

Adams County Court
110 West Main Street
Room 25
West Union, OH 45693
(937) 544-2011

Local Rules for Adams County Court

RULE I: SCOPE AND APPLICABILITY

- (A) These local rules are promulgated pursuant to Rule 18 of the Ohio Supreme Court Rules of Superintendence for Municipal and County Courts; Rule 19 of the Ohio Traffic Rules; Rule 13 of the Ohio Rules of Civil Procedure; Rule 57 of the Ohio Rules of Criminal Procedure.
- (B) These local rules shall apply to the Adams County Court, 110 West Main Street Room 25 West Union, Ohio 45693, with a judicial district encompassing Adams County, Ohio. All previous Rules of Court are hereby revoked and rescinded.

RULE II: COURT AND CLERK'S OFFICE OPERATIONAL HOURS

- (A) Court shall be as follows: Effective July 1, 2019
 - Monday 9:00am until Adjournment
 - Tuesday As needed
 - Wednesday As needed
 - Thursday 9:00am until Adjournment
 - Friday As needed
 - Saturday Closed
 - Sunday Closed
- (B) Clerk's Office shall be as follows:
 - Monday through Friday 8:00am – 4:00pm
 - Closed Saturday and Sunday

RULE III: AUTHORIZATION FOR CLERK TO SIGN COMMITMENT ORDERS AND SUBPOENAS

The Clerk of this Court or any deputy Clerk is hereby authorized to place the Judge's signature stamp and/or sign for this Court on all necessary Commitment Orders (consistent with judgement entry signed by the Judge) and all subpoenas required by Ohio Law.

RULE IV: SUMMONS/ARREST/BOND

- (A) Consistent with Rule 4 of the Ohio Rules of Criminal Procedure and Rule 3 of the Ohio Traffic Rules, all officers of the Ohio State Highway Patrol, Sheriff and Sheriff Deputies, shall issue a summons in lieu of an arrest in traffic and other misdemeanor cases where said summons would appear to reasonably secure the defendant's appearance and said law enforcement officer shall

use the traffic complaint and summons forms specified in Rule 3 of the Ohio Traffic Rules in all traffic cases.

- (B) In all felony and misdemeanor cases where the law enforcement officer determines that summons would not reasonably assure the court appearance of a defendant, the bond schedules set forth in these Rules of Court apply.

RULE V: SWORN AFFIDAVITS IN CRIMINAL CASES

- (A) All complaints in criminal cases shall have attached affidavits which must be sworn to before a warrant to arrest will be issued by this court.

RULE VI: PLEA NEGOTIATIONS

- (A) Legal counsel for all parties in all cases; criminal and civil; should complete settlement or plea negotiations no later than seven (7) days before a case is set for trial, should a settlement or plea bargain agreement have been reached by the parties.
- (B) Plea bargain agreements entered into without notification to the Clerk of this court within the time frame or Rule VI (A), shall be approved only upon showing of good cause of why earlier notification was not given or in the interest of justice.
- (C) In all cases wherein trial counsel have agreed to a plea bargain in which a demand for jury has been previously filed, a written withdrawal of that demand for jury shall be filed immediately after notifying the Clerk of this Court of the existence of a plea bargain in which no jury will need to be summoned.

RULE VII: MOTION FOR DEFAULT JUDGMENT

All motions for default judgment filed with this court in civil cases, shall be accompanied by a record of all payments and a summary of how calculations were made.

RULE VIII: COST DEPOSIT IN CIVIL CASES

- (A) Effective April 1, 2017 deposit for costs in the amount of \$201.00 shall be required at the time of the filing of any civil action in this court, amounts up to \$15,000.00, including Personal Injury, Property Damages, Forcible Entry & Detention, other Civil and Contracts.

