OVI law, criminal procedure, and evidence law. These hours shall be completed either (1) 90 days prior to the beginning of each calendar year or (2) 90 days after the beginning of each calendar year. In the event a magistrate is appointed mid-year, these hours shall be completed within 90 days following the appointment. Each magistrate shall be paid \$400.00 per court session.

RULE 2.03 INTERPRETERS

Interpreters shall be provided for persons who do not speak, hear or understand the English language. If necessary, the arraignment will be rescheduled until an interpreter can be provided. The cost of an interpreter shall be paid by the defendant unless the defendant is determined indigent.

RULE 3.00 CLERK OF COURTS

- A. The Clerk of Court shall be appointed by the Mayor. The Clerk of Court shall appoint, with the approval of the Mayor, a Deputy Clerk of Court. The Mayor hereby appoints the Communications Dispatchers as Deputy Clerks of Court in the absence of the Clerk of Court.
- B. The Clerk of Court shall maintain such dockets, books of record and indices as are required by law of practical necessity as public record, utilizing microfilm and computers for storage whenever possible. The Clerk of Court shall also act as Traffic and Minor Misdemeanor Violations Bureau Clerk.
- C. The Clerk shall permit any person to make a copy of any papers filed, but original papers filed in any case shall not be removed from the office without prior authority of the Clerk.
- D. The Clerk of Court will receive and time stamp all documents including but not limited to, not guilty pleas, continuances, counsel withdrawals, appearance of counsel, discovery requests, motions to dismiss and any and all other legal motions and add those filings to the Docket to reflect a complete chronological case history for each case filed in this Court. The Clerk of Court will keep the original copy and it will become part of the official Court Record. A time stamped copy of each filing will be forwarded, forthwith to the City Attorney's Office.
- E. Assignment of Case Numbers

The Clerk of Courts shall assign a case number to each complaint:

UA88/7-11/TRR-00000-A
UA represents = Upper Arlington
86 = Year
7-11 = Month and Day of Offense
CRM = Criminal Case
TRR = Traffic Case
TRM = Traffic – OVI
TRP = Traffic – Parking

00000-A - represents the number of cases received consecutively, one defendant per case number, on a calendar year basis. When more than one charge is filed against an individual resulting out of the same incident, the charges are listed as -A, -B, etc.

- F. The Clerk shall prepare and maintain a general index, a docket, and other records that the Mayor's Court requires, all of which shall be the public record of the Court. In the docket, the Clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of counsel and the nature of the proceedings. The docket shall also include the degree of the violation and the section number of the Codified Ordinances in dispute. Under proper dates the docket shall note the filing of the complaint, issuing of summons or other process and returns.

Cases entered on the docket shall be entered in consecutive numerical order.

Files of cases which have been finally disposed of by the Court may be destroyed by the Clerk according to the Upper Arlington Retention Schedule.

- G. The docket for Court appearances will be available at least five business days before the assigned Court date.
- H. Any case designated for a trial will be assigned a date at least two weeks in advance. If it is deemed necessary, a case may be set one week following arraignment. Notices of all dates and times for scheduled hearings or trials may be mailed to trial counsel, or to the defendant if he/she is unrepresented or may be provided to defendant or counsel in Court. Notices will be mailed within two days after the case is assigned a date.

The City Attorney's Office will receive copies of the trial docket by Wednesday of the week preceding a trial date. Additions and deletions of trial dates must be processed through the City Attorney's Office on a disposition sheet.

- I. Pursuant to O.R.C. 1905.04, neither the Clerk or a Deputy Clerk shall be concerned as counsel or agent in the prosecution or defense of any case before the Court.
- J. All information concerning pending cases which is not classified by O.R.C. 149.43 as public record is hereby designated as confidential. Disclosure of such information may result in action under O.R.C. 102.03.
- K. Effective January 1, 2003, assignment of case numbers is changed to reflect the following:

- CRB – Criminal case in place of CRM
- TRD – Traffic case in place of TRR
- TRC – Traffic OVI in place of TRM

RULE 4.00 FORMS OF PAPER FILED

Filing of pleadings and other papers: All papers offered for filing with the Court shall be typewritten or printed, on 8 and one-half by 11 inch paper. Original documents attached or offered as exhibits are exempt from the requirements of this rule. Only legible copies of documents will be accepted. All papers accepted for filing with the Court shall be time-stamped.

Filing of pleadings and other papers by electronic means. A document filed with the Clerk by facsimile transmission shall be accepted as the original filing, provided the person sending the document by facsimile transmission complies with all the requirements set forth in this rule.

- A. The person filing a document by facsimile transmission need not file with the Clerk the same document with original signatures, but must have the document with original signatures as well as the original copy of the facsimile cover sheet used for the subject filing available for production upon request of the Court.

- B. All documents filed by facsimile transmission pursuant to this rule shall be considered filed with the Clerk as of the date and time the facsimile transmission is received by the Clerk. The risks of transmitting a document by facsimile transmission to the Clerk shall be borne entirely by the sender.
- C. The Clerk may accept for filing by facsimile transmission any document except those for which the Clerk is required to collect a specific filing fee pursuant to statute or court rule or to effectuate service and summons.
- D. The person filing a document by facsimile shall provide therewith a cover page containing the following information: (i) the caption of the case; (ii) the case number; (iii) the assigned judge, mayor, or magistrate; (iv) a description of the document being filed; (v) the transmitting facsimile number; and (vi) an indication of the number of pages included in the transmission, including the cover page. Attorneys sending facsimile transmissions must include their Ohio Supreme Court attorney registration numbers.
- E. Facsimile filings may NOT be sent directly to the Court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk. For filings regarding criminal and traffic matters, the facsimile number is (614) 442-4044. Transmissions sent to any other location are not covered by or permitted under this rule.
- F. This rule has been adopted solely for the convenience of those filing documents with the Clerk, and neither the Clerk nor the Court assumes any new or additional responsibilities, obligations or liabilities by virtue of this rule, except as expressly provided for herein. This rule pertains only to the method of filing; it does not override, alter, amend, revoke or otherwise change any local rule or any provision of Ohio law.
- G. A party who wishes to file a signed source document by fax shall either:
 - 1. Fax a copy of the signed source document; or
 - 2. Fax 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.

Filing of Jury and Court Demands in Mayor’s Court: The filing of a Jury Demand or Court Demand does not relieve the obligation of the defendant to appear in Mayor’s Court. Absent an agreement by the Prosecution and permission by the Court, the defendant shall appear in Court to be arraigned.

RULE 5.00 COSTS

Court Costs shall be determined from time to time by the presiding Mayor as amendments to these Rules (see Exhibit A).

