

RULES OF THE FULTON COUNTY MUNICIPAL COURT

Pursuant to Rule 5, Rules of Superintendence for the Courts of Ohio, the Fulton County Municipal Court, Eastern and Western Divisions, shall be governed by the Rules of Court as follows:

RULE I: CRIMINAL RULES

A. Purpose: The purpose of this rule is to establish a system for case management which will provide for fair and impartial administration of criminal cases. These rules shall be constructed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.

B. Scheduling of Events: The scheduling of events begins after an arraignment. Thereafter, the case is managed in four judicial steps:

1. Initial Pretrial: In all criminal prosecutions, and at the request of the defendant and upon the filing of a waiver of all time requirements, an initial pretrial conference shall be scheduled at the earliest convenience of the Court. All minor misdemeanors shall be set for trial unless the judge orders a pretrial conference in said case. The initial pretrial shall be conducted in accordance with Rule 17.1, Ohio Rules of Criminal Procedure. An attorney who fails to appear for an initial pretrial without just cause being shown may be subject to sanctions for contempt of court.

All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within time limits established by the Ohio Rules of Criminal Procedure. All motions shall be set for oral hearing.

Continuances of any proceeding may only be granted upon written motion with supporting memoranda as to the circumstances necessitating the continuance. The granting of a continuance is a matter within the absolute discretion of the court.

2. Final Pretrial: The court will set all cases in which a jury has been requested for a final pretrial more than 7 days before the jury trial is to occur.

At the final pretrial, all counsel of record shall appear and provide the court with:

- i. written jury instructions
- ii. a list of witnesses expected to testify
- iii. marked exhibits.

3. Trial: Each case not resolved at pretrial shall be set for trial to the court unless a jury demand has been timely filed. If a jury demand has been timely filed, the case will be tried to a jury.

4. Sentencing shall occur within sixty (60) days after trial.

C. Indigent Counsel Appointments: Each defendant requesting appointment of defense counsel shall complete and sign the requisite form as supplied by the Court. The Court shall appoint indigent counsel on a rotating basis from a list maintained by the Court and as further determined by qualifications of counsel, availability, and location to court and defendant. The Judge and Clerk shall review all appointments a minimum of annually to ensure the equitable distribution of appointments. Appointed counsel shall be paid and reimbursed for expenses as determined by the Fulton County Commissioners.

The Court retains discretion to remove any attorney from its court - appointed list if it believes the attorney is unfit to represent the interests of his or her court-appointed clients. Examples of conduct that may provide a basis for removal include, but are not limited to: frequent tardiness, arriving at hearings unprepared, initiation of disciplinary proceedings by the Bar, unethical conduct, overbilling, general incompetence, and/or disrespectful treatment of Court, client, or community control staff.

The Court hereby enacts the following maximum fee guidelines based upon the initial charge, subject to Court's authority to approve extraordinary fees on case-by-case basis:

- M1 with jury trial: \$1,500.00
- M1 with court trial: \$750.00
- M1-3 with pleas: \$500.00
- M4 with plea: \$250.00

Appointed attorneys shall properly complete and submit all prescribed forms within 30 days of the date of the journal entry disposing of the action. Prescribed forms submitted past 30 days will result in a 50% reduction in fees and expenses. Prescribed forms submitted beyond 60 days will not be paid. Defective filings will be returned. Filings that are corrected and resubmitted within 10 days of the return will be reimbursed at the same rate as if they were correct on the date first submitted. Reimbursement for appointed counsel fees shall not exceed the schedule of fees established by Fulton County Municipal Court Criminal Rule 1(C) unless appointed counsel also files a motion for extraordinary fees with reasons supporting the request, subject to the Court's authority to approve extraordinary fees on a case-by-case basis.

D. Traffic Violations Bureau

Pursuant to Ohio Traffic Rules (OTR) 13, a Traffic Violations Bureau is hereby established. A person, but not an organization as defined in O.R.C. Section 2901.01(d), charged with a traffic violation waive eligible under OTR 13 or under administrative order of the Court, may in lieu of appearance in court and within seven (7) days from the date of the citation either appear personally at the Clerk's Office and pay said fine and costs online or send payment by mail postmarked within seven (7) days of the citation date. All fines and costs are established by administrative order of the Court. Payments received under the Traffic Violations Bureau are considered pleas of guilty to the ticketed offense. Proof of insurance must be provided at the time of payment.

The Clerk of the County Court is appointed as violations clerk, and with authority as delegated to all Deputy Clerks.

**RULE II.
CIVIL RULES**

A. Purpose: The purpose of this rule is to establish a system for civil case management which will achieve the prompt and fair disposal of civil cases

B. Definitions: "Party" or "parties" as used herein shall mean all parties to an action unless a party is represented. In that case, the party or parties shall refer to counsel of record.

C. Scheduling of Events: The scheduling of a civil case begins when a civil complaint is filed. Parties shall provide an adequate number of copies at the time of filing under the following guideline:

FED - evictions - 5 copies if one defendant (8 copies if 2 defendants)

CVF - civil complaints - 3 copies if one defendant (4 copies if 2 defendants)

CVI - small claims - 3 copies if one defendant (4 copies if 2 defendants)

Thereafter, the case shall be managed by clerical steps as follows:

a. Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event a failure of service occurs, the clerk shall notify the party who has sought service immediately. In the event service is not perfected within six months from the date the complaint was filed, the court may dismiss the case pursuant to Rule 41 (A).

b. Upon perfection of service and the expiration of the period for filing a responsive pleading, the clerk shall notify a party of the default and that failure to submit a motion for default and proposed entry within 15 days after notification may result in the case being dismissed pursuant to Rule 41 (A).

c. After the filing of any responsive pleading, the clerk shall forward the file to the Judge and the clerk shall set the matter for a scheduling pretrial.

d. If no action has been taken on a file for six months and the case has not been set for trial, the clerk shall notify the parties the matter will be dismissed within 14 days for want of prosecution unless good cause is shown.

e. All parties shall notify the court in writing when any case has been settled. The clerk shall mark all files, "Settled, entry to follow". In the event a judgment entry has not been proffered to the court within 30 days, the clerk shall notify the parties the case will be dismissed unless the entry is received within 10 days, unless good cause is shown why the case should not be dismissed.

D. Judicial Steps:

1. Scheduling Pretrial: After a responsive pleading is filed, the Clerk shall forward the file to the Judge. The Judge shall set a scheduling pretrial. Upon motion of counsel approved by the court, a party may appear by telephone at the scheduling pretrial. The purpose of the scheduling pretrial is to calendar all dates for the case, including setting discovery and motion deadlines, hearings for motions, a settlement pretrial and a trial date.