- (B) Effective April 1, 2017 deposit for costs in the amount of \$101.00 shall be required at the time of filing of any small claims action in this court, amounts up to \$6,000.00.
- (C) Effective April 1, 2017 deposit for costs in the amount of \$166.00 for garnishment of personal earnings, \$81.00 for garnishment of property other than personal earnings, plus \$1.00 payable to the garnishee, shall be required at the time of filing of any garnishment of action in this court.
- (D) Effective April 1, 2017 a deposit of costs in the amount of \$151.00 shall be required at the time of filing of any motion for Debtor's Examination.
- (E) The additional \$15.00 fee collected in civil cases and \$7.00 collected in small claims cases shall be for the benefit of Legal Aid Societies in the State of Ohio.
- (F) All jury demands filed with this court in civil action shall require a deposit of \$300.00. This \$300.00 deposit shall be made 30 days before trial or 7 days after Notice of trial, whichever occurs first.
- (G) A deposit in the amount of \$20.00 shall be required as a deposit for witness fees in any civil action in which a praecipe for subpoena is filed. This deposit shall be made for each witness requested to be subpoenaed.

RULE IX: SCHEDULE OF COSTS

Costs charged in all cases in this court are as set forth in the Ohio Revised Code in Section 1907 and 2303.

RULE X: CRIMINAL BOND SCHEDULE

- (A) The following Bond schedule shall apply for all non-traffic criminal misdemeanor cases and all felony cases within the jurisdiction of this Court prior to initial appearance or arraignment.

<u>OFFENSE</u>	<u>BOND</u>
Murder	No Bond
Felony 1 st Degree	\$100,000.00 plus O.R.
Felony 2 nd Degree	\$75,000.00 plus O.R.
Felony 3 rd Degree	\$50,000.00 plus O.R.
Felony 4 th Degree	\$50,000.00 plus O.R.
Felony 5 th Degree	\$50,000.00 plus O.R.

All defendants charged with a felony must appear before the Court before bond is posted.

In accordance with O.R.C. 2919.251 and Criminal Rule 46, B and C, and Article I Section 9 of the Ohio Constitution. Domestic Violence cases must appear before the Court before bond can be posted, otherwise the following bonds are set for appearance in County Court.

<u>OFFENSE</u>	<u>BOND</u>
Misdemeanor 1 st Degree	\$1,000.00 plus O.R.
Misdemeanor 2 nd Degree	\$750.00 plus O.R.
Misdemeanor 3 rd Degree	\$500.00 plus O.R.
Misdemeanor 4 th Degree	\$250.00 plus O.R.
Minor Misdemeanor	O.R. only
Marijuana/Drug M.M.	O.R. only
Unclassified Misdemeanors	As authorized by the Judge

- (B) All bonds issued pursuant to this rule must be cash or guaranteed by a surety company licensed in the State of Ohio and whose agent is properly registered in the Ohio and approved by the Court pursuant to the schedule of approved surety agents posted annually or more frequently, is needed, by the Clerk of Court in Adams County Court.
- (C) Prior to the initial appearance or arraignment of a criminal defendant, property bonds, 10% bonds or any modification of the above criminal bond schedule must be personally authorized by the Judge of the County Court. A condition of bond in all cases shall be the defendant's personal appearance, failure to appear will result in bond revocation.
- (D) \$25.00 will be collected from any defendant posting and O.R. Bond, charged with misdemeanors only and \$41.00 will be collected from any defendant posting an O.R. bond charged with a felony. Said monies are to be deposited with the Clerk of Adams County Court for the victim reparations fund and general revenue fund. No criminal defendant shall be placed or held in jail for failing to pay said \$25.00 or \$41.00 deposit upon posting his/her O.R. bond however, failure to pay said deposit shall be indicated on the O.R. Bond to the Clerk of Adams County Court.