RULE 5.01 SPECIAL COSTS FOR VEHICLE IMMOBILIZATION OR DISABLING DEVICES AND CONTINUOUS ALCOHOL MONITORING DEVICES

- A. In any case in which the Court issues an order prohibiting an offender from exercising limited driving privileges unless the vehicles the offender operates are equipped with an immobilizing or disabling device, including a certified ignition interlock device, the Court shall impose a court cost of two dollars and fifty cents upon the offender. The Court shall not waive the payment of the two dollars and fifty cents unless the Court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender. The Court has the authority to issue this order to the following cases:
1. First offense within ten (10) years O.V.I. court suspensions and A.L.S. positive result suspensions, as authorized under section 4510.13(A)(5)(a) of the Ohio Revised Code.
 2. O.V.U.A.C. court suspensions, as authorized under section 4510.13(A)(5)(c) of the Ohio Revised Code.
- B. The Clerk of Court shall transmit one hundred per cent of this mandatory court cost collected during a month on or before the twenty-third day of the following month to the state treasury to be credited to the state highway safety fund created under section 4501.06 of the Ohio Revised Code, to be used by the department of public safety to cover costs associated with maintaining the habitual OVI/OMWI offender registry created under section 5502.10 of the Revised Code.
- C. The Court shall impose an additional court cost of two dollars and fifty cents upon the offender. The Clerk of Court shall retain this discretionary two dollar and fifty cent court cost, and shall deposit it in the Court's Special Projects fund that is established under Upper Arlington Codified Ordinance 171.08.

RULE 6.00 DUTIES OF COUNSEL

- A. DESIGNATION OF TRIAL COUNSEL. Attorneys, not defendants, will designate their capacity as trial counsel on all papers filed with the Clerk and shall include their office address, zip code, and telephone number. Normally, a law firm should not be named as trial attorney. However, substitution of counsel within the same law firm at hearings is authorized.
- B. WITHDRAWAL OF COUNSEL. Counsel shall be allowed to withdraw only with consent of the Mayor or Magistrate from counsel responsibility in cases where counsel has been designated. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and/or client and time and date of trial, if set. Withdrawal of counsel will not be approved if application is made within five (5) working days of the trial date except for good

cause shown. Approved withdrawal entries will be mailed immediately by the withdrawing counsel to the client's last known address.

- C. MOTIONS PRACTICE. All motions, except those normally made at the trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Criminal Procedure. Motions will be supported by Memoranda of Law containing applicable statutory and case law citations. Copies of significant decisions shall be attached to the original filing only. Unless the following statement appears prominently upon the first page of the motion, no oral hearing will be allowed:

“Counsel requests an oral hearing of approximately _____ minutes at _____ which time _____ witnesses will be called.”

A date and time for oral hearing on motions must be obtained from the Clerk of Court. Parties wishing to respond in writing to such motions shall do so not later than the fourteenth (14th) day following service of the motion or three days prior to the oral hearing date, if an oral hearing has been requested. All motions not heard or decided prior to trial will be disposed of at trial. In MOTIONS TO SUPPRESS, the grounds must be stated with particularity and the items of evidence in question shall be specified. Any motions filed which are not in compliance with this rule may be summarily overruled. All motions, where an oral hearing is not required, shall be accompanied by a proposed entry.

- D. MOTION DATE. Pre-plea motions shall be made before or at arraignment. All pre-trial motions, except as provided in Criminal Rule 16(M), shall be made within thirty-five (35) days after arraignment or seven (7) days before trial, whichever is earlier. The court, in the interest of justice, may extend the time for making pre-plea or pre-trial motions.
- E. CONTINUANCES. Every request for a continuance shall be by written motion and will only be granted upon showing of good cause. All requests shall be served on opposing counsel or party. The motion shall be set for the date from which a continuance is requested and reasons for continuance. If a prior trial conflict exists, the date of scheduling shall be stated. Proposed entries should accompany the motions with blanks for the new trial time and date, and if agreed to by opposing counsel. No requests for continuance will be considered if made less than four (4) business days before trial except for circumstances which by reasonable diligence could not be determined four (4) or more business days prior to trial.

RULE 7.00 VIOLATIONS BUREAU

A Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13 and Chapter 171 of Upper Arlington Codified Ordinances, and the Clerk of Court is appointed to be the Violations Clerk, who shall collect fines paid to, give receipts for, and render accounts of the Bureau. The Clerk has authority to process and dispose of those traffic and criminal offenses for which no Court appearance is required by law.

All traffic offenses except those listed below may be disposed of by a Traffic Violations Bureau. The following traffic offenses shall not be processed by a traffic violations bureau and the following

criminal minor misdemeanor offenses shall require a court appearance:

1. Indictable offenses;
2. Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
3. Leaving the scene of an accident;
4. Driving while under suspension or revocation of a driver's or commercial driver's license;
5. Driving without being licensed to drive when jail is a possible penalty;
6. A third moving traffic offense within a twelve-month period when jail is a possible penalty;
7. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for purpose or receiving or discharging a school child;
8. Willfully eluding or fleeing a law enforcement officer;
9. Drag racing;
10. A speeding offense of 25 mph or more over the posted speed limit;
11. Pedestrian under the influence;
12. Resisting Enforcing Official;
13. Displaying of Operator's License;
14. Disorderly conduct (minor misdemeanor);
15. Violations involving damage to personal or real property or another person or entity where insurance is not provided or later determined to be invalid;
16. Reckless Operation of a motor vehicle;
17. A fourth moving violation within a twelve-month period regardless of penalty;
18. Littering as the Operator or Occupant of a Motor Vehicle (prior Littering Offense);
19. Text Messaging While Driving;
20. Fail to Report a Crime (C.O. 515.06E);
21. Animal at Large (C.O. 519.02);
22. Animal – Nuisance (C.O. 519.04);
23. Impound Fees (C.O. 519.03);
24. Improper Sale/Transfer of Dangerous/Vicious Dog (C.O. 519.09D);
25. Registration of Dogs (C.O. 519.12);
26. Tags to be Worn (C.O. 519.13);
27. Unlawful Confinement in a Motor Vehicle (C.O. 519.15);
28. Fail to Verify Age Before Selling Cigarettes, Tobacco Products, E-Cigarettes or Liquid Nicotine (C.O. 531.08B2);
29. Unlawful Disposal of Garbage;
30. Unlawful Accumulation of Garbage;
31. Scavenging;
32. Violations of the Unified Development Code;
33. Violations of the Building Code;
34. Violations of the Property Maintenance Code.
35. Unsolicited Written Materials

The schedule of fines and costs which shall be charged by the Violations Bureau is established and published as Exhibit B. This schedule of fines as well as a Court-approved statement of defendant's rights shall be displayed prominently at the counter of the Violations Bureau.

When a defendant wants to enter a "not guilty plea", the Clerk shall assist the defendant in the preparation of a not guilty form for Mayor's Court or a jury demand where allowed and so desired.