2. Motions: All motions must be in writing and accompanied by a written memorandum in support of the motion. The opposing party shall respond in like manner within 14 days thereafter. All motions will be considered submitted at the end of said 14-day period unless time is extended by the court.

3. Settlement Pretrial: Prior to final hearing, the court shall set all actions for a "Settlement Pretrial". For the purpose of this rule, "Settlement Pretrial" shall mean a court supervised conference primarily designed to produce an amicable settlement.

a. Parties shall have marked all exhibits to be used at trial; provide a list of witnesses with addresses and phone numbers; provide proposed jury instructions (if the case is to be tried to a jury); and provide any other document or information as may be requested by the court. Counsel attending any settlement pretrial conference must have complete authority to stipulate on items of evidence and must have, or present access to, full settlement authority. Digital evidence to be submitted as an exhibit shall be preserved on a digital media device prior to admission (disc, zip drive, etc.)

b. Notice of all hearings shall be given to all parties (or their counsel of record if represented) by mail and/or by telephone by the Civil Clerk, not less than 14 days prior to the conference. Any application for continuance shall be addressed to the Judge.

c. Any party who fails to attend a hearing or pretrial conference, without just cause being shown, may be punished for contempt of this court.

d. The Judge presiding at a pretrial conference or hearing may dismiss the action for want of prosecution on the motion of defendant upon the failure of plaintiff and/or plaintiff's counsel to appear in person; to order the plaintiff to appear with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel, and/or to make such other order as the Court may deem just or appropriate under the circumstances.

e. If the case cannot be settled at the settlement pretrial, the case shall proceed to trial.

4. Continuance: No party shall be granted a continuance of a hearing, pretrial or trial without a written motion from the party or counsel stating the reasons for the continuance.

a. When a continuance is requested for the reason counsel is scheduled to appear in another case assigned for trial on the date in another court, the case which was first set shall have priority and shall be tried on the date assigned.

b. Criminal cases assigned for trial have priority over civil cases assigned for trial.

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

5. Judgment Entries: Counsel for the party in whose favor an order of judgment is rendered shall prepare a journal entry.

a. The entry shall be submitted to opposing counsel within 10 days of the decision. Opposing counsel shall approve or reject the entry within 10 days.

b. Within 15 days of the decision, the journal entry shall be submitted to the Judge, or thereafter, the Court may prepare the journal entry.

c. Entries of settlement may be filed at any time. In the event parties settle a matter settled within 30 days of a scheduled trial date, the parties shall notify the court in writing before the trial date the matter has been settled and further indicate who will be authoring the Judgment Entry or other pleading which brings the case to a resolution. The Judgment Entry or other pleading shall be filed with the court within 30 days of the original trial date or the case will be dismissed for want of prosecution, unless good cause is shown. The journal entry shall state which party shall pay the court costs.

6. Schedule of court costs: The schedule of court cost deposits for civil cases in Eastern District and Western District Courts are set forth on page 21.

E. WARRANTS:

If not executed within one (1) year from date of issue, warrants to arrest in civil cases, shall be withdrawn.

**RULE III.
SPECIAL PROCEEDINGS**

A. Purpose:

The purpose of this rule is to establish a case management system for special matters.

B. Special Civil Proceeding:

The following civil matters are considered special proceedings and may be heard by a Judge:

1. Small Claim
2. Forcible Entry and Detainer
3. Default Hearings
4. Rent Escrow
5. Replevin
6. Motions to show cause
7. Garnishment Hearings
8. Proceedings in aid of execution (debtor's exams)
9. All Bureau of Motor Vehicle requests or appeals not arising out of traffic cases pending in this court. Appeals from administrative orders or other civil matters not listed hereinabove.

C. Special Criminal Proceeding:

The following criminal matters are considered special proceedings for hearing by the Judge:

1. Extradition hearings
2. Bureau of Motor Vehicle (BMV) hearings arising from traffic cases filed with the court.

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Fulton County Courts. The electronically produced ticket shall conform in all substantive respects to the "Ohio Uniform Traffic Ticket" set forth in the Ohio Traffic Rules, Appendix of Forms. The provisions of Rule 3, division (B), of the Ohio Traffic Rules 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. If an electronically produced ticket is issued at the scene of alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

D. Scheduling of events:

Cases that have time limits established by the Ohio Revised Code shall be set within such time limits for hearing. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed 90 days.

E. Clerical Duties:

In new cases, if counsel fails to obtain service of summons within six months from date of filing, the Clerk shall notify counsel that the case will be dismissed for want of prosecution in 10 days unless good cause is shown to the contrary.

Upon perfection of service, the Clerk shall notify counsel of default after the answer date and that failure to submit a motion for default and entry within 15 days may result in the case being dismissed for want of prosecution.

After any responsive pleading is filed, the Clerk shall immediately forward the pleading and file to the Judge so the matter may be set for hearing. If no action has been taken on a file for a six month period and the case is not set for trial, the Clerk shall notify the party the matter will be dismissed for want of prosecution within one week absent good cause. When a file has been marked "Case settled, JE to follow" and the entry has not been received within 30 days, the Clerk shall notify the parties the case will be dismissed for want of prosecution unless the entry is received within 10 days.

**RULE IV
FORCIBLE ENTRY AND DETAINER HEARINGS**

A. Hearings:

All forcible entry and detainer cases shall be set for hearing before the Judge pursuant to the time limits set forth in the Ohio Revised Code. At that hearing, the Ohio Rules of Evidence and the applicable Ohio Rules of Civil Procedure shall apply. The Judge shall, at the conclusion of the hearing, file a Judgment Entry within seven days and cause a copy to be served on the parties.

B. Response:

If an answer or jury demand is filed in a forcible entry and detainer case, the Clerk shall forward the case to the Judge so that the case can be scheduled for the appropriate hearing.

All causes of action for damages associated with the rental agreement which is the subject of the F.E.D. claim shall proceed as all other civil cases pursuant to Local Rule II et seq.

C. Sealing of Eviction Records:

Sup.R. 45 provides that a court may restrict public access to a court record when it finds by clear and convincing evidence that the presumption of public access is outweighed by a higher interest. The Court has the authority to order the Fulton County Municipal Clerk of Court ("Clerk") to seal an eviction record when the interests of justice outweigh the duty to provide public access. The Court shall examine the grounds for sealing each eviction record and may deny sealing a record when criminal activity, such as a violent offense or drug offense, led to the eviction. Whether an eviction record is sealed is up to the discretion of the Court.

Only closed Cases that have a final decision by the Court are eligible to be sealed. An eviction case consists of a First Cause for Eviction and may have a Second Cause for Rent or Damages. The entire case must be closed before it can be sealed. Closed means there is no pending First Cause for Eviction or Second Cause for Rent/Damages still open that needs to be determined by the Court. Eviction cases are also not eligible to be sealed while objections or appeals are pending. These cases can be considered after the Final Decision on the objections and/or appeals.

