

**IN THE HIGHLAND COUNTY COURT  
MADISON TOWNSHIP DIVISION  
GREENFIELD, OHIO**

**LOCAL RULES OF THE COURT**

It is hereby ordered that the following rules be, and adopted for the governance of the practice and procedures in the Highland County Court, with a judicial district encompassing Madison Township, Highland County, Ohio until otherwise provided. Pursuant to Article IV of the Ohio Constitution, Rules 83 of the Ohio Rules of Civil Procedure, Rule 57 of the Ohio Rules of Criminal Procedure, Rule 19 of the Ohio Traffic Rules, and Rules of Superintendence promulgated by the Supreme Court of Ohio. All previous Rules of Court are hereby revoked and rescinded.

**EFFECTIVE DATE 01/01/2017**

**GENERAL RULES OF COURT**

**Rule 1: Court Hours and Clerk's Hours**

(A) Court hours shall be as follows:

Monday ..... 9:00 a.m. until adjournment  
Tuesday ..... No Court unless a special session is called  
Wednesday ..... 9:00 a.m. until adjournment  
Thursday ..... No Court unless a special session is called  
Friday ..... 9:00 a.m. until adjournment

(B) Clerk's hours shall be as follows:

Monday ..... 8:00 a.m. until 4:00 p.m.  
Tuesday ..... 8:00 a.m. until 4:00 p.m.  
Wednesday ..... 8:00 a.m. until 4:00 p.m.  
Thursday ..... 8:00 a.m. until 12:00 p.m.  
Friday ..... 8:00 a.m. until 4:00 p.m.

The Court shall close for legal holidays observed by the public offices of Highland County, Ohio. The Court may be closed or its hours of operation changed at any time without prior notice by order of the Judge of the Highland County Court. If Court is closed by order of the Judge, all filings due on the day that Court closes will be timely if filed the next business day.

## **RULE 2: AUTHORIZATION FOR CLERK TO SIGN COMMITMENT ORDERS / SUBPOENA AND MAKE UPDATES**

The Clerk of this Court or Deputy Clerk are hereby authorized to place the Judge's signature stamp and/or sign for this Court on all necessary Commitment Orders (consistent with judgment entry signed by the Judge) and all subpoenas required by Ohio law. The Clerk and Deputy Clerk are authorized to use the Judge's signature stamp on Limited Driving Privileges, Warrants to Convey, and other documents specifically approved by the Judge. Furthermore, the Clerk is authorized to make updates to the schedule of bond, waiver, fines and costs in these rules to reflect changes brought about by legislation or changes in Court costs.

## **RULE 3: 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., and/or as set by the Court.

## **RULE 4: FEES AND DEPOSITS IN CIVIL CASES AND FILING LIMITATIONS**

(A) All filing fees shall be required at the time of filing of any civil action in this Court. A detailed listing of filing fees is available upon request.

(B) All filing fees received shall be applied to costs associated with the case, or to general Court costs unless otherwise directed by the Court. If Court costs exceed the fee, the Clerk shall invoice the appropriate party for additional costs.

(C) \$26.00 of the fee collected in civil cases and \$11.00 of the fee collected in small claims cases shall be for the benefit of Legal Aid Societies in the State of Ohio and non-refundable.

## **RULE 5: CASE MANAGEMENT IN CIVIL CASES**

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

(B) Scheduling of events: The scheduling of a case begins when a 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 90 days of perfection of service, if no answer or responsive pleading has been filed, the clerk shall notify counsel of the default and that a failure to submit a motion for default judgment 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 fifteen (15) days 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 will 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 for contempt of this Court.

Notice of pretrial conference shall be given to all counsel of record by mail and/or by telephone, fax or other means 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, in general, shorten the time and expense of trial. The Court shall, at that time, determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed.

Any Judge presiding at pretrial conference of trial shall have the authority to dismiss the action for want of prosecution on motion of Defendant, upon failure of Plaintiff, and/or his counsel to appear in person at any 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 of trial as required; to make such other orders as the Court may deem appropriate under all the circumstances.

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 in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer in like manner within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period unless time is extended by the Court.

There will be no oral hearings granted in said motions unless the parties request an oral hearing in writing and the Court deems it necessary. Faxed Motions are accepted and considered original filing.

(3) Continuances: No party shall be granted a continuance of a trial or a hearing without a written motion from the party or his counsel stating the reason for the continuance.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial Court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial is a matter within the discretion of the trial Court.