When a defendant fails to appear on an offense which is a minor misdemeanor, the Clerk of Court is empowered to accept any payment made by mail which is reasonable in light of the nature of

the charge and all other circumstances.

If payment is accepted pursuant to this rule in an amount less than one set by the fine schedule, all costs shall automatically be taken out and the remaining amount will be applied to the fine.

In accordance with the Ohio Rules of Criminal Procedure, Rule 4.1, a Minor Misdemeanor Violations Bureau is established. The Clerk of Court is appointed to be the Violations Clerk, to collect fines, give receipts therefor, and to render accounts of the Bureau.

The schedule of fines and costs and a Court approved statement of defendants' rights shall be prominently displayed at the counter of the Violations Bureau.

Through its Traffic Violations Bureau, the Clerk of Court may accept guilty pleas, waivers of trial, and payments of fines and costs by telephone or other electronic means. The form of payment accepted by telephone or other electronic means shall be approved by the Bureau.

On a weekly basis, the Clerk of Court shall transmit to the Bureau of Motor Vehicles via electronic means the Court abstract covering convictions, license forfeitures, license releases, and modifying orders for all Upper Arlington Mayor's Court cases.

The Clerk shall assist a defendant to prepare a "not guilty" trial demand if so desired. A demand for a record trial shall not be prepared until a minor misdemeanor is first adjudicated in Mayor's Court.

RULE 8.00 MISDEMEANOR SUMMONS AND ARREST WARRANTS UPON COMPLAINT

The Court adopts the following procedure for the issuance of summons or arrest warrants upon a complaint for a criminal offense classified as a misdemeanor under the Upper Arlington Codified Ordinance and Ohio Revised Code.

1. The Clerk or Deputy Clerk shall review the sworn complaint and determine if all statutory elements of the crime are alleged, if the facts contained in the complaint are sufficient to establish probable cause that a crime has been committed, and that the defendant committed that crime.
2. If the Clerk or Deputy Clerk determines that the complaint is insufficient, the complaint shall be immediately referred to the Mayor or Magistrate for a determination of probable cause. If the Mayor or Magistrate determines that the complaint is insufficient in law or facts, no process shall issue. If the Mayor or Magistrate determines that the complaint establishes probable cause that a crime was committed and that the defendant committed the crime, the Mayor or Magistrate may order process to issue on summons or may order that a warrant be issued for the defendant's arrest.
3. A complaint in which a private citizen is the complainant shall be accepted for filing at any time after the preliminary determination of probable cause is made pursuant to Rule 4, Ohio Rules of Criminal Procedure and this local rule. A complaint filed by a private citizen must be reviewed by a reviewing official. If the clerk of court receives an affidavit before or after the normal business hours of the reviewing official, the clerk must forward it to a reviewing official when the reviewing official's normal business hours resume. Reviewing official is defined as a judge of a court of record, a magistrate, or the prosecuting attorney or other attorney charged by law with prosecuting offenses in a court or before a magistrate. Exceptions to this procedure are offenses covered by O.R.C. 2935.02 to 2935.08

4. All misdemeanor complaints shall be issued on summons unless an arrest warrant is authorized or requested under this rule.
5. An arrest warrant on a misdemeanor complaint shall be issued by the Clerk or Deputy Clerk only when at least one of the following apply:
 - A. A Clerk or Deputy Clerk shall issue an arrest warrant for the defendant when the defendant is in the custody of a law enforcement officer upon the charge contained in the complaint.
 - B. The Clerk or Deputy Clerk shall issue an arrest warrant for the defendant when the defendant is in the custody of a law enforcement officer, or confined in any type of penal facility, on a charge other than the charge contained in the complaint.
 - C. The Clerk or Deputy Clerk shall issue an arrest warrant for the defendant if the complainant is a law enforcement officer as defined in ~~Section 2901.09(k)~~, 2901.01 Ohio Revised Code, and the officer requests the issuance of an arrest warrant.
 - D. The Clerk or Deputy Clerk shall issue an arrest warrant for the defendant upon the written request of the Upper Arlington Prosecutor.
 - E. The Clerk or Deputy Clerk shall issue an arrest warrant for the defendant when the complainant is a private citizen and an arrest warrant is requested in writing by a law enforcement officer who is a supervisor or the rank of sergeant or above at a time when the Upper Arlington Prosecutor's Office is not open for business.
 - F. The Clerk or Deputy Clerk shall issue an arrest warrant when the Mayor or Magistrate so orders in accordance with this rule.
6. When a defendant fails to appear pursuant to a summons issued to that person, the Mayor or Magistrate shall issue a warrant.
7. A warrant shall be set aside once for good cause. The Mayor or Magistrate shall enter on the pocket the date and reason for the recall of a warrant. In the Mayor or Magistrate's absence, the City Attorney may authorize a warrant be set aside and so note on the pocket.
8. The defendant has the option of paying fine, fees and costs in certain misdemeanor cases or being slated. Any person arrested (ordered-in) for failure to appear at a designated time for arraignment, trial or enforcement of sentence on a minor misdemeanor for which the fine, fees and costs are prescribed in a published schedule adopted by this Court, has the option of either immediately and voluntarily paying such fine and any fees and costs which have accrued in the case, or of being slated. The person shall be advised of this option by the arresting officer at the time of arrest. If the person elects to make such payment he/she shall be escorted by the arresting officer to the office of the Clerk of Court and, on making such payment, he/she shall be released from custody. If the person elects not to make such payment or states that he/she is unable to do so, he/she shall be slated and processed at the Franklin County Jail.
9. The Mayor hereby appoints the Clerk of Court and Deputy Clerk of Court as officers of the Court for purposes of issuing arrest warrants pursuant to Rule 4(A)(1) of the Ohio Rules of Criminal Procedure. The issuance of a warrant must comply with the requirements of Criminal Rule 4.

RULE 8.01 COMPLAINT

The complaint is a written statement of the essential facts constituting the offense charged. It shall also state the numerical designation of the applicable statute or ordinance. It shall be made upon oath before any person authorized by law to administer oaths.