The following Closed Cases may be sealed sixty (60) days after the date of the Final Decision on the First Cause for Eviction:

- (1) Only first cause for eviction was filed, and the first cause for eviction was dismissed or judgment was entered for the Tenant/Defendant; or
- (2) Court dismissed the first cause for eviction or entered judgment for the Tenant/Defendant, and any second cause for rent or damages, plus court costs, has been satisfied or dismissed; or
- (3) Landlord/Plaintiff dismissed the first cause for eviction before adjudication of that claim, and any second cause for rent or damages, plus court costs, has been satisfied or dismissed.

The following Closed Cases may be sealed five (5) years after the date of the Court's Final Decision on the First Cause for Eviction:

The Landlord/Plaintiff prevailed on the merits and was awarded judgment on the first cause for eviction and any second cause for rent or damages, plus court costs, has been satisfied or dismissed, plus the Applicant has not had another eviction judgment against them in the Fulton County Municipal Court within the past five (5) years.

Procedure for Sealing an Eviction Record:

(a) The party requesting to have an eviction record sealed must complete and file the Court's Application and Affidavit attesting to all relevant facts to Seal Eviction Record form. This application form must be filed with the Court even if the Landlord/Plaintiff does not oppose sealing the record or agrees to seal the record in an Agreed Entry.

(b) If an Agreed Entry to Seal Eviction Record without a hearing was filed by the parties, a copy of the Agreed Entry must be filed with the Affidavit.

(c) The Notice of Application, the Application and Affidavit to Seal Eviction Record, and the Response to the Application to Seal Eviction Record form (Response) will be served on Plaintiff/Landlord or their counsel by the Clerk through ordinary mail.

(d) The Plaintiff/Landlord, their counsel, or other responding party must file their Response to the Application to Seal Eviction Record form (Response) with the Clerk of Court within 21 days after being served. The Clerk of Court shall then serve the response by ordinary mail upon the Defendant/Tenant.

Failure to file a timely Response to the Application to Seal Eviction Record form with the Clerk may result in the statements on the Application being taken as true, and the eviction record being sealed without a hearing.

(e) Either party may request an oral hearing. If no hearing is requested, the matter may be decided without a hearing unless the Court finds one is necessary. A hearing shall always be necessary when criminal activity, such as a violent offense or drug offense, led to the granting of the eviction judgment to the Landlord/Plaintiff. It is the Applicant's burden to show at the hearing that the Applicant did not commit and was not convicted of a violent offense or drug offense that led to the eviction.

(f) The Court may consider all relevant factors when examining an Application, which may include, but are not limited to: (1) The disposition of the eviction case, including whether any second cause for rent or damages, plus court costs, has been satisfied or dismissed; (2) Whether the sealing of the record is agreed to or disputed by the opposing party; (3) If the Landlord/Plaintiff received judgment on the eviction, the grounds upon which the judgment was granted and whether the Applicant has had an eviction judgment against them in the Fulton County Municipal Court within the past five (5) years; (4) Whether criminal activity by the Applicant, such as a violent offense or drug offense, led to the eviction; and (5) Any other information relevant to the determination of whether justice requires the sealing of the record.

If the Court grants an Application to Seal an eviction case record, the Clerk shall cause the entire eviction case record to be redacted from all public records to the same extent that it would for the sealing of a criminal case record, including the electronic case index system. The Clerk shall retain both the sealed electronic record and physical file, should one exist, in accordance with its record retention policy. The Clerk shall ensure that the record of the case can be retrieved and unsealed if the Court orders access to the sealed record. Upon the filing of a Motion, access to the sealed eviction record may be provided to government officials as required by law.

Once an Application to Seal an eviction record is denied, another Application to Seal may be filed, but will not be granted unless good cause is shown.

Unsealing eviction record:

A party to the original action, or any government official or agency entitled to access the sealed eviction record, may file a Motion to Unseal Court Record. An Affidavit shall be attached to the Motion to Unseal Court Record, which sets forth good cause why the record should be unsealed. A copy of the Motion to Unseal Court Record shall be served on the parties to the case by the Clerk of Court. A hearing shall be held unless the Court finds one unnecessary.

The Court shall determine whether there is good cause to unseal the Court record and file an Entry granting or denying the Motion. The Clerk shall serve the Entry upon the party or government official requesting the record be unsealed and upon all parties to the case by ordinary mail.

The Motion to Unseal Court Record with Affidavit and the Entry Ruling on the Motion to Unseal Court Record shall be filed under seal.

**RULE V.
SMALL CLAIMS DIVISION**

A. Small Claim Complaint: All small claims complaints shall be filed on forms approved and supplied by the court. The small claim complaint shall state the date and time for the initial appearance

B. Service: Service of small claims shall be made as required by the Ohio Rules of Civil Procedure.

C. Initial Appearance: If both plaintiff and defendant appear at the initial appearance, the court may:

1. Proceed to hearing;
2. Refer the matter to mediation; or
3. Reset the matter for final hearing.

D. Failure to Appear by Defendant: Should the defendant fail to appear for the initial appearance or for hearing the court may enter a default judgment against the defendant or proceed to hearing at the Court's discretion.

E. Failure of Plaintiff to Appear: If the Plaintiff fails to appear at the initial appearance or the hearing, the court may dismiss the case for want of prosecution.

F. Pleadings: All pleadings will be construed to accomplish substantial justice.

G. Transfer to Regular Docket: Upon The filing of motion and affidavit, as required by Ohio Revised Code, Section 1925.10, or a counterclaim; and upon payment of the required costs, the small claim case shall be transferred to the regular docket. No transfer will be granted until the filing costs are paid.

H. Final Hearing: The Court shall place all parties and witnesses who plan to testify under oath, before the plaintiff and defendant shall state their case. The plaintiff and defendant may subpoena and call witnesses if they desire to do so. The Ohio Rules of Evidence may not apply to hearings in Small Claims Proceedings at the sound discretion of the Court.

I. Collection: The court staff shall assist the prevailing parties in collection proceedings consistent with Section 1925.13, Ohio Revised Code.

**RULE VI.
JURY MANAGEMENT PLAN**

Introduction: It is the purpose of this rule to implement an efficient and comprehensive system of jury use and management for the Fulton County Municipal Court.

A. Jury eligibility: To ensure the jury pool is representative of the adult population of Fulton County, Ohio, all persons are eligible to serve on a jury, except persons less than 18 years of age. All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

B. Procedure for jury selection: Potential jurors shall be drawn from a jury source list, which shall constitute a list of all registered voters in Fulton County within the division of the Fulton County Municipal Court where they reside, by use of random selection procedures.