RULE XI: DOMESTIC ANIMAL VIOLATIONS BOND & WAIVER-MINOR MISDEMEANORS

<u>OFFENSE</u>	<u>BOND</u>
955 All minor misdemeanors	\$100.00 plus costs

RULE XII: CASE MANAGEMENT IN CRIMINAL CASES

- (A) The purpose of this rule is to establish, pursuant to M.C. Sup. R 18, a system for criminal case management which will provide the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.
- (B) Scheduling of events: The scheduling begins after arraignment. Thereafter, the case is managed in four (4) judicial steps.
- (1) Pre-trials: After arraignment, all 1st, 2nd, 3rd and 4th degree misdemeanors shall be set for pretrial by the judge or assignment commissioner within twenty-one (21) days. All other misdemeanors shall be set for trial unless the Judge orders a pre-trial in said case. The pretrial shall be conducted in accordance with criminal rule 17.1 and a memorandum of the matters agreed upon should be filed in said case. Any attorney who fails to appear for pretrial, without just cause being shown, may be punished for contempt of court. If the parties cannot resolve the case, then the case should be set for trial to the court unless a jury is demanded. If a jury demand is filed, a second pretrial will be conducted in all cases coming before this court. The second pretrial will be conducted in all cases coming before the court and the case is set for trial. Parties wishing to enter into a plea bargain agreement will indicate at this time their intention to do so. The Clerk of Court shall be notified within 10 days of trial of the existence of any plea bargain agreement.
- (2) Motions: All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rule of Criminal Procedure. All motions shall be set for an oral hearing.
- (3) Trials: Each case not resolved by a pretrial shall be set for trial to the court. If a jury demand is timely filed, then the case will be moved to the trial schedule. All attorneys shall notify the court by 3:00 p.m. seven (7) days prior to the day of their trial of any change in plea or jury costs will be attached to their case.
- (4) Sentencing: Sentencing hearings shall be set within fourteen (14) days from trial if no pre-sentence report is requested. After the court receives the probation report, the court will set the hearing for sentencing within 10 days.

RULE XIII: RULES CONCERNING PROBATION VIOLATIONS

Counsel for defendants who have received a summons or arrest warrant for violating the terms of probation are to notify the Court and the prosecutor no later than 72 hours prior to hearing of whether the defendant desires to contest the Motion of the State of Ohio.

RULE XIV: CASE MANAGEMENT IN CIVIL CASES

- (A) Purpose: The purpose of this is to establish, pursuant to M.C. Sup. R 18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.
- (B) Scheduling of events: The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five (5) clerical steps and four (4) judicial steps.
- (C) Clerical Steps:
 - (1) Summons shall be served in accordance with the Ohio Rules of Procedure. In the event there is a failure of service, the clerk shall notify counsel by ordinary mail within 14 days of return with lack of service, that if counsel fails to obtain service of summons within four (4) months from the date the cause of action has been filed, then the case will be dismissed without prejudice unless good cause is shown to the contrary.
 - (2) Within 60 days of perfection of service, no answer or responsive pleading is filed, the clerk shall notify counsel of the default and that a failure to submit a motion for default judgement and entry within thirty (30) days shall result in the case being dismissed.
 - (3) After any responsive pleading is filed, the clerk shall immediately forward said pleading and file to the Judge so the matter may be set for a hearing.
 - (4) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.
 - (5) When a file has been marked "settlement entry to come" and the entry has not been received, within thirty (30) days, then the clerk shall notify the party that his case will be dismissed unless the entry is received within ten (10) days.
- (D) Judicial Steps:
 - (1) Pretrial Hearing: After an answer is filed, in the case, the clerk shall forward the file to the Judge. The Court will then set the case for pretrial within 60 days. Any attorney for a party to the action who fails to attend

at a scheduled pretrial conference, without just cause being shown, may be punished as for contempt of this court. Notice of pretrial conference shall be given to all counsel of record by mail or in his/her assigned mail box located in the clerk's office from the assignment commissioners not less than seven (7) days prior to the conference. Any application for continuance of the conference shall be addressed to the Judge to whom the case has been assigned. Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority. The primary purpose of the pretrial conference shall be to achieve an amicable settlement of the controversy in suit and set discovery deadlines. The court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy and determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed. Any Judge presiding at pretrial conference or trial shall have the authority to dismiss the action for want of prosecution on motion of defendant upon failure of plaintiff, and/or his/her counsel to appear in person at any pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference or trial as required; to make such other orders as the Court may deem appropriate under all circumstance. If the case cannot be settled at pretrial, then the case will be set for trial at a time agreeable to all parties.

(2) Motions:

All motions must be writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like matter within the fourteen (14) days thereafter. All motions will be considered submitted at the end of said (14) day period unless time is extended by the court. There will be no oral hearing granted in said motions unless the parties request an oral hearing in writing and the court deems it necessary.