(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 five (5) days. Within fourteen (14) days of the decision, the journal entry shall be submitted to the Judge, or, thereafter, the Court will prepare the journal entry.

Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed and continued by 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.

Court costs shall be assessed from the filing fee paid by Plaintiff unless otherwise stated by the Court.

#### **RULE 6: SWORN AFFIDAVITS IN CRIMINAL CASES**

All complaints in criminal cases shall have attached affidavit in which must be sworn to before a warrant to arrest will be issued by this Court.

Exception due to safety concerns for the public involving trespassing violations at the Greenfield Quarry and East Monroe Falls, M4 trespassing charges may be issued as summonses without complaint or affidavit being sworn. The Court authorizes the clerk's office to accept guilty waivers for violations on M4 trespassing offenses at the Greenfield Quarry and East Monroe Falls.

#### **RULE 7: CASE MANAGEMENT IN CRIMINAL CASES**

(A) The purpose of this rule is to establish, pursuant to Sup. R. 5 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 system.

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

(1) Pretrials: After arraignment, all first, second, third or fourth 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 pretrial in said case. The pretrial shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon should 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.

To facilitate the efficient operation of the Court, all counsel for Defendants and for the State are to be present 30 minutes prior to the time the pretrial or other hearing is scheduled to take place. When each case is called, the Defendant and legal representatives for the Defendant and the State are to be present in the Courtroom.

If the parties cannot resolve the case, then the case should be set for trial to 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 shall be held within two weeks before the case is set for trial. Complete proposed jury instructions are to be submitted in writing or electronically to the Court within 7 days of jury trial by counsel for the Defendant and the State.

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 Rules or Criminal Procedure. All motions shall be set for oral hearing. Motions are accepted by fax and such fax shall be considered the original on file.

(3) Trials: Each case not resolved at pretrial shall be set for trial to Court. If a jury demand is timely filed, then the case will be moved to the jury trial schedule. All attorneys shall notify the Court by 3:00 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 pre-sentence report, the Court will set the hearing for sentencing within 14 days.

#### **RULE 8: DISCOVERY – CIVIL – CRIMINAL- TRAFFIC**

(A) Parties shall comply with the provisions of the Ohio Civil Rules of Procedure and the Ohio Criminal Rules of Procedure regarding discovery. The court shall set general discovery deadlines in its case scheduling orders. The court expects the parties to resolve discovery issues between them without court intervention. Any motion filed seeking enforcement of discovery requests, sanctions or protective orders shall set forth the efforts of the moving party to resolve the issues prior to the filing of the motion.

(B) The parties are expected to conduct their discovery expeditiously. The court's case scheduling order will allow sufficient time to complete discovery in most cases. Any requests for extensions of discovery deadlines should be filed as soon as it becomes evident that an extension is needed but no later than the pretrial.

(C) Any party filing requests for discovery shall not file a copy of that document with the Clerk. A document certifying that a discovery request has been served upon the opposing party shall be filed with a certificate of service. When the party responds to the request, that party shall file the original or copy of the discovery request with responses thereto with the Clerk and serve a copy on the opposing party. The responding party need not file copies of the documents provided, but shall identify them in the response to the discovery request filed with the Clerk. Such filings are accepted by fax.

#### **RULE 9: PLEA NEGOTIATIONS – CIVIL – CRIMINAL- TRAFFIC**

(A) Legal counsel for all parties in all cases; criminal and civil; should complete settlement or plea negotiations no later than 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 of Rule 6 (A), shall be approved only upon a 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, all parties in all cases shall immediately notify the Clerk of this Court of the existence of a plea bargain in which no jury will need be summoned.

#### **RULE 10: MOTIONS FOR DEFAULT JUDGMENT - CIVIL**

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. A hearing will be scheduled within fourteen (14) days upon all motions for default judgment. Plaintiff's appearance is not required.

#### **RULE 11: JURY MANAGEMENT PLAN FOR HIGHLAND COUNTY COURT**

(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.

2. Jury service is an obligation of all qualified citizens of Madison Township, Highland County, Ohio.

(B) Jury Source List:

1. The jury source list shall be obtained from the Board of Elections' list of registered voters. The Jury Commissioners shall then receive a computer printout from the Board of Elections and provide to the Court annually.

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 shall be printed out on address labels which are filed with the Clerk. Such list shall be valid for use for a period of 1 year.