RULE 8.02 OPTIONAL PROCEDURE IN MINOR MISDEMEANOR CASES

- A. Procedure in minor misdemeanor cases. Notwithstanding Rule 8.1 of the Upper Arlington Mayor's Court Rules; Rule 3, Rule 5(A), Rule 10, Rule 11(A), Rule 11(E), Rule 22, Rule 43(A), and Rule 44 of The Ohio Rules of Criminal Procedures, the Court hereby establishes the following procedure for minor misdemeanors violations other than offenses covered by the Uniform Traffic Rules.
- B. Definition of minor misdemeanor. A minor misdemeanor is an offense for which the potential penalty does not exceed a fine of fifty dollars. With respect to offenses committed on and after January 1, 1974, a minor misdemeanor is an offense for which the potential penalty does not exceed a fine of one hundred dollars. With respect to offenses committed on and after January 1, 2004, a minor misdemeanor is an offense for which the potential penalty does not exceed a fine of one hundred fifty dollars.
- C. Form of citation. In minor misdemeanor cases, a law enforcement officer may issue a citation. The citation shall contain the name and address of the defendant, describe the offense charged, give the numerical designation of the applicable statute or ordinance, state the name of the law enforcement officer who issued the citation, and order the defendant to appear at a stated time and place. The citation shall inform the defendant that, in lieu of appearing at the time and place stated, the defendant may, within that stated time, appear personally at the office of the Clerk of Court and upon signing a plea of guilty and a waiver of trial pay a stated fine and stated costs, if any. This is not applicable to any minor misdemeanor violation which is a required court appearance according to the Upper Arlington Mayor's Court Rules. The citation shall inform the defendant that, in lieu of appearing at the time and place stated, the defendant may, within a stated time, sign the guilty plea and waiver of trial provision of the citation, and mail the citation and a check or money order for the total amount of the fine and costs to the Violations Bureau. The citation shall inform the defendant that the defendant may be arrested if the defendant fails to appear either at the Clerk's office or at the time and place stated in the citation. For purposes of this Rule the standard complaint form may be used as the citation.
- D. Duty of law enforcement officer. A law enforcement officer who issues a citation shall complete and sign the citation form, serve a copy of the completed form upon the defendant and, without unnecessary delay, swear to and file the original with the Clerk.
- E. Fine Schedule. The Court shall establish a fine schedule which shall list the fine for each minor misdemeanor, and state court costs. The fine schedule shall be prominently posted in the Violations Bureau.

- F. Procedure upon failure to appear. When a defendant fails to appear, the Court may issue a supplemental citation, or a summons or a warrant under Rule 4 of The Ohio Rules of Criminal Procedures. Supplemental citations shall be in the form prescribed by subdivision (c) of The Ohio Rules of Criminal Procedures, but shall be issued and signed by the Clerk or Deputy Clerk and served in the same manner as a summons under Rule 4 of The Ohio Rules of Criminal Procedures.
- G. Procedure where defendant does not enter a waiver. Where a defendant appears but does not sign a guilty plea and waiver of trial, the court shall proceed in accordance with Rule 5 of The Ohio Rules of Criminal Procedure and the Upper Arlington Mayor's Court Rules.

RULE 9.00 NOT GUILTY PLEA PRIOR TO ARRAIGNMENT

Defendants may waive arraignment and request their case be set for trial by filing a written not guilty plea (see Exhibit 1), at least three (3) days in advance of the scheduled arraignment. Such plea shall waive the right to reading of the complaint and enter a plea of not guilty. If the defendant is represented by counsel, such counsel shall enter an appearance at the time of filing of such plea. A time-stamped copy of such written not guilty plea shall be immediately transmitted to the Office of the City Attorney upon filing, and shall reflect the trial date set. Not guilty plea forms can be obtained from the Clerk of Court. No forms shall be mailed from the Clerk's Office unless the City Attorney's office approves.

RULE 10.00 APPOINTED COUNSEL IN INDIGENCY CASES

A. APPOINTMENT CRITERIA

- 1. Counsel will be appointed for defendants determined by the Court to be indigent in all jailable offense cases as required by the Sixth Amendment of the United States Constitution.
- 2. Before counsel is appointed, each alleged indigent defendant must file an affidavit of indigency, (See Exhibit 2). That affidavit shall set forth the facts of indigency. No attorney who has received compensation or has been promised compensation from any source to represent a particular indigent defendant shall be appointed to represent that indigent defendant.
- 3. The Clerk of Court shall maintain an "Attorney Application List" of at least five attorneys qualified under the standards of Rule 10.0B. The Mayor will appoint in rotating order, from the "Attorney Application List" the next attorney available for such appointment. Such appointment shall be accomplished by a written judgment entry. (See Exhibit 3). The Clerk shall solicit applications for the "Attorney Application List" by publication, from the attorneys practicing law in Franklin County. A law firm shall occupy one position on the appointment list. No more than one attorney from a law firm shall be appointed until the names from the appointment list rotation is completed.
- 4. Counsel is appointed for cases heard only in the Upper Arlington Mayor's Court. If a

defendant transfers his/her case to Franklin County Municipal Court, appointed counsel must withdraw from representation.

The Clerk of Court will immediately notify counsel by telephone of his or her appointment to the case. The Clerk of Court will note on the entry the name of the person with whom the Clerk conferred, the date and time of such conversation and affix the Clerk's signature or initials thereon. If counsel or a representative of his or her office does not return the call accepting the appointment by 10:00 A.M. the following morning, the appointment will be given to the next attorney available on the "Attorney Application List". In many cases, time is of the essence.

(B) STANDARDS FOR APPOINTED COUNSEL

In order to be approved and maintain placement on the Upper Arlington Mayor's Court list of attorneys willing to accept cases by appointment, an attorney must meet the following standards:

- (1) Licensed Ohio attorney in good standing
- (2) Acted as trial counsel or co-counsel in one trial tried to verdict; or
- (3) Have extensive experience in Franklin County Municipal Court and/or practice in Mayor's Courts in Franklin County.

Assignments should be distributed as widely as possible among the members of the list who meet the qualifications for assignment.

The respective courts and county and joint public defender commissions shall be free to adopt local rules requiring qualifications in addition to the minimum standards established by this rule.

(C) DURATION OF APPOINTMENT

The appointment shall continue through any probation revocation proceeding.

(D) FEE SCHEDULE

Fees shall be paid after submission of itemized, detailed invoices as follows:

1. \$60.00 per hour for time in court.
2. \$50.00 per hour for time out-of-court.
3. Maximum total of \$500.00.

RULE 11.00 COMMUNITY SERVICE

The Mayor or Magistrate may sentence a defendant to perform community service work in lieu of incarceration in accordance with Ohio Revised Code 2951.02(H). *** Before any work begins the probation officer shall forward the name of the defendant to the City Manager's Office to be entered on the official Worker's Compensation roster in accordance with Upper Arlington Codified

Ordinance 88-86.

RULE 12.00 FORM ENTRIES AND ABBREVIATIONS

Clerical mistakes in judgments, orders, or other parts of the record, and errors in the record arising from oversight or omissions may be corrected by the Court at any time and in the following manner: A Judgment Entry may not be changed without the express authorization of the Mayor, Vice-Mayor, or Magistrate assigned to the case. The mistake or error shall be circled and the correction added to the entry and initialed by the Mayor, Vice-Mayor or Magistrate who originally signed the entry, unless the original signator has left office then the new Mayor may make proper corrections.

The Court adopts abbreviations and/or symbols that may be used in entries as attached to these rules as Exhibit C. All pleas shall be entered in writing on the Judgment Entry and Waiver of Rights with plea form attached hereto as (Exhibit 4).