(3) Continuances:

No party shall be granted a continuance of trial or a hearing without a written motion from the party or his counsel stating the reason for the continuance. When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date, in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date

assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial court.

(4) Judgment Entries:

Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry. That entry shall be submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the entry within the next (5) days. Within fourteen (14) days of the decision. The journal entry shall be submitted to the Judge and thereafter the court will prepare the journal entry. Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed and continued by the court entry upon attorneys' representation of settlement but a final settlement entry shall be filed within thirty (30) days after the date set for trial or the case will be dismissed for want of prosecution. All journal entries shall state which party will pay the court costs.

RULE XVII:

INTERPRETER FOR DEAF PARTIES AND WITNESSES

All parties and witnesses who appear before the court, who are deaf, shall be afforded a properly certified and trained interpreter at County expense. Interpreter's fees shall be paid from the Witness Fees category of the local County Court budget. No interpreter's fee shall be taxed as court costs against any deaf party or witness.

JURY MANAGEMENT PLAN FOR ADAMS COUNTY COURT WEST UNION, OHIO

(A) Opportunity for service:

- (1) The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a cognizable group in the jurisdiction.

(B) Jury Source List:

- (1) Pursuant to Court Order, the jury source list shall be obtained from the Board of Elections' list of registered voters. The Court shall designate a key number based on the total number of registered voters and the number of jurors needed for a year of service. The Jury Commissioners shall then receive a printout from the Board of Elections

- (2) The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
- (3) The Court shall annually review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.
- (4) Should the Court determine that improvement is needed in the representativeness of inclusiveness of the jury source list, appropriate corrective action shall be taken.

(C) Random Selection Procedures:

- (1) The jury source list from the Board of Elections is done electronically, names are scrambled and printed by the Jury Commissioners during a public drawing.
- (2) Departure from the principle of random selection are appropriate only to comply with lawful exceptions.

(D) Eligibility for Jury service:

- (1) All person(s) are eligible for jury service with the exception of the following conditions:
 - (a) Are less than eighteen (18) years of age
 - (b) Are not citizens of the United States
 - (c) Are not citizens of Adams County, Ohio
 - (d) Are not able to speak the English language
 - (e) Have been convicted of a felony and have not had their civil rights restored

(E) Term and Availability for Jury Service:

1. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
2. The Judge of the Court shall conduct a preliminary voir dire examination. Counsel shall be permitted to question the jury panel members for a reasonable period of time.
3. 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.
4. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record.
5. Rules on Voir Dire
 - (a) The case may not be argued in any way while questioning the jurors.

- (b) Counsel may not engage in efforts to indoctrinate juror.
- (c) 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.
- (d) Jurors may not be asked what kind of verdict they might return under any circumstance.
- (e) Questions are to be asked collectively of the entire panel whenever possible.

(F) Removal from the Jury Panel for Cause:

- (1) 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 the individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the Judge.

(G) Peremptory Challenges:

- (1) 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.

(H) Administration of the Jury System:

- (1) The responsibility for administration of the jury system shall be vested exclusively in Adams County Court.
- (2) All procedures concerning jury selection and service should be governed by Ohio Rules of Court.

(I) Notification and Summoning Procedures:

- (1) A notice summoning a person to jury service shall be:
 - (a) Combined in a single document.
 - (b) Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems.
 - (c) Delivered by regular U.S. Mail with return postage.

(J) A summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.

(K) Policies and procedures have been established for monitoring failure to respond to a summons and for enforcing a summons to report for jury service:

- (1) Upon failure of a juror to appear as summonsed for jury service, the clerk shall attempt one phone call to reach the prospective

juror and remind them of their duty to appear and serve if required.

(2) If the prospective juror cannot be reached by telephone, a letter shall be mailed to the person requesting them to appear before the court and explain their failure to appear.

(3) If the Judge should determine that the juror purposely failed to appear for jury service, a contempt citation, upon order of the judge, shall be issued and a hearing conducted.