In November of each year, the Jury Commissioners, duly appointed by the respective Court, shall convene and select 200 jurors for each court to cover potential jury dates throughout the next calendar year. The jury source list shall be reviewed and unsuitable names purged from such list, in accordance with the powers provided to jury commissioners by statute.

In the event 200 jurors drawn are insufficient to meet the needs for the courts in the calendar year, the Jury Commissioners shall reconvene as necessary to select additional jurors, In accordance with the appropriate statutes. If, in the opinion of the Court, the jury source list is not representative of the adult population of the jurisdiction, additional source list shall be utilized as authorized by law.

C. Departures from random selection shall be permitted only as follows:

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

D. Notifications: All prospective jurors shall be notified by regular mail of their obligation.

E. Summoning of prospective jurors:

Prospective jurors shall be summoned only upon the filing of a written jury demand, if required.

Civil Cases: In civil cases, a jury deposit of \$500.00 shall be assessed. Said deposit shall be tendered no less than two weeks before the trial date. In the event said deposit is not made, no jury will be summoned and the failure to make said deposit shall be deemed a waiver of the right to trial by jury. A person determined to be indigent may petition the Court for a waiver of the jury deposit requirement.

In criminal cases, no deposit shall be required.

F. Jury Panel: Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Forty-five (45) persons per trial shall be summoned for service unless the Court determines a lesser or greater number is necessary for a particular trial.

G. Clerk's Dates: Every effort shall be made to resolve cases prior to summoning jurors. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial. The Assignment Commissioner shall contact counsel, or the parties, whichever is appropriate, at least 10 days prior to the scheduled trial date. If it appears that trial is inevitable, a jury panel shall be summoned upon court order at least 10 days in advance trial. Those costs associated with the summoning of a jury shall be assessed against the party requesting the trial. If a trial is settled on the date of trial, all lawful jury costs shall be assessed against the party who requested the jury.

H. Jury Fees: Persons summoned for jury service shall receive compensation in the amount of \$35.00 per day or as provided otherwise by rule or statute. Such fees shall be promptly paid from the County Treasury, as appropriate.

I. Waiver of Fee: Any juror wishing to waive his/her fee for service shall be permitted to do so in writing in the Clerk's office. All waived fees shall be returned to the County Treasurer, as appropriate.

J. Jury Term: The term of service for any prospective panel shall be four months.

K. Exemption, excuse and deferral:

1. All persons except those who exercise their right to exemption are subject to service. Eligible persons who are summoned may be excused from service only if it is determined their ability to receive and evaluate information is so impaired the juror is unable to perform his or her duties as a juror, or service upon a jury would constitute a significant hardship to the juror or members of the public. Persons excused from service shall be deferred and may be subject to jury service at a later time.

2. The following factors constitute a partial, although not exclusive, list of reasons for which a person may be excused or deferred from jury service:

- a. Any person who has a schedule vacation or business trip during potential jury service;
- b. Any person for whom jury service would constitute a substantial economic hardship;

- c. Any person for whom service on a jury would constitute a substantial hardship on their family, clients, or members of the public affected by the prospective juror's occupation;
- d. Any person who has served on a jury within the last year;
- e. Any person for whom it may be readily determined is unfit for jury service;
- f. Any person for whom it is readily apparent would be unable to perform their duty as a juror;

L. Judge's Discretion: No person shall be excused from jury service, except by the Judge or an individual specifically authorized to excuse jurors.

M. Voir Dire:

1. Examination of prospective jurors shall be limited to matters relevant to determining whether to remove a juror for cause, and to determine the juror's fairness and impartiality.
2. All prospective jurors shall be placed under oath in accordance with the Ohio Revised Code. The oath administered shall incorporate an oath to assure the truthfulness of the answers provided on jury questionnaires.
3. Jury questionnaires indicating basic background information concerning panel members shall be made available to counsel prior to the day on which the jury selection is to begin. Counsel is permitted to record or copy the Information contained on the questionnaires, except addresses and telephone numbers, so long as all copies of jury questionnaires are returned to the court upon completion of trial. Under no circumstances may counsel or a party retain any jury questionnaires.
4. Neither counsel nor party will be permitted to question prospective jurors as to matters contained in the questionnaires. Parties and counsel may be permitted to ask follow up questions concerning such information.
5. The Court shall conduct a preliminary voir dire examination concerning basic and relevant matters, and counsel shall be permitted a reasonable period of time to question panel members thereafter. Counsel or parties shall conform their voir dire questioning to the following rules:
 - a. Counsel may not examine prospective jurors concerning law or possible instructions;
 - b. Counsel may not ask jurors to base answers on hypothetical questions;
 - c. Counsel may not argue the case while questioning jurors;
 - d. Counsel may not engage in efforts to indoctrinate jurors;
 - e. Jurors may not be asked what kind of verdict they might return under any circumstances. No promises may be elicited from jurors;
 - f. Questions are to be asked collectively of the panel whenever possible;
 - g. Counsel may inquire by general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.

N. Special Juror Concerns:

1. In the event there a potential for sensitive or potentially invasive questions exists, the Court or the parties may request a hearing preceding voir dire to consider these questions.

2. In all cases, voir dire shall be held on the record, but may be conducted outside the presence of other jurors in order to protect juror privacy, or to avoid embarrassment

3. If it is determined by the Court during the voir dire process that an individual is unable or unwilling to sit in a particular cause fairly and impartially, the individual shall be removed from the panel. Such motion for removal for cause may be made by counsel, a party if unrepresented, or upon the motion of the Court. Further, the Ohio Revised Code and Ohio Rules of Criminal Procedure set forth additional cause challenges which may be made against potential jurors.

O. Peremptory challenges: Peremptory challenges shall be exercised alternatively as presently established by the Revised Code and Civil Rules and Criminal Rules, unless prior to trial the parties agree on the record to another method. Unless otherwise agreed, all challenges shall be made in open court. In special circumstances, challenges may be made outside the hearing of the prospective jurors. There shall be no limit to challenges for cause, however, peremptory challenges shall be limited to that number as established by the Rules of Civil and Criminal Procedure.

P. Challenges to Jury Array: Challenges to the jury array shall be made in accordance with established rules of procedure.

In criminal cases, the jury shall consist of eight jurors and one alternate juror.

In civil cases, the jury shall consist of eight jurors and one alternate juror, unless by agreement, the parties stipulate to a lesser number, in special circumstances, additional alternate jurors may be selected.

Q. Jury orientation: All jurors shall receive orientation to jury services as follows:

1. Jurors shall report for service no later than 8:30 a.m., unless otherwise directed. After orientation, voir dire shall commence promptly. All unresolved trial issues must be brought to the attention of the Court before the completion of orientation. No motions shall be entertained by the Court the day of trial, except those the Court must consider by law or by rule of procedure.