EXHIBIT C - Abbreviations Commonly Used

<u>CR</u>	Refers to criminal case - used in case notations.
<u>TR</u>	Refers to traffic case - used in case notations.
<u>TTC</u>	Trial to Court.
<u>IA</u>	Initial Appearance
<u>AC</u>	Arraignment Continuance
<u>TC</u>	Trial Continuance
<u>PT</u>	Pre-Trial
<u>I</u>	Trial
<u>MH</u>	Miscellaneous Hearing.
<u>MOTH</u>	Motion Hearing
<u>SENT</u>	Sentencing
<u>FD</u>	Final Disposition.
<u>PRH</u>	Probation Revocation Hearing.
<u>FH</u>	Financial Hearing
<u>EXPH</u>	Expungement Hearing.
<u>EXP</u>	Expunged
<u>PSI</u>	Presentence Investigation.
<u>G</u>	Guilty.
<u>N/G</u>	Not Guilty Plea.
<u>N/C</u>	No Contest Plea.
<u>C/P</u>	Conditions of Probation.
—	Prosecutor/Plaintiff.
—	Defendant.
<u>OI</u>	Order In (Supplemental Summons).
<u>BW</u>	Bench Warrant

<u>BWS</u>	Bench Warrant Served
<u>BWR</u>	Bench Warrant Recalled
<u>ENF</u>	Enforcement.
<u>BF</u>	Bond Forfeiture.
<u>W</u>	Waiver.
<u>NR</u>	Non-Reporting.
<u>OL</u>	Operator's License.
<u>FRA</u>	Financial Responsibility Act.
<u>BMV</u>	Bureau of Motor Vehicles.
<u>ATP</u>	Alcohol Treatment Program.
<u>PNC</u>	Providing No Convictions.
<u>PO</u>	Probation Officer.
<u>NSF</u>	Non-Sufficient Funds
<u>OTT</u>	On-Time Termination from Probation
<u>ET</u>	Early Termination from Probation
<u>PR</u>	Probation Revoked
<u>APP</u>	Appeal Filed
<u>JD</u>	Jury Demand Filed
<u>TRAN</u>	Transfer
<u>DFP</u>	Dismissed For Plea
<u>DIS</u>	Dismissed
<u>DWP</u>	Dismissed Without Prejudice
<u>FCD</u>	Fine & Court Costs Due

RULE 13.00 BAIL/BOND AND BAIL/BOND SCHEDULE

Pursuant to O.R.C. 2937.22 and Rule 46 of the Ohio Rules of Criminal Procedure, the purpose of bail is to insure that the defendant appears at all stages of the criminal proceedings. All persons scheduled for Mayor's Court are entitled to bail.

A person arrested for a misdemeanor shall be released by the Clerk of Court, or if the clerk is not available, to the officer in charge of the facility, on the defendant's personal recognizance, ~~or~~ upon an unsecured appearance bond, or upon a surety bond, a bond secured by real estate or securities in the amount specified in the bail schedule established by the Court. If the Clerk or officer in charge of the facility determines that the release on recognizance will not reasonably assure appearance as required, the defendant shall be eligible for release by doing any of the following, at the officer in charge of the facility or the Clerk's option:

- (A) Executing an unsecured appearance bond in the amount specified in the Court's bail schedule, with a deposit of either twenty-five dollars or a sum of money equal to ten percent of the amount of the bond, whichever is greater (ninety percent of the deposit shall be returned upon the performance of the conditions of the appearance bond); or upon the deposit of a surety bond, a bond secured by real estate or securities as allowed by law, or the deposit of cash, at the option of the defendant.
- (B) Posting a bond, in the amount specified in the Court's bail schedule, that is guaranteed to the person as a policyholder of a casualty insurer, or as a member of a bona fide motorists' or travelers organization;
- (C) Executing a bail bond with sufficient solvent sureties, or executing a bond secured by real estate in Franklin County, or depositing cash or the securities allowed by law in lieu of a bond in the amount specified in the Court's bail schedule.

A defendant need not be released on the defendant's own recognizance, ~~or~~ upon the execution of an unsecured appearance bond or upon a surety bond, bond secured by real estate or securities, if the defendant has a history of failure to appear when required in judicial proceedings, or if the defendant's physical, mental, or emotional condition appears to be such that the defendant may pose a danger to the defendant or others if released immediately. When a defendant is not released because of the defendant's physical, mental, or emotional conditions, and it appears that the defendant's release into the temporary custody of a responsible relative, friend, or other person will obviate the danger to the defendant or others, the defendant shall be released into such temporary custody on the defendant making an appearance bail or a surety bond, a bond secured by real estate or securities as allowed by law, or the deposit of case, at the option of the defendant.

If a defendant is not released on the defendant's own recognizance, or upon the execution of a bond, the defendant shall be given a hearing without unnecessary delay before the Mayor or Magistrate who shall determine conditions of release. When a defendant is arrested pursuant to a bench warrant the defendant must be brought before the Mayor or Magistrate for a hearing or post the full amount of the bond in cash.

The Court shall establish a bail schedule covering all misdemeanors including traffic offenses, either specifically, by type, by potential penalty, or by some other reasonable method of classification. The Court, by rule, shall establish a method whereby a defendant may make bail under Rule 13(A) and (C) of the rule by the use of a credit card. The rule shall permit only credit cards of recognized and established issuers. No credit card transaction shall be permitted when a service charge is made against the Court or Clerk. (See Exhibit D).

RULE 14.00 COURT SECURITY

All persons who enter the Upper Arlington Municipal Service Center building and wish to proceed into Mayor's Court are subject to the search of their person and possessions.

Weapons or other contraband may be confiscated. Those persons possessing weapons are subject to arrest if there is probable cause to believe a crime has been committed.

This rule is to be posted at all entrances so a person has sufficient notice.

RULE 15.00 VEHICLE RELEASE

If a vehicle is seized in error and for good cause shown, the City Attorney can authorize the conditional release of a vehicle subject to Mayor/Magistrate approval on next available court date.

RULE 16.00 WARRANT BLOCKS

In cases for which a warrant was issued prior to January 1, 2004, the Clerk is to notify the defendant by mail at the last known address that: 1) a warrant to arrest is currently active, 2) a registration block will be issued to the Bureau of Motor Vehicles after fourteen (14) days, and 3) the total amount owed to the Court and the total amount owed after placement of the registration block which is to include any additional court fees and an additional fifteen dollar (\$15.00) processing fee which is mandated by the State of Ohio.

RULE 16.01 ALTERNATIVE METHODS FOR COLLECTING COURT COSTS; NOTICE OF BALANCE DUE; REGISTRATION BLOCKS FOR FAILURE TO APPEAR OR TO PAY FINE AND COSTS

(A) Notwithstanding any other provision of the Ohio Revised Code, if at the time of sentencing or at any time after sentencing the court finds that a person who is found guilty of an offense is unable to pay costs, the court may order the offender to perform community service in lieu of costs.