2. Departures from the principle of random selection are appropriate only to comply with lawful exceptions.

(D) Eligibility for Jury Service

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

a. Are less than eighteen (18) years of age;

b. Are not citizens of the United States;

c. Are not residents of Madison Township, Highland County, Ohio;

d. Are not able to communicate in 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. Jurors shall be selected in the order of the address labels listing given to the Clerk.

(F) Exemption, Excuse, and Deferral

1. All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service shall be eliminated.

2. Prospective jurors are excused for the following reasons: absence from the county; physical inability to serve; recent death of the juror's spouse or the recent death or dangerous illness of the juror or juror's spouse; prior service within the same jury year; material harm to the interests of the juror or public; the juror is a member of a cloistered religious organization. Requests to be excused shall be determined by the Judge of the Court.

3. Deferral of jury service for reason of hardship, vacation, etc. shall be permitted upon determination by the Judge of the Court.

4. Any request for excuse or deferral and their disposition shall be recorded and maintained until the conclusion of the trial for which they have been called.

(G) Voir Dire

1. Voir Dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

2. The Judge of the Court shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question 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 and 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 jurors.

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.

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

(I) Preemptory Challenges

1. Rules determining procedure for exercising preemptory challenges shall be in accordance with Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

(J) Administration of the Jury System

1. The responsibility for administration of the jury system shall be vested exclusively in the Highland County Court.

2. All procedures concerning jury selection and service should be governed by Ohio Rules of Courts.

(K) 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; and
- c. Delivered by regular U. S. Mail.

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

(M) 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 summoned for jury service, and upon instruction from the Judge, the Clerk shall attempt one phone call to reach the prospective juror and remind him/her of his/her 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 him/her to appear before the Court and explain the failure to appear.

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

#### N. Monitoring the Jury System

The Court shall collect and analyze information periodically regarding the performance of the jury system in order to evaluate:

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 efficient use of jurors; and
5. The cost-effectiveness of the jury management system.

#### O. 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.

#### P. Jury Facilities

1. The Court shall provide an adequate and suitable environment for 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.

5. The safety and security of the deliberation room shall be ensured.

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

#### Q. 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.

#### R. Juror Orientation

1. The Court shall provide preliminary instructions to all prospective jurors. Complete proposed jury instructions are to be submitted in writing or electronically to the Court within 7 days of jury trial by counsel for the Defendant and the State/Plaintiff.

2. Instructions shall be given directly following empanelment of the jury to explain the jury's role, the trial procedures including note taking 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, the jury shall be instructed 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. Instructions should be prepared and delivered which are readily understood by individuals unfamiliar with the legal system; and

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 voir dire until dismissal shall be in writing or on the record in open Court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

S. Jury Size and Unanimity of Verdict

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

T. Jury Deliberations

1. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform with existing Ohio law.

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 in the interest of justice.

**RULE 12: CLARIFICATION OF EFFECTIVE DATES ON CHANGES IN FINES, COSTS**

Because fines and costs collected by the Court are subject to change due to legislation, Court orders or other amendments which may require re-programming of the Court's computer system, the *disposition* date of cases is to be used in determining appropriate fines and costs rather than the filing date.

**RULE 13: PAYMENT OF WITNESSES**

When a witness is subpoenaed to testify in multiple cases on the same date at approximately the same time, the witness shall be paid the standard witness fee plus any mileage due for one appearance only. In such cases where there are multiple Defendants, witness fees shall be divided equally among all applicable cases. If a dispute arises concerning payment of witness fees, the Judge will make final determination.

**RULE 14: SUMMONS, ARREST AND BOND**

(A) Consistent with Rule 4 of the Ohio Rules of Criminal Procedure, all officers of the Ohio State Highway Patrol, Sheriff, Sheriffs' Deputies, and Greenfield Police Department, shall issue a summons in lieu of an arrest where said summons would appear to be reasonably secure and the Defendant's appearance and said law enforcement officer shall use the complaint and summons forms specified.

(B) Consistent with Rule 3 of the Ohio Traffic Rules, all officers of the Ohio State Highway Patrol, Sheriff, Sheriffs' Deputies, and Greenfield Police Department, shall issue a summons in lieu of an arrest in traffic cases where said summons would appear to reasonably secure and 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.

a. The use and filing of a traffic ticket that is produced by computer or other electronic means is hereby authorized pursuant to Traffic Rule 3(F). The electronically produced traffic ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced traffic ticket is issued at the scene of an alleged offense, the issuing officer shall serve the defendant with the defendant's paper copy of the ticket as required by division (e) of Traffic Rule 3. The Court record of the Ticket shall be filed with the Highland County Court on paper of sufficient quality to allow the court record copy to remain unchanged for the period of the retention schedule for the various traffic offenses as prescribed by the Rules of Superintendence for the Courts of Ohio.