2. The Court shall give preliminary instructions to all prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role, trial procedures of the Court, along with other basic and relevant legal principles.

3. Upon completion of the case and prior to jury deliberations, the Court shall instruct the jury on the law and the appropriate procedures to be followed during the course of deliberations. In accordance with the Civil and Criminal Rules of Procedure, the parties or their counsel may request that special instructions be given to the jury.

R. Jury Supervision: Upon appearance for service, all prospective jurors shall be placed under the supervision of assigned personnel and shall direct any questions or communications to such court personnel for appropriate action.

S. Communications with Jurors: All communications between the Judge and members of the jury panel, from the time of reporting to the Court through dismissal, shall be committed to writing or placed on the record in open court. Counsel for each party shall be informed of any communication, and shall be given the opportunity to be heard as to such communications. Under no circumstances shall counsel, a party, or other witnesses, have any contact with jurors.

T. Jury deliberation:

1. All jury deliberations shall be conducted in the jury deliberation room. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. Court personnel shall endeavor to secure the safety of all prospective jurors, and shall arrange and conduct all activities so as to minimize contact between jurors, parties, counsel and the public.

Upon the commencement of deliberations, all jurors shall remain in the care of court personnel and shall not be permitted to leave the court without permission.

2. Deliberations shall not continue after a reasonable hour, unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors, and are required in the interest of justice.

3. If deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown, the Court finds that sequestration is necessary. If a jury is sequestered, the Court shall undertake the responsibility to oversee the conditions of sequestration and the transportation of all jurors.

4. Upon reaching a verdict, all jurors shall return to the courtroom where the verdict or verdicts shall be read in open court. Upon the reading of the verdict, in criminal cases, either party may request that the jury be polled.

U. Post hearings Evaluation: The Court shall collect and analyze information regarding the performance of this jury management plan to evaluate the representativeness of the jury pool; the effectiveness of the summoning procedures; the responsiveness of Individual citizens to jury summons; the efficient use of jurors; the cost effectiveness of this plan; and overall jury satisfaction.

**RULE VII.
FACSIMILE AND ELECTRONIC FILING RULES**

A. Authority: The provisions of this local rule are adopted under Civ. Rule 5(E), Ohio Rules of Civil Procedure, Crim. Rule 12(B), Ohio Rules of Criminal Procedure.

B. Fax Filings: Subject to the following conditions, pleadings and other papers may be filed with the Clerk of Courts by

- i. Facsimile transmission to Eastern Division (419) 825-3324 and Western Division (419) 337-9286;
- ii. Electronic mail to Eastern Division at edc@fultoncountyoh.com
- ii. Electronic mail to Western Division at wdc@fultoncountyoh.com

1. Applicability: These rules apply to civil, criminal, traffic and small claims proceedings in the Fulton County Municipal Court, Eastern and Western Divisions.

2. Original filing:

A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

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

3. Definitions: As used in these rules, unless the context requires otherwise:

- a. "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
- b. "facsimile machine" means a machine that can send and receive a facsimile transmission.
- c. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

4. Cover Page

a. The person filing a document by fax shall also provide therewith a cover page containing the following information: [See appendix for sample cover page form]

- i. Name of the court
- ii. Title of the case
- iii. Case number
- iv. Assigned judge
- v. Title of the document being filed (e.g. Defendant Jones' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendants' Motion to Dismiss)
- vi. Date of transmission
- vii. Transmitting fax number
- viii. An indication of the number of pages included in the transmission, including the cover page
- ix. If a judge or case number has not been assigned, state that fact on the cover page
- x. The name, address, telephone number, fax number, Supreme Court registration number, if applicable, and email address of the person filing the fax document if available
- xi. If applicable, a statement explaining how costs are being submitted.

b. If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may, at its discretion:

- i. enter the document in the Case Docket and file the document;
- ii. deposit the document in a file of failed faxed documents with a notation of the reason for the

failure; in this instance, the document shall not be considered filed with the Clerk of Courts. The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing and the party sending the fax should call the court for confirmation of receipt.

5. Signature: A party who wishes to file a signed source document by fax shall either:
- i. fax a copy of the signed source document;
 - ii. 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.

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

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

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

7. Time of Filing: Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Courts as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.

The Clerk of Court will not independently acknowledge receipt of a facsimile transmission. The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available.

8. Fees and Costs: No document filed electronically or by facsimile which requires a filing fee shall be processed by the Clerk until the filing fees have been paid by mail or credit card. No additional costs shall be assessed for facsimile filings.

9. Length of Document: Filings shall not exceed 15 pages in length. The filer shall not transmit service copies by facsimile.

RULE VIII. MEDIATION PROCEDURE

A. Summary:

Upon order of the Court, a civil action filed in this Court may be submitted to mediation as provided in this rule. By participating in mediation, a non-party participant, as defined by the Ohio Revised Code Section 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any non-party participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

B. Definition:

“Mediator” is defined to mean any individual who mediates cases pursuant to an order of this Court, regardless of whether that individual is an employee, an independent contractor or a volunteer.

C. Referral of Cases: All civil cases may be referred to mediation. Before the initial pre-trial conference in a case, counsel shall discuss the appropriateness of mediation in the litigation with their clients and with opposing counsel. Mediation shall not be used as an alternative to the prosecution or adjudication of domestic violence, to determine whether to grant, modify or terminate a protection order, to determine the terms and conditions of a protection order, or to determine the penalty for violation of a protection order.

D. Mediation Order: The case is referred to mediation by order of the Court. The Court may issue the order on its own motion, upon the motion of a party or upon referral by the mediator.

E. Continuance: Continuances shall be granted only for good cause shown and after a mutually acceptable future date has been determined. No continuances will be granted if the mediation cannot be scheduled prior to the final pre-trial.

F. Orders not Stayed: All remaining court orders shall remain in effect. No order is stayed or suspended during the mediation process.

G. Privilege: Mediation communications are privileged as described In Ohio Revised Code 2710.03-2710.05.

H. Confidentiality: If the parties wish mediation communication to be confidential, the parties will effect a written confidentiality agreement prior to mediation.

I. Mediator Report: The mediator shall inform the Court who attended the mediation, whether the case settled, and whether efforts to settle the case through mediation are being continued or if the case is being returned to the Court for further proceedings. No other information shall be directly or indirectly communicated by the mediator to the Court, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure. The mediator shall keep mediation communications confidential, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.

J. Third Parties: If counsel or any mediatory party becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but who has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the Judge of such fact.

K. Disclosure of Domestic Abuse: If the opposing parties to any case have either resided in a common residence or are related by blood, adoption, or marriage, and have known or alleged domestic abuse at any time prior to the mediation, then the parties or their counsel have a duty to disclose such information to the mediation staff. Such party shall have a duty to participate in any screening required by the Supreme Court of Ohio's Rules of Superintendence Rule 16 both prior to, and, in the mediator's discretion, during the mediation session(s).