(B) Notwithstanding any other provision of the Ohio Revised Code, if at the time of sentencing or at any time after sentencing the court finds that a person who is found guilty of an offense will not be able to pay costs in full when they are due, the court may order the offender to pay the costs in installments according to a schedule set by the court.

(C) If a person is charged with an offense and either fails to appear in court at the required time and place to answer the charge or pleads guilty to or is found guilty of the offense and fails within the time allowed by the court to pay any fine or costs imposed by the court.

The court may enter information relative to the person's failure to pay any outstanding amount of the fine or costs on a form prescribed or approved by the registrar of motor vehicles pursuant to division (D) of this section and send the form to the registrar. Upon receipt of the form, the registrar shall take any measures necessary to ensure that neither the registrar nor any deputy registrar accepts any application for the registration or transfer of registration of any motor vehicle owned or leased by the person. However, for a motor vehicle leased by the person, the registrar shall not implement this requirement until the registrar adopts procedures for that implementation under section [4503.39](#) of the Ohio Revised Code.

The period of denial relating to the issuance or transfer of a certificate of registration for a motor vehicle imposed under this section remains in effect until the person pays any fine or costs imposed by the court relative to the offense. When the fine or costs have been paid in full, the court shall inform the registrar of the payment by entering information relative to the payment on a notice of payment form prescribed or approved by the registrar pursuant to division (D) of this section and sending the form to the registrar.

(D) The registrar shall prescribe and make available to the court forms to be used for a notice to the registrar of failure to pay fines or costs and a notice to the registrar of payment of fines or costs under division (C) of this section. The registrar may approve the use of other forms for these purposes.

The registrar may require that any of the forms prescribed or approved pursuant to this section be transmitted to the registrar electronically. If the registrar requires electronic transmission, the registrar shall not be required to give effect to any form that is not transmitted electronically.

RULE 17.00 MEDIA PROTOCOL

Requests for permission to broadcast, record, photograph, or televise in the courtroom shall be in writing to the Upper Arlington Clerk of Court as far in advance as reasonably practical, but in no event later than one (1) hour prior to the courtroom session to be broadcast or photographed unless otherwise permitted by the Mayor or Magistrate. Request forms may be obtained from the Clerk of Court.

The Clerk shall immediately inform the Mayor or Magistrate of the request, who, in turn, will instruct the Clerk to notify the parties. The Mayor or Magistrate may grant the request in writing consistent with Canon 3(A)(C), Code of Judicial Conduct, Superintendence Rule 11, and this local rule. Written permission shall be made a part of the record of the proceeding.

Pooling

Arrangements shall be made between or among media for "pooling" equipment and personnel authorized by this rule to cover the court sessions.

Equipment and Personnel

1. Not more than one portable camera (television, videotape, or movie) operated by not more than one in-court cameraperson, shall be permitted without permission of the Mayor or Magistrate.
2. Not more than one still photographer, utilizing not more than two still cameras of professional quality with not more than two lenses for each camera, shall be permitted without permission of the Mayor or Magistrate.
3. Not more than one audio system for radio broadcast purposes shall be permitted without permission of the Mayor or Magistrate.
4. If audio arrangements cannot be reasonably made in advance, the Mayor or Magistrate may permit one audio portable tape recorder at the bench, which will be activated prior to commencement of the courtroom session.
5. Visible audio portable recorders may not be used by the news media without prior permission of the Mayor or Magistrate.

Light and Sound Criteria

1. Only professional quality telephonic, photographic and audio equipment, which does not produce distracting sound or light, shall be employed to cover courtroom sessions. No motor driven still cameras shall be permitted.
2. No artificial lighting device other than that normally used in the courtroom shall be employed, provided that if the normal lighting in the courtroom can be improved without becoming obtrusive, the Mayor or Magistrate may permit modification.
3. Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. Microphones shall be located only at the Mayor or Magistrate's bench, defendant table, prosecution table, and witness stand. Microphones shall be visible, secured, but unobtrusive. If no technically suitable audio system exists in the courtroom, microphones and related wiring essential for all media purposes shall be unobtrusive and located in places designated in advance of any session by this rule or the Mayor or Magistrate.

Location of Equipment and Personnel

1. One television camera shall be positioned on a tripod at a position designated by the Mayor or Magistrate and remain fixed in that position. This designated area shall provide reasonable access to coverage. Videotape recording equipment or other technical equipment which is not a component part of an in-court television or broadcasting unit shall be located in a room adjacent to or outside of the courtroom.
2. The television, broadcast and still camera operators shall position themselves in a location

in the courtroom either standing or sitting and shall assume a fixed position within that area. Having established themselves on a shooting position, they shall act so as not to call attention to themselves through further movement. Sudden moves, pans, tilts or zooms by television or still camera operators are prohibited. Operators shall not be permitted to move about in order to obtain photographs or broadcasts of courtroom sessions, except to leave or enter the courtroom.

3. Television cameras, microphones and taping equipment shall not be placed in, moved during, or removed from the courtroom except prior to commencement or after adjournment of the session or during a recess.

Miscellaneous

1. All media personnel shall maintain proper courtroom decorum.
2. All media representatives shall be properly attired, in a manner that reflects positively upon the journalistic profession.

RULE 18.00 APPEAL; TRIAL DE NOVO

For purposes of appeal under 1905.25 of the Ohio Revised Code, a defendant will have ten (10) days from the date of judgment to file a written notice of appeal. Only the final disposition of a case is subject to appeal. Any subsequent action(s) that may occur; i.e. probation hearing, expungement hearing, are not subject to appeal.

RULE 19.00 PROBATION / COMMUNITY CONTROL

The probation/community control officer for the Upper Arlington Mayor's Court shall be responsible for supervising all types of cases referred by the mayor or magistrate of the court, and for enforcing the court-ordered conditions imposed upon the probationers.

The mayor or magistrate may place a defendant on probation/community control subject to the conditions imposed by the court. The probation/community control may be reporting, non-reporting, or provided no conviction (PNC) status. The probation/community control officer will create a separate probation file in which all related paperwork shall be stored for the purpose of following up after sentencing/community control. These probation records are not to be considered public record and are subject to Federal Confidentiality Rules (42 CFR Part 2). The probation/community control officer will review the probationer's record as required by the sentence imposed to ascertain compliance and report to the court any violations. Defendants charged with violating such terms and conditions of probation/community control shall be entitled to a hearing before the court to determine whether such probation/community control has been violated. The probation/community control officer is hereby authorized to request a summons or warrant for the defendant's appearance regarding any violation of probation/community control.

Probation case file records shall be stored for a period of not less than ten (10) years after the case has been determined closed by either compliance or imposed sentencing.