(L) Monitoring the Jury System:

(1) The representativeness and inclusiveness of the jury source list.

(2) The effectiveness of qualification and summoning procedures.

(3) The responsiveness of individual citizens to jury duty summonses.

(4) The cost-effectiveness of the jury management system.

(5) The efficient use of jurors.

(M) Juror Use:

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

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

(N) Jury Facilities:

(1) The Court shall provide an adequate and suitable environment for the jurors.

(2) The entrance and registration area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.

(3) Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.

(4) Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.

(5) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.

(O) Juror Compensation:

(1) Persons called for jury service shall receive a reasonable fee for their services and expenses pursuant to statutory authority.

- (2) Such fees shall be paid promptly.
- (3) Employers shall be prohibited from discharging, laying-off, denying advancement opportunities or otherwise penalizing employees who miss work because of jury service.

(P) Juror Orientation:

- (1) The Court shall provide preliminary instructions to all prospective jurors.
- (2) Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including notetaking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed and the basic relevant legal principles.
- (3) Prior to commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations and on the appropriate method for reporting the results of its deliberations.
- (4) Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system.
- (5) Utilization of written instructions is preferable.
- (6) Before dismissing a jury at the conclusion of a case, the Judge shall:
 - (a) Release the jurors from their duty of confidentiality.
 - (b) Explain their rights regarding inquiries from counsel or the press.
 - (c) Advise them that they are discharged from service.
 - (d) Express appreciation to the jurors for their service.
- (7) All communication between the Judge and members of the jury panel from the time of reporting to the courtroom for the voir dire until dismissal shall be in writing or on record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

(Q) Jury Size and Unanimity of Verdict:

- (1) Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

(R) Jury Deliberations:

- (1) Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality

and to enhance rational decisions making and shall conform with existing Ohio law.

- (2) The Judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.
- (3) A jury shall not be required to deliberate after a reasonable hour unless the trial judge determines that an additional day of deliberation would cause an undue hardship upon the jurors and the interest of justice.
- (4) Training should be provided to personnel who escort and assist the jurors during deliberation.

RULE XIX

PROCEDURE FOR IMMOBILIZATION/IMPOUNDMENT

Upon arrest of any person subject to seizure. Impoundment or immobilization, the arresting agency will:

- (A) Vehicle will be seized, plates impounded and held until after the persons initial appearance. Plates should be sent to the court along with all documentation, including registration information and location of the vehicle.
- (B) Upon initial appearance, the Court will either return the vehicle to its owner or order the vehicle held pending disposition.
- (C) If the Court orders the vehicle returned to its owner, the arresting agency will be notified and the vehicle will be released and the plates returned.
- (D) If the Court orders the vehicle held until pretrial, the Court will notify the arresting department and the arresting agency will continue to impound the vehicle pending disposition.
- (E) When the Court issues an immobilization order and the vehicle has been released to the owner, the arresting agency will locate the motor vehicle, immobilize it and notify the BMV on the appropriate form. The BMV must be notified by the department when immobilization is complete so payment can be made to the proper department when made.
- (F) If an immobilization is orders for a vehicle being held pretrial, the Court will send the plates along with the immobilization order to the BMV and the law enforcement agency. The agency upon receipt of the order will follow the same procedure as in "E".
- (G) Any Vehicle being held for immobilization shall not be released until the owner presents proof to the law enforcement agency of the BMV notice that the immobilization period is up and all fees have been paid to the BMV as required. This notification will be sent to

the owner shortly after immobilization period is over and the fees have been paid.

- (H) Law enforcement will notify the impound lot, if one is used, upon receiving a copy of the BMV notice of release for the vehicle.
- (I) Any other procedure will require court approval.