L. Sanctions: If any of the individuals identified in the above-paragraph fail to attend mediation without good cause, the Court may impose sanctions, including the award of attorney's fees and other costs, contempt or other appropriate sanctions.

M. Miscellaneous: The efforts of the mediator shall not be construed as giving legal advice. The Court may have materials for legal or other support services available in the community. The mediator is authorized to provide such resource information; however, such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of that information is charged with the duty to evaluate those resources independently.

N. Dismissed: If the parties fail to dismiss a settled case with the latter of 60 days or the time noted in the entry that gave the court notice of the settlement, then the Court may dismiss the case administratively. Upon such administrative dismissal, court costs shall be paid from the funds deposited. If court costs exceed the funds deposited, each party shall bear their own costs.

RULE IX.

BROADCASTING, RECORDING, AND PHOTOGRAPHING DURING COURT

Broadcasting, televising, recording and photographing during Court sessions shall be permitted only under the following conditions:

A. Written Requests: Requests for permission of media to participate under this Rule shall be made in writing to the Judge or Magistrate to whom the case is assigned no later than five days prior to the session involved. The Judge or Magistrate involved with the particular session may waive the advance notice requirement for good cause.

B. Order: The Court shall grant the request in writing or by order consistent with Canon 1 of the Code of Judicial Conduct, Superintendence Rule 12, and these Rules in the event the Court determines that to do so would not distract the participants, impair the dignity of the proceedings or otherwise materially interfere with the achievement of a fair trial or hearing. The written permission shall be made a part of the record in the case.

C. Time Limitations: In the event of a continuance of the court proceeding for which media permission has been granted for a period of more than 30 days, a new media request shall be required.

D. Pooling of Resources: All media representatives interested in recording courtroom proceedings shall do so through the pooling of their respective resources. Such arrangements shall be made prior to reopening of the court session and without imposing on the trial court or court personnel. In the event disputes arise over the arrangements between or among media representatives, the Court shall exclude all contesting representatives from the proceeding.

E. Requirements: The Court shall specify the location(s) in the courtroom where the operators and equipment are to be positioned. Media representatives shall be afforded a clear view of the proceedings in the courtroom. Any equipment shall be ready for operation prior to commencement of court sessions. No persons will be permitted to bring equipment into or remove equipment from the courtroom or move about during times when Court is in session.

F. Restrictions: The following restrictions only applicable to media coverage:

1. No interview shall be conducted inside the courtroom during any time that Court is in session.
2. Only one video camera shall be permitted in the courtroom operated by no more than one (1) person.
3. No artificial lighting shall be used other than normal courtroom lighting.
4. Only one still photographer shall be permitted in the courtroom.
5. Only one audio system for radio broadcast shall be permitted in the courtroom.
6. Audio tape recording equipment may only be used with permission of the Court involved.
7. Media pooling equipment shall be located outside the courtroom.
8. Changes of tape or reloading audio and video equipment are not permitted inside the courtroom during proceedings.

9. No equipment shall be used inside the courtroom that produces distracting sounds as determined by the Judge or Magistrate involved.
10. There shall be no audio pick up or broadcast of conferences conducted between attorneys and clients, co-counsel, opposing counsel, or trial court and counsel at bench conversations.
11. There shall be no video, film, audio, or still photo of victims, witnesses, or court personnel.
12. There shall be no video, film, audio, or still photo or jurors.
13. Media is not permitted access to proceedings in either the Judge's chambers or in the jury deliberation room.
14. Media permitted to record in any manner any document or exhibit used at the session except those audio-visual aids used during the session that are clearly perceived by the gallery at large unless permission to do so is granted by the Court.

G. Proper Decorum: Proper courtroom decorum shall be maintained by all media representatives, i.e. proper attire and demeanor.

H. Security Issues: All bags, equipment or other materials brought to the courtroom shall be subject to search by security officers at any time.

No video or audio of court proceedings may be released to social media, other than regular broadcasts.

**RULE X
RECORDS RETENTION SCHEDULE**

The following schedule for record retention, not otherwise set forth in the Ohio Revised Code, is established as follows:

| Schedule Number | Record Title and Description | Retention Period | Media Type |
|------------------------|---|-------------------------|-------------------|
| EW 15-04 | BCI & I Fingerprint cards (Any cards not part of a case file and filed separately) | 5 years | Paper |
| EW 15-05 | BCI & I reports | 5 years | Paper |
| EW 15-06 | BMV reports | 3 years | Paper |
| EW 15-13 | Juror information | 3 years | Paper |
| EW 15-14 | Misc. filed cases/subpoenas (phone records/destruction of property) | 3 years | Paper |
| EW 15-15 | Pay-ins to Treasurer | 3 years | Paper |
| EW 15-16 | Payroll records/employee records | 3 years | Paper |
| EW 15-17 | Purchase orders | 3 years | Paper |
| EW 15-21 | Sealed cases (expungements) | 25 years | Paper |
| EW 15-23 | Supreme Court reports | 5 years | Paper |
| EW 15-24 | Taped court proceedings | 10 years | Electronic |
| EW 15-28 | Trusteeship cashbooks | 5 years | Paper |
| EW 15-29 | Trusteeship records (after expiration of trusteeship) | 5 years | Paper |

**RULE XI
COLLECTION OF COURT COSTS**

A. Payments in all criminal and traffic cases shall be applied as follows:

1. Restitution;
2. Court costs and appointed counsel fees;
3. Fines.

B. Upon default of payment, fines and/or costs in excess of \$100.00 may be referred to the Ohio Attorney General's office for collection at the discretion of the Judge.

C. The schedule of court cost assessments for traffic or criminal cases in Fulton County Municipal Court are attached hereto.