RULE 20.00 CASE MANAGEMENT

The City of Upper Arlington follows the Supreme Court of Ohio's Rules of Superintendence in the area of case management. The Mayor's Court will strive to complete its cases within the time limits prescribed by the Supreme Court reporting rules for Municipal Courts. The current time limit prescribed for criminal, traffic, and OVI (Operating a Vehicle Under the Influence) cases is six (6) months.

RULE 21.00 ~~EXPUNGEMENT SEALING OF RECORDS~~

~~Applications for expungement to seal records pursuant to Ohio Revised Code 2953.32 and 2953.53 must be filed with the Clerk of Court's office during normal business hours. The following criteria are used to determine whether a person qualifies for the sealing of his/her their conviction or expungement. Qualifying does not mean the sealing or expungement will automatically be granted. All applications to seal records shall be governed by the requirements and procedures established in Ohio Revised Code 2953.31 – 2953.61. The Upper Arlington Mayor's Court can only determine applications related to charges which were finally disposed in Mayor's Court. There is a non-refundable application fee of \$50.00 to cover the costs, unless the defendant is determined to be indigent. The applicant may request the sealing of multiple records in a single application and pay a single application fee of \$50.00.~~

~~Upon filing of an application, the Court will process the application as described in Ohio Revised Code 2953.31 – 2953.61. The Clerk of Court will notify the applicant of the hearing date for the application. The Clerk of Court cannot provide advice to applicants regarding their eligibility for sealing records.~~

~~1) At least one (1) year must have passed since the final discharge of the defendant from their obligation to the court arising from the conviction~~

~~2) The defendant must meet the definition of an "eligible offender" in that (a) they have in the State of Ohio or any other jurisdiction: 1) no more than one felony conviction; more than two misdemeanor convictions, more than one felony conviction and one misdemeanor conviction.~~

~~When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions result from the same information or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, they shall be counted as one conviction, unless the court decides that it is not in the public interest for the two or three convictions to be counted as one conviction, as provided for in division (C)(1)(a) of section 2953.32 of the Revised Code (O.R.C. 2953.31(A)).~~

~~3(A) Except as provided in (B) of this section, a person charged with two or more offenses~~

~~as a result of or in connection with the same act may not apply to the court pursuant to Rule 21 for the sealing of the person's record in relation to any of the charges when at least one of the charges has a final disposition that is different from the final disposition of the other charges until such time as the person would be able to apply to the court and have all of the records pertaining to all of those charges sealed pursuant to section 2953.32 or 2953.52 of the Revised Code (O.R.C. 2953.61(A)).~~

~~3(B) Motor vehicle offense not related to OVI or Physical Control: When a person is charged with two or more offenses as a result of or in connection with the same act and the final disposition of one, and only one, of the charges is a conviction under any section of the Upper Arlington Codified Ordinances substantially equivalent to any offense under Ohio Revised Code Chapters 4507, 4510, 4511, or 4549, other than a conviction under Upper Arlington Codified Ordinances 353.01(A), (B), (C), (D), or (E), and if the records pertaining to all the other charges would be eligible for sealing under section 2953.52 of the Ohio Revised Code in the absence of the conviction, the court may order that the records pertaining to all the charges be sealed. In such a case, the court shall not order that only a portion of the records be sealed (O.R.C. 2953.61(B)).~~

The sealing of a motor vehicle offense has no impact on points or suspensions associated with that motor vehicle offense (O.R.C. 2953.32(D)(13) and (I)).

~~If the applicant meets the above criteria, they are eligible to file an Application for Expungement with the court to have the public record sealed. There is a non-refundable application fee of \$50.00 to cover the costs, unless the applicant is determined indigent. The applicant may request the sealing of multiple records in a single application (O.R.C. 2953.32(C)(3)).~~

~~Procedures for handling expungement applications are set forth in sections 2953.32, 2953.52, and 2953.61 of the Ohio Revised Code.~~

~~If the applicant fails to meet all the requirements, applicant will be notified and given the opportunity to have an Expungement Hearing before the court.~~

Sealed ~~Expunged~~ files carry the same retention schedule as related criminal cases.

RULE 22.00 COLLECTION OF DELINQUENT ACCOUNTS

Pursuant to H.B. 464, the court may submit designated traffic and criminal cases to an independent collection agency for collection of delinquent accounts.

The Court will receive 100% of all fines and costs due. The collection agency's compensation will be derived from additional costs assessed to and paid by the defendant resulting from the delinquency of the payment.

RULE 23.00 RETURN CHECK POLICY

If a check is returned due to insufficient funds in the account, the check was written on a closed

accounts, or stop payment was subsequently issued on the check, the clerk will send a letter via certified mail stating the check writer will have 10 days from receipt of the notification to make restitution for the dishonored check or criminal charges will be filed by the court. If after the 10 days have passed, no acceptable arrangement for payment and/or no monies have been received, the Clerk of Court will contact the Upper Arlington Police Department to complete a passing bad check report

RULE 24.00 IN COURT NOTICE FORMS

- A. Demand for Trial
- B. Continuance
- C. Notice of Court Date
- D. Court Acknowledgement that the defendant was Arraigned

RULE 25.00 TRAFFIC COMPLAINT AND SUMMONS; FORM; USE

(A) Traffic complaint and summons.

In traffic cases, the complaint and summons shall be the "Ohio Uniform Traffic Ticket."

(B) Traffic complaint and summons form.

The Ohio Uniform Traffic Ticket shall consist of four sheets, padded together and bound at the top or bottom edge. Each sheet shall be four and one-fourth inches in width and nine and one-half inches in length from a perforation below the binding to the bottom edge. The first sheet shall be white and the second sheet shall be canary yellow. Where an additional copy is needed by an agency, it may be added. The first and second sheets shall be at least fifteen pound paper.

The first sheet shall be the court record.

The second sheet shall be the abstract of court record for the Bureau of Motor Vehicles as required by [Section 4507.021 \[4507.02.1\] of the Revised Code](#). The second sheet may be omitted from the Ticket if the court reports violations to the Bureau by electronic or other means acceptable to the Bureau.

The third sheet shall be the defendant's copy.

The fourth sheet shall be the enforcement agency record.

A wrap-around may be added to the first sheet. The issuing authority may use the front and back of the wrap-around for any data or information it may require.

Each ticket sheet shall be perforated tab bound at the edge or end with carbon paper interleaved so that all carbon paper is securely bound to the tab and removable with it, or shall be on treated paper so that marking from the top sheet is transferred legibly to successive sheets in the group.

(C) Use of ticket.