RULE XX

COURT SECURITY:

In Compliance with Rule 9 of the Rules of Superintendence, Adams County Court, the following provisions are hereby adopted:

- (1) Security provisions shall be provided by the Office of the Adams County Sheriff. Currently there is one full-time Deputy Sheriff assigned to Courthouse Security. The two days County Court is in session, there's an additional Deputy Sheriff and civilian bailiff in the courtroom from the start of Court to the conclusion of Court sessions. When Court is needed on other days, an Adams County Sheriff's Office Jailer remains with the defendant until the conclusion of Court.
- (2) Prisoners shall be transported within the Court facilities by a Sheriff's Deputy or Jailer. All prisoners shall be handcuffed and, when needed in leg restraints.
- (3) No weapons shall be permitted in the Courthouse, except those carried by Court Security Officers and Law Enforcement Officers acting within the scope of their employment as a witness or on official business.
- (4) The Courtroom shall be equipped with a duress alarm connected to the central security location for highest response time from the Adams County Sheriff. Duress alarm shall be located on the Judges bench. Testing of the duress alarm shall be done regularly by the Adams County Sheriff.
- (5) Closed circuit video surveillance shall be allocated to the Courtroom, hallways and entrances into the Courthouse.
- (6) The general public shall not be permitted, unless otherwise invited, into secured areas. Clerk's office shall be accessed through an electronically controlled door.
- (7) A gated magnetometer entrance shall be utilized by Court personnel, as well as hand held units, whenever deemed necessary by the Court.
- (8) Violations of law occurring within the Court facility shall be reported to the law enforcement agency having jurisdiction.
- (9) Every violation of law that occurs within the Courthouse shall be reported to the Adams County Sheriff. All security incidents shall be

reported, as well to the Court's bailiff, who shall file the report on the appropriate form with the Clerk of Court.

- (10) Use of cell phones in the Courtroom are prohibited, phones should be turned off prior to entry in the Courtroom.

RULE XXI:

RESTITUTION AND VICTIMS' RIGHTS:

The Court being aware of the enactment of Senate Bill 186 regarding victim's rights and of the provision of law requiring restitution as a part of a sentence upon conviction of certain crimes or as a term of probation, it is the finding of the Court that reasonable procedures for payment of restitution by convicted offenders should be adopted.

The Court further finds that the Probation Office doesn't allow restitution to be paid through its Office and that direct payment to the victim is often not advisable due to the relationship of the parties.

Therefore, it is the ruling of this Court that Local Criminal Rule XXI be and is hereby adopted with regard to payment of restitution in all criminal cases in this Court, whether ordered as part of a sentence imposed upon a defendant or as a term of Probation or as part of a plea agreement between the parties and approved by the Court.

The provisions of said rule are as follows:

- (A) Restitution ordered by the Court will be paid by the offender in a lump sum to the victim unless the Court finds the offender is unable to do so solely due to his/her financial status.
- (B) Periodic payments' of restitution by offenders will be through the Victims' Restitution Account through the Probation Office.
- (C) All restitution monies received will be deposited and disbursed by check.
- (D) The offenders who utilize said payment program will pay a fee of \$5.00 for each payment to the Probation Office, funds will be used for the offender to pay expenses of maintaining records of said restitution, postage, stationary, supplies and equipment needed to maintain said account and payment of personnel for the time spent on such duties. Said fee will be deducted from each payment and the balance applied to restitution.
- (E) The Probation Department will disburse restitution according to their policy of payment.
- (F) Any victim can waive the restitution being paid through the Prosecuting Attorney's Office completing a written wavier. If such wavier is filed, all restitution payments will be made directly to the victim.

- (G) The Probation Office is authorized to communicate directly with the offender regarding all restitution matters, including payments, balance, receipt, failure to pay, ect., unless the attorney for the offender notifies the Probation Office in writing that he/she is counsel for the offender. Thereafter, all contact is to be made through the offender's attorney as provided in the Code of Professional Responsibility.
- (H) Offenders making payments will be given receipts by the Probation Office and current balances will be maintained.
- (I) All funds will be handled by the Probation Office in accordance with Ohio Law regarding handling of public funds.
- (J) This rule will apply to all restitution orders entered from the previous order on 03/16/2000.

EFFECTIVE DATE OF RULES

These rules shall take effect after signed by the County Court Judge.

These Court Rules govern all proceedings in actions brought after they take effect and also all further proceedings in action the pending, except to the extent that their application in a particular action pending when these rules take effect, would not be feasible or would work towards injustice, in which event, the former procedures apply.

Signed :

Dated: _____