(C) In all felony cases and in misdemeanor cases where the law enforcement office 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 15: 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 arraignment or initial appearance.

<b>OFFENSE</b>	<b>BOND</b>
Murder .....	No Bond
Felony 1st Degree .....	\$50,000.00 for each count, cash or surety
Felony 2nd Degree .....	\$25,000.00 for each count, cash or surety
Felony 3rd Degree .....	\$10,000.00 for each count, cash or surety
Felony 4th Degree .....	\$ 5,000.00 for each count, cash or surety
Felony 5th Degree .....	\$ 2,500.00 for each count, cash or surety
Misdemeanor 1st Degree .....	\$ 1,000.00 for each count, cash or surety
Misdemeanor 2nd Degree .....	\$ 750.00 for each count, cash or surety
Misdemeanor 3rd Degree .....	\$ 500.00 for each count, cash or surety
Misdemeanor 4th Degree .....	\$ 250.00 for each count, cash or surety
Minor Misdemeanor .....	\$ O.R. only - per schedule

**EXCEPTIONS TO THE ABOVE BOND SCHEDULE**

- Possession Marijuana/Drug M.M..... \$ O.R. only - must appear
- Unclassified Misdemeanors..... \$ As authorized by Judge

For any and all cases that involve the drug Methamphetamine or Heroin the following Bond Schedule applies:

Felony 1st Degree .....	\$90,000.00 for each count, cash or surety
Felony 2nd Degree .....	\$80,000.00 for each count, cash or surety
Felony 3rd Degree .....	\$70,000.00 for each count, cash or surety
Felony 4th Degree .....	\$60,000.00 for each count, cash or surety
Felony 5th Degree .....	\$50,000.00 for each count, cash or surety

(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 Ohio and approved by the Court pursuant to ORC 3905.87.

(C) Person posting a bond may post a cash bond or surety bond. The Court will not accept 10% bonds unless personally authorized by the Judge of the Highland County Court.

(D) Any modification of the above criminal bond schedule must be personally authorized by the Judge of the Highland County Court.

(E) The schedule listed below is the schedule of Bond, Waiver, and Fine and Costs in Criminal Minor Misdemeanors, **except Marijuana and Drug Minor Misdemeanors**. Any criminal minor misdemeanors not listed must appear unless otherwise authorized by the Judge of Highland County Court.

**Addendum: Any person released on bond for a domestic violence charge, domestic menacing, a menacing by stalking or violation of a protection order charge shall stay completely away from the complainant and or alleged victim until further order of the court.**



**Exceptions to Rule 15: CRIMINAL BOND – SCHEDULE FOR GUILTY WAIVERS**

City Code	State Code	Offense	Bond	Waiver
509.03 a 1-5	2917.11	Disorderly Conduct	110.00	110.00
509.03 bcd 1-2	2917.11	Disorderly by Intoxication	110.00	110.00
509.03 e3	2917.11	Persistent Disorderly Conduct	250.00	COURT
509.08		Disturbing the Peace	110.00	110.00
509.10		Loitering	110.00	110.00
513.01	2925.01	Possess / Use Marihuana	OR Bond	COURT
529.04	4301.64	Liquor consumption in motor vehicle (M4)	250.00	COURT
529.07	4301.62	Open container (MM)	110.00	110.00
541.05	2911.21	Trespassing at Greenfield Quarry or East Monroe Falls ONLY (all other Trespass = Court)	110.00	110.00
521.10	3791.03	Smoking in Public Areas	110.00	110.00
521.13	4737.05	Noxious Weeds / Litter prohibited	110.00	110.00

**RULE 16: TRAFFIC BOND SCHEDULE - SCHEDULE FOR GUILTY WAIVERS**

The following bond schedule is adopted in traffic cases and schedule of fine and costs applicable in guilty waivers in traffic cases.