FULTON COUNTY MUNICIPAL COURT CIVIL FEE SCHEDULE

| <u>Action</u> | <u>Fee</u> |
|--|--|
| SMALL CLAIMS | \$50.00 + \$5.00 Each additional defendant |
| CIVIL COMPLAINT | \$75.00 + \$35.00 Each additional defendant |
| COUNTERCLAIM | \$75.00 |
| | |
| TRANSFER CASE TO CV DOCKET | \$75.00 |
| | |
| EVICTION | \$200.00 + \$50.00 Each additional defendant |
| | |
| GARNISHMENT (wage) | \$50.00 |
| GARNISHMENT (non-wage) | \$50.00 + \$1.00 to financial institution |
| / BANK ATTACHMENT | |
| | |
| DEBTOR'S EXAM (proceedings in aid of execution) | \$75.00 + \$10.00 Each additional defendant |
| | |
| TRUSTEESHIP | \$25.00 + 2% of funds collected |
| EXECUTION ON JUDGMENT (Sheriff) | \$100.00 |
| FINANCIAL STATEMENT | \$20.00 |
| SUBPOENA | \$25.00 |
| SHERIFF SERVICE (excluding evictions) | \$50.00 |
| CERTIFICATE OF JUDGMENT | \$5.00 |
| TRIPLE CERTIFICATE | \$10.00 |
| REVIVE / VACATE JUDGMENT (post judgment relief) | \$50.00 |
| NOTICE BY PUBLICATION | \$1,000.00 |
| REPLEVIN | \$250.00 |
| BENCH WARRANT | \$25.00 |
| JURY TRIAL FILING FEE (civil) | \$500.00 |
| ALIAS PRAECIPE (certified) | \$15.00 |
| BMV FILING | \$50.00 |
| APPEALS | \$150.00 |
| ANY MISCELLANEOUS FILING (NOT LISTED ABOVE) | \$50.00 |
| | |
| JURISDICTIONAL LIMITS: | |
| SMALL CLAIMS | \$6,000.00 |
| GENERAL CIVIL DIVISION | \$15,000.00 |

MUNICIPAL COURT OF FULTON COUNTY COST BREAKDOWN

MOVING VIOLATION COURT COSTS:

| | |
|----------------------------|-----------------|
| LOCAL COSTS | \$ 23.00 |
| VICTIMS OF CRIME | \$ 9.00 |
| COMPUTER IMPROVEMENT FUND | \$10.00 |
| CREDIT CARD FEE | \$2.00 |
| SPECIAL PROJECTS | \$15.00 |
| PROBATION FEES | \$3.00 |
| MEDIATION SERVICES | \$8.00 |
| INDIGENT DEFENSE SUPPORT | \$25.00 |
| DRUG ENFORCEMENT FUND | \$3.40 |
| INDIGENT ALCOHOL TREATMENT | \$1.50 |
| JUSTICE PROGRAM SERV. FUND | \$.10 |
| TOTAL: | \$100.00 |

***Any additional charges \$25.00** (\$10.00 computer improvement + \$15.00 special projects)

NON- MOVING VIOLATION COURT COSTS:

| | |
|----------------------------|-----------------|
| LOCAL COSTS | \$ 38.00 |
| VICTIMS OF CRIME | \$ 9.00 |
| COMPUTER IMPROVEMENT FUND | \$10.00 |
| CREDIT CARD FEE | \$2.00 |
| SPECIAL PROJECTS | \$15.00 |
| PROBATION FEES | \$3.00 |
| MEDIATION SERVICES | \$8.00 |
| INDIGENT DEFENSE SUPPORT | \$10.00 |
| DRUG ENFORCEMENT FUND | \$3.40 |
| INDIGENT ALCOHOL TREATMENT | \$1.50 |
| JUSTICE PROGRAM SERV. FUND | \$.10 |
| TOTAL: | \$100.00 |

***Any additional charges \$25.00** (\$10.00 computer improvement + \$15.00 special projects)

CRIMINAL COURT COSTS:

| | |
|---------------------------|-----------------|
| LOCAL COSTS | \$33.00 |
| VICTIMS OF CRIME | \$ 9.00 |
| COMPUTER IMPROVEMENT FUND | \$10.00 |
| CREDIT CARD FEE | \$2.00 |
| SPECIAL PROJECTS | \$15.00 |
| PROBATION FEES | \$3.00 |
| MEDIATION SERVICES | \$8.00 |
| INDIGENT DEFENSE SUPPORT | \$20.00 |
| TOTAL: | \$100.00 |

***Any additional charges \$25.00** (\$10.00 computer improvement + \$15.00 special projects)

OTHER FEES

| | |
|---|--|
| MOTION TO SEAL RECORDS | \$100.00 for convictions |
| | \$50.00 for dismissed cases - applied to local costs |
| MOTION TO SEAL EVICTION | \$100.00 for judgment for landlord |
| | \$50.00 for dismissals / judgment for tenant |
| MOTION TO VACATE/REOPEN CASE | \$50.00 |
| ATTORNEY GENERAL COLLECTION FEE | \$20.00 (PER CASE) |
| LICENSE FORFEITURE FEE | \$25.00 |
| APPEAL | \$150.00 |
| REQUEST FOR AUDIO FILES (discs, emailed files, thumb/zip drives) | \$10.00 |

MUNICIPAL COURT OF FULTON COUNTY BOND SCHEDULE

Pursuant to Crim.R.46(G), the bail schedule for misdemeanor charges, including traffic offenses, unless excluded below, shall be set as follows:

1. A rebuttable presumption of personal recognizance (O.R.) is the rule.

If the police officer or prosecutor, based on the circumstances of the case, has reasonable cause to believe that a personal recognizance bond is insufficient, the judge or magistrate shall be contacted for additional authority. If the judge or magistrate determines that personal bail is insufficient, the conditions of release shall be set pursuant to Crim.R.46.

When a judge or magistrate has previously set bail in a case, or has ordered an amount in its last capias or warrant entry, that bail shall remain in effect otherwise ordered by a judge or magistrate.

For all other charges, the judge or magistrate of the court shall set bail pursuant to Crim.R.46.

2. NO BOND: Violating a T.P.O. and ANY "OFFENSE OF VIOLENCE" as defined in Section 2901.01(A)(9) of ORC, EXCEPT: "Menacing" (2903.22) & "Child endangerment" (2919.22)
NO BOND UNTIL COURT APPEARANCE (see attached Exhibit "A")

3. MISDEMEANOR: (except as otherwise set forth)

| | | | |
|---------|-----|-------------|----------------|
| Degree: | 1st | \$10,000.00 | 10% acceptable |
| | 2nd | \$7,500.00 | 10% acceptable |
| | 3rd | \$5,000.00 | 10% acceptable |
| | 4th | \$2,500.00 | 10% acceptable |
| | MM | \$1,500.00 | 10% acceptable |

+ \$25.00 bail surcharge to be added to all MISDEMEANOR charges (new charges only) (not contempt of court)

For the purposes of this Bond Schedule, the following definitions shall apply:

MINOR MISDEMEANOR: An offense for which the potential penalty does not exceed a fine of \$150.00 plus applicable court costs.

FOURTH DEGREE MISDEMEANOR: An offense for which the potential penalty does not exceed a fine of \$250.00 and possible incarceration of no more than thirty (30) days or both.

THIRD DEGREE MISDEMEANOR: An offense for which the potential penalty does not exceed a fine of \$500.00 and possible incarceration of no more than sixty (60) days or both.

SECOND DEGREE MISDEMEANOR: An offense for which the potential penalty does not exceed a fine of \$750.00 and possible incarceration of no more than ninety (90) days or both.