The Ohio Uniform Traffic Ticket shall be used in all moving traffic cases and equipment violations. Any ticket properly issued by a law enforcement officer shall be accepted for filing and disposition in the court having jurisdiction over the offense alleged. An officer may include more than one alleged violation on a single ticket provided the alleged violations are numbered sequentially on the face of the ticket. An officer who completes a ticket at the scene of an alleged offense shall not be required to rewrite or type a new complaint as a condition of filing the ticket, unless the original complaint is illegible or does not state an offense. If a new complaint is executed, a copy shall be served upon defendant as soon as possible.

(D) Issuance of tickets to enforcement agency.

The Clerk of Court shall be designated as the issuing authority for tickets and prescribe the conditions of issuance and accountability.

(E) Duty of law enforcement officer.

(1) A law enforcement officer who issues a ticket shall complete and sign the ticket, serve a copy of the completed ticket on the defendant, and, without unnecessary delay, file the court record with the court. If the issuing officer personally serves a copy of the completed ticket on the defendant, the issuing officer shall note the date of personal service on the ticket in the space provided. If the issuing officer is unable to serve a copy of the completed ticket on the defendant, the completed ticket may be served by another law enforcement officer of the law enforcement agency issuing the ticket or filed with the clerk of the court for issuance of a warrant or summons. Tickets that solely allege one or more minor misdemeanor violations must initially be issued by summons.

(2) The officer may notify defendant that if defendant does not appear at the time and place stated in the citation or comply with division (C) of [section 2935.26 of the Revised Code](#), defendant's license will be cancelled and a warrant for their arrest may be issued.

(F) Use of electronically produced tickets.

(1) A law enforcement officer, pursuant to the Supreme Court Rules of Superintendence for the Courts of Ohio, may provide for the use of a ticket that is produced by computer or other electronic means. A ticket produced by computer or other electronic means shall not require the signature of the defendant. A ticket produced by computer or other electronic means shall conform in all substantive respects to the "Ohio Uniform Traffic Ticket." The provisions of division (B) of this rule relative to the color and weight of paper, size, and method of binding shall not be applicable to a ticket that is produced by computer or other electronic means. The ticket paper shall be of sufficient quality to allow the court record copy to remain unchanged for the period of the retention schedule for the various traffic offenses as prescribed by Rule 26.05 of the Rules of Superintendence for the Courts of Ohio. The court record of the ticket shall be filed with the court or may be filed electronically as authorized by local rule and division (F)(2) of this rule.

(2) A law enforcement officer may also provide for the filing of the ticket by electronic means. If a ticket is issued at the scene of an alleged offense, this rule shall require that the issuing officer serve the defendant with the defendant's paper copy of the ticket as required by division (E) of this rule. A law enforcement officer who files a ticket pursuant to divisions (F)(1) or (F)(2) of this rule, and electronically affixes the officer's signature thereto, shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to these rules.

Exhibit A

Fees Charged in Upper Arlington Mayor's Court

(Effective April 4, 2017)

UA MAYOR'S COURT COSTS	\$ 25.00
STATE OF OHIO COSTS-TRAFFIC CASES	\$ 39.00
CRIMINAL CASES	\$ 29.00
COMPUTER FUNDS	\$ 6.00
MAYOR'S COURT SPECIAL PROJECT FUND	\$ 10.00
CONTINUANCES	\$ 5.00
TRIALS	\$ 10.00
PRE-TRIAL/MISC. HEARING	\$ 5.00
FAIL TO APPEAR NOTICE/LATE FEE	\$ 20.00
SUBPOENA'S/PRECIPE'S	\$ 10.00
WITNESS FEES AND MILEAGE	\$ 6.00 + mileage
SUMMONS	\$ 15.00
ORDER IN OR BFOI	\$ 40.00
BAD CHECK OR RETURN PAYMENT CHARGE	\$ 30.00
REQUEST TO DROP CHARGES	\$ 30.00
CRIMINAL DIVERSION PROGRAM	\$100.00
ENFORCEMENT DATE OF FINE (\$15.00 for any additional enforcement)	\$ 15.00
TIME PAYMENT PROGRAM	\$ 20.00
DUI EDUCATION FUND	\$ 25.00
JURY DEMAND'S FILED	\$ 15.00
APPEALS FILED	\$ 15.00
REQUEST CHANGE IN LIMITED DRIVING PRIVILEGES	\$ 10.00
PROBATION FEE	\$ 50.00
PROVIDED NO CONVICTIONS FEE	\$ 25.00
TRAFFIC DIVERSION FEE	\$ 225.00
INTERPRETING SERVICES	Determined by case
BOND SURCHARGE	\$ 25.00
IMMOBILIZING / DISABLING DEVICE REQUIRED	\$ 5.00
<u>O.V.I. Offender Fee / Special Project Fee</u>	<u>\$ 5.00</u>

Exhibit D

BAIL/BOND SCHEDULE

(Revised July 30, 2014)

CLASSIFICATION OR OFFENSE	<u>C/S/A BOND</u> <u>CASH/SURETY/</u> <u>APPEARANCE BOND</u>	BENCH WARRANT	OUT OF STATE
MISDEMEANOR OF THE FIRST DEGREE	\$50.00 APPEARANCE \$500.00 SURETY	\$500.00	\$2000.00
MISDEMEANOR OF THE SECOND DEGREE \$1500.00	\$40.00 APPEARANCE \$400.00 SURETY	\$400.00	
MISDEMEANOR OF THE THIRD DEGREE \$1000.00	\$30.00 APPEARANCE \$300.00 SURETY	\$300.00	
MISDEMEANOR OF THE FOURTH DEGREE	\$25.00 APPEARANCE \$200.00 SURETY	\$200.00	\$500.00
MINOR MISDEMEANOR	\$25.00 APPEARANCE \$100.00 SURETY	\$100.00	\$100.00

ADD THE FOLLOWING COURT COSTS

FOR TRAFFIC CASES
FOR CRIMINAL CASES

\$45.00 + \$25.00 SURCHARGE = TOTAL \$70.00

\$35.00 + \$25.00 SURCHARGE = TOTAL \$60.00

BOND ON OVI CHARGES

BAIL/BOND WILL BE REQUIRED FOR ONLY ONE OF TWO CHARGES OF OVI IF BOTH ARE CHARGED IN THE SAME INCIDENT.

OUT OF STATE BOND SCHEDULE

IN THE EVENT THAT THE NON-RESIDENT PERSON CHARGED WITH AN OFFENSE CAN ESTABLISH TO THE SATISFACTION OF THE CLERK OF COURT THAT HE/SHE IS A STUDENT OR IS GAINFULLY EMPLOYED IN THIS STATE, THEN HE/SHE SHALL BE RELEASED ON THE SAME BAIL AS RESIDENTS OF THIS STATE.

BONDS MAY BE IN CASH, SURETY BOND, A BOND SECURED BY REAL ESTATE OR SECURITIES AS ALLOWED BY LAW.

*****\$25.00 Bond Surcharge is not to be collected on SEATBELT, PEDESTRIAN AND PARKING VIOLATIONS.**