City Code	State Code	Offense	Bond	Waiver
333.03A	4511.21A	Assured clear distance ahead	120.00	120.00
373.03	4511.54	Attached to motor vehicle bicycle or sled	120.00	120.00
331.13	4511.38	Backing / starting without safety	120.00	120.00
373.01	4511.52	Bicycle or motorized bicycle passenger	110.00	110.00
373.04	4511.55	Bike or motorcycle – three or more abreast	120.00	120.00
337.29	4513.021	Bumper Height	120.00	120.00
337.26	4511.81	Child Restraint	111.00	111.00
331.32	-----	Controlled highway	120.00	120.00
337.12	4513.13	Cowl, fender & backup lights	120.00	120.00
331.36	-----	Cracking exhaust / Squealing Tires	120.00	120.00
331.31	4511.35	Crossing Divided highway	120.00	120.00
351.12	4513.28	Disabled vehicle Warning	120.00	120.00
337.13	4513.14	Display of lights	120.00	120.00
335.04	4507.30	Dr Lic Misrep	250.00	Court
333.07	4511.251	Drag racing / Street Racing	1000.00	Court
371.04	4511.49	Drive /Move upon right half of crosswalk	110.00	110.00
331.37	4511.711	Drive on sidewalk	120.00	120.00
331.29	4511.60	Drive through safety zone	120.00	120.00
337.27	4513.263	Drivers & Passengers Seat Belts Required	101.00	101.00
331.42	-----	Driving / Parking on private parking area	120.00	120.00
331.39	4511.62	Driving across Grade RR Crossing	120.00	120.00
341.05	4506.15A	Driving Commercial M/ Vehicle while disqualified (M1)	250.00	Court
341.05	4506.03	Driving Commercial M/ Vehicle without CDL (M1)	250.00	Court
331.26	4511.71	Driving on Closed Hwy / Street	120.00	120.00
331.22	4511.44	Driving on road from place other than roadway	120.00	120.00
331.28	4511.73	Driving over fire hose	120.00	120.00
335.07	4510.037(J)	Driving under 12 Point Suspension	250.00	Court
335.074	4510.111	Driving Under Child Support Suspension	250.00	Court
335.072	4510.16(A)	Driving Under FRA Suspension	250.00	Court
335.072	4510.16	Driving Under Non-Payment Judgement Suspension	250.00	Court
335.071	4510.14	Driving Under OVI Suspension	500.00	Court
335.03	4507.05	Driving with permit, no licensed driver	250.00	Court
337.10	4513.11	Emblem Required animal-drawn/slow-moving vehicle	120.00	120.00
331.20	4511.03	Emergency vehicle (stopped)	120.00	120.00
331.34A	4511.202	Failure to Control	120.00	120.00
335.09	4503.21	Failure to display license plates	120.00	120.00
335.06	4507.35	Failure to Display operator's license	120.00	120.00