FIRST DEGREE MISDEMEANOR: An offense for which the potential penalty does not exceed a fine of \$1,000.00 and possible incarceration of no more than one hundred eighty (180) days or both.

SPEED (1ST moving violation in Ohio within the last twelve months)

| <u>Over limit</u> | <u>Standard Bond</u> | <u>Construction (workers present)</u> |
|-------------------|----------------------|---------------------------------------|
| 1-14 | \$137.00 | \$174.00 |
| 15 - 19 | \$147.00 | \$194.00 |
| 20-24 | \$200.00 | \$300.00 |
| Over 25 | \$250.00 | \$400.00 |

- * Exceeding 35 MPH in a city limit of 25 MPH (M4) - refer to above schedule
- * Exceeding 50 MPH in a city limit of 35 MPH (M4) - refer to above schedule
- * Exceeding 35 MPH in a school zone (M4) - refer to above schedule

- *30 mph or over- Mandatory Appearance if OHIO resident
- *Exceeding the speed limit in a School Zone during restricted hours by 16 or more mph - Mandatory Appearance if OHIO resident

| | |
|--|---|
| Passing Emergency Vehicle | \$174.00 |
| 2nd Moving Violation in 12 months (M4) | \$200.00 (\$250.00 if over 25 mph of limit) |
| 3rd Moving Violation in 12 months (M4) | \$250.00 (must appear if Ohio resident) |
| 4th Moving Violation in 12 months (M3) | MANDATORY APPEARANCE |

Other Moving Violation (1st in 12 months) \$137.00

Accidents \$202.00 (must appear if no insurance)

| | | |
|-----------|-----------------|----------|
| Seat Belt | Driver | \$86.00 |
| | Passenger | \$76.00 |
| | Child Restraint | \$101.00 |

Reckless Operation \$202.00
(must appear if 2nd or more moving violation - M4)

| | |
|-------------------|---|
| Expired Plates | \$137.00 |
| Fictitious Plates | Bond - see misdemeanor - 4th degree (for Out of State residents) (must appear if Ohio resident) |

Hands free offenses

*1st in 2-year period -2 pts \$250.00 (\$150.00 fine + costs)
(fine and points waived if defendant takes ODPS distracted driving course within 30 days of issuance of ticket)
Training link : drivertraining.ohio.gov

*2nd in 2-year period -3 pts Mandatory appearance
*3rd in 2-year period -4 pts Mandatory appearance

Overload Violations - Call the Court for calculations

| | |
|---|--|
| up to 2,000 lbs. over | \$200.00 |
| in excess of 2,000 lbs. but less than 5,000 lbs. over | \$100.00 + \$1.00/100 lbs. over + \$100.00 costs |
| in excess of 5,000 lbs. but less than 10,000 lbs. over | \$130.00 + \$2.00/100 lbs. over + \$100.00 costs |
| in excess of 10,000 lbs. over | \$160.00 + \$3.00/100 lbs. over + \$100.00 costs |

ODNR (Forestry, Parks, Watercraft and Wildlife Violations):

| | |
|--|----------|
| MM | \$177.00 |
| Unclassified, M-1, M-2, M-3 and M-4 - mandatory appearance (follow standard misdemeanor bonds) | |

Dog Violations:

| | |
|----------------------------|---|
| City Ordinance and MM | \$177.00 (1st offense in 12 months) (\$77.00 fine + \$100.00 costs) |
| Fulton Co. Dog Warden (UM) | Must appear |

The following are the ONLY accepted methods of payment:

- cash (U.S. dollars)
- money orders, cashier checks
- credit cards – County Website ONLY (e-Payments)

E-payments shall be made at www.fultoncountyoh.com/westerne-payments
www.fultoncountyoh.com/easterne-payments

EXHIBIT "A"

NO BOND UNTIL COURT APPEARANCE

2903.13 ASSAULT
2903.15 PERMITTING CHILD ABUSE
2903.21 AGGRAVATED MENACING
2903.211 MENACING BY STALKING
2903.22 MENACING (Exception to the Rule: Follow M1 Bond rule of \$10,000)
2909.02 GROSS SEXUAL IMPOSITION
2919.27 VIOLATING PROTECTION ORDER
2917.01 INCITING TO VIOLENCE
2917.03 RIOT
2917.31 INDUCING PANIC
2919.22 ENDANGERING CHILDREN (Exception to the Rule: Follow M1 Bond rule of \$10,000)
 *UNLESS DIVISION (B)(1), (2), (3), OR (4)
2919.25 DOMESTIC VIOLENCE
2921.03 INTIMIDATION
2921.04 INTIMIDATION OF ATTORNEY, VICTIM OR WITNESS
2921.34 ESCAPE

MANDATORY APPEARANCES

If the defendant has been charged with any of the offenses listed below (filed either under the Ohio Revised Code or a municipal or village ordinance), for which the penalty exceeds a fine of \$150.00 or involves a possible term of incarceration or license suspension, the defendant is required to make a mandatory court appearance.

Appearance is required, unless waived by the court, pursuant to the court's local rules, for the following offenses:

Operation of a motor vehicle while under the influence of alcohol and/or drugs of abuse
Consuming alcohol in a motor vehicle (Advise to contact court prior to initial appearance)
Reckless operation of a motor vehicle (see below)
 1st moving violation in 12 months can post bond in the amount of \$202.00
 2nd (M4) or more can post bond of \$250.00 (Ohio residents MUST APPEAR)

Having physical control of a motor vehicle while under the influence of alcohol and/or drugs of abuse
Drag racing
Leaving the scene of a crash
Wrongful entrustment (put on traffic ticket, not criminal)
Fleeing and or eluding an officer
Failure to comply with an order/signal of an officer

Exceeding the posted speed limit by more than 30 miles per hour (OH residents only)
Exceeding the 20 mile per hour speed limit in a School Zone during restricted hours by 16 or more mph

Three or more moving violations within a twelve-month period
Failure to stop and remain stopped upon meeting or overtaking a stopped school bus with red lights flashing and stopped sign extended
Homicide resulting from the operation of a motor vehicle
Fictitious registration (Ohio Only)
Altering and/or defacing traffic control signs
Any offense for which the issuing officer designates that it is a mandatory appearance
All drug offenses including minor misdemeanors (Advise to contact court prior to initial appearance)
Citations issued which reflect property damage occurred and which the violator failed to provide proof of financial responsibility

Driving Under Suspension & No Valid Operator's License
Expired Driver's License - ONLY if 2 convictions w/in last 3 years (Otherwise, minor misdemeanor and can post bond of \$137.00)
2nd or 3rd offense of Hands-Free Driving
No Operator's License 2nd offense lifetime (M1)