City Code	State Code	Offense	Bond	Waiver
335.073	4510.21(B)	Failure to Reinstate	250.00	Court
331.18	4511.42	Failure to yield	120.00	120.00
337.17	4513.19	Focus of lights	120.00	120.00
331.27	4511.72	Follow emergency vehicle	120.00	120.00
331.09	4511.34	Follow to Close	120.00	120.00
331.07	4511.31	Hazardous or No Passing Zone	120.00	120.00
337.03	4513.04	Headlights Required	120.00	120.00
335.12	4549.02	Hit / Skip ; Leaving the Scene	1000.00	Court
371.06	4511.51	Hitchhiking / Soliciting Ride	110.00	110.00
337.19	4513.21	Horn, Siren & Theft Alarm	120.00	120.00
335.11	4503.12	Illegal Plates; Transfer Registration (Fictitious Tags)	120.00	120.00
331.04	4511.28	Improper passing	120.00	120.00
339.09	4513.31	Improperly secured load / loose load	120.00	120.00
337.18	4513.20	Inadequate brakes	120.00	120.00
331.10	4511.36	Intersection, rules for turns	120.00	120.00
335.14	4549.03	Leaving scene with damage to real estate	500.00	Court
331.06	4511.30	Left of center prohibited	120.00	120.00
337.02A-D	4513.03	Lighted Lights; Measurement of Distance and Heights	120.00	120.00
337.15	4513.16	Lights – Slow Moving Vehicle	120.00	120.00
337.06	4511.56	Lights & Reflector on Bicycle	120.00	120.00
337.09	4513.10	Lights on parked / stopped vehicle	120.00	120.00
331.44	4511.82	Littering from Motor Vehicle	120.00	120.00
337.23	4513.30	Load extending over left side of vehicle	120.00	120.00
339.08	4513.31	Loads Dropping of leaking, mud, tracking	120.00	120.00
331.08	4511.33	Marked Lanes / Change Lanes	120.00	120.00
339.03	5577.05	Maximum width, length, height	120.00	120.00
331.43	-----	Motor Vehicle on City Bike Path	120.00	120.00
337.24	4513.07	Motor Vehicle Stop Lights	120.00	120.00
339.05	5577.11	Mud flaps / Wheel Protectors	120.00	120.00
337.20	4513.22	Mufflers, excess smoke	120.00	120.00
373.02	4511.53	No protective headgear	120.00	120.00
335.10	4503.21	No valid sticker (expired tags)	120.00	120.00
337.16	4513.17	Number of Lights	120.00	120.00
337.07	4513.08	Obscured Lights	120.00	120.00
331.25	4511.70	Obstructed View / Passenger overload	120.00	120.00
331.33	4511.712	Obstruction of intersection	120.00	120.00
331.35	4511.701	Occupy travel trailer in motion	120.00	120.00
331.30	4511.32	One way street or highway	120.00	120.00
335.01	4510.12(A)	Operate motor vehicle with Expired O.L. EXPIRED LESS THAN 6 MONTHS	120.00	120.00
335.01	4510.12	Operate motor vehicle without valid O.L. / <b>NO O.L.</b>	500.00	Court
335.08	4505.18	Operation or sale without certificate of sale / Title Vio.	120.00	120.00
339.01	4513.99	Oversized / overweight Vehicle	120.00	120.00
331.05	4511.29	Overtaking / Passing Left of Center	120.00	120.00
333.01A	4511.19A	OVI / Driving under the influence	1000.00	Court
331.02	4511.26	Passing to the right when proceeding in opposite directions	120.00	120.00
373.11	4511.713	Paths Exclusive for Bicycles	120.00	120.00
313.05	4511.14	Pedestrian control light	120.00	120.00
371.03	4511.48	Pedestrian Cross road outside crosswalk / Diagonal	110.00	110.00
371.10	4511.511	Pedestrian on railroad	110.00	110.00
371.01	4511.46	Pedestrian Yield right of way in crosswalk	120.00	120.00
335.02	4507.02	Permitting Operations without valid O.L.	500.00	Court
333.01B	4511.194	Physical control	500.00	Court
337.05	4513.06	Rear Red Reflectors	120.00	120.00
337.21	4513.23	Rear view mirror	120.00	120.00

City Code	State Code	Offense	Bond	Waiver
333.09	4510.15	Reckless Operation on St / Private Prop	120.00	120.00
337.08	4513.09	Red Light or Red Flag Extended Loads	120.00	120.00
373.07	4511.55(A)	Ridging Rt side of roadway / Obedience Traffic Rules	120.00	120.00
373.02	4511.53	Riding on handlebars	120.00	120.00
371.06	4511.51	Riding outside vehicle	120.00	120.00
371.02	4511.47	Right of way – blind person	120.00	120.00
331.21	4511.45	Right of way – emergency vehicle	120.00	120.00
331.24	4511.451	Right of way – funeral	120.00	120.00
331.16	4511.41	Right of way – intersection	120.00	120.00
331.17	4511.42	Right of way – left turn	120.00	120.00
331.01	4511.25	Right side of road	120.00	120.00
337.06	4513.07	Safety Lighting on Commercial Vehicles	120.00	120.00
331.41	-----	Shortcut to avoid traffic control device	120.00	120.00
373.05	4511.56	Signal device on bicycle	120.00	120.00
333.04	4511.22	Slow speed	120.00	120.00
339.02	4513.34	Special permit for vehicle – use of local streets	120.00	120.00
333.05	4511.23	Speed – bridge	120.00	120.00
333.03	4511.21	Speed – SEE SCHEDULE		
333.06	4511.24	Speed exception – emergency or safety vehicle	100.00	100.00
337.11	4513.12	Spotlight or auxiliary light	120.00	120.00
335.13	4549.021	Stop after accident on private property	500.00	Court
331.40	4511.61	Stop at grade crossing	120.00	120.00
331.38	4511.75	Stop for school bus	500.00	Court
331.19	4511.43	Stop sign	120.00	120.00
339.11	5589.99	Studded tires and chains	120.00	120.00
337.04	4513.05	Taillights	120.00	120.00
333.11	4511.204	Texting While Driving Prohibited	120.00	120.00
339.07	4513.32	Towing Requirements	120.00	120.00
313.01	4511.12	Traffic control device / sign	120.00	120.00
313.03	4511.13	Traffic control lights	120.00	120.00
330.07	4513.32	Trailer improperly attached towing requirement	120.00	120.00
331.11	-----	Turn into private drive	120.00	120.00
331.14	4511.39	Turn signal	120.00	120.00
331.12	4511.37	U turns Prohibited	120.00	120.00
331.20	4511.213	Unsafe Operation around emergency vehicle	120.00	120.00
337.01A-D	4513.02	Unsafe vehicle	120.00	120.00
337.14	4513.15	Use of Headlight Beams	120.00	120.00
339.10	5589.99	Vehicles with spikes, lugs, chains	120.00	120.00
371.05	4511.50	Walking on highway	110.00	110.00
371.09	4511.481	Walking on highway under influence	120.00	120.00
331.34B	-----	Weaving / Full time Attention	120.00	120.00
333.02	4511.20	Willful or Wanton Disregard for Safety	250.00	Court
337.28	4513.241	Window tinting	120.00	120.00
337.22	4513.24	Windshield, windshield wipers	120.00	120.00
335.05	4511.203	Wrongful Entrustment of Motor Vehicle	250.00	Court
371.08	4511.452	Yield to Public safety vehicle	120.00	120.00

**SPEED SCHEDULE / WAIVER**

**OVER 30 MPH IN EXCESS OF SPEED LIMIT – MUST APPEAR IN COURT**

1 <sup>st</sup> Offense w/in a year	2 <sup>nd</sup> Offense w/in a year	3 <sup>rd</sup> and Subsequent offense w/ in year
\$1 Per Mile over Speed Limit	\$2 Per Mile over Speed Limit	Must Appear in Court
Plus \$100 Costs	Plus \$100 Costs	

**BOND & WAIVER: OVERLOAD OF TRUCKS -- SECTION 5577.01 to 5577.07**

The following Bond Schedule is established to deal with all non-jailable citation issued to defendant for operating vehicles weighing greater than the legal limit. One hundred (\$100.00) dollars of this Bond represents assessed Court Costs. Forfeiture of the applicable bond in lieu of Court appearance will dispose of the case.

0 – 2,000 LBS \$180.00

2,000 - 5,000 lbs. - \$200.00 for the first 2,000 lbs. plus \$1.00 per hundred pounds for the amount over between 2,000 and 5,000 lbs.

5,001 - 10,000 lbs. - \$230.00 for the first 5,000 lbs. plus \$2.00 per hundred pounds for the amount over between 5,001 and 10,000 lbs.

Over 10,000 lbs. - \$260.00 for the first 10,000 lbs. plus \$3.00 per hundred pounds for the amount over 10,000 lbs.

NOTE: 100% of fines on overloads go to “County” even if cited by OSP.

**RULE 17: PROCEDURE FOR IMPOUNDMENT**

Upon arrest the arresting officer has discretion to place a holder on vehicle following guidelines set by the arresting department.

A. A Court release is not required to release vehicle unless the Court has been notified a valid reason for holder such as possible forfeiture, being held for evidence, possible immobilization, used during commission of crime.

1. If holder is placed on vehicle notification to the Court and reason for holder must be filed with initial paperwork (complaint or traffic ticket)

B. If the Court determines that the vehicle is held pretrial, the Court will notify the arresting department, and the arresting department will continue to impound the vehicle pending disposition.

1. If no notification is given to hold vehicle to the arresting department, vehicle is authorized to be released.

**RULE 18: PROCEDURE FOR IMMOBILIZATION**

A. When the Court issues an immobilization order either pretrial or at disposition, the arresting department or appropriate agency as determined by the Court will locate the motor vehicle, immobilize it, and make return on the appropriate BMV form to the Court. The Court will send appropriate paperwork to the BMV.

B. the Court will notify the arresting department or appropriate agency release date of Immobilization.

**RULE 19: WILDLIFE - BOND - WAIVER - FINE AND COSTS**

The following Bond Schedule is established to deal with all non-jailable citation issued to defendant. Ninety (\$90.00) dollars of this Bond represents assessed Court Costs. Forfeiture of the applicable bond in lieu of Court appearance will dispose of the case.

<b>State code</b>	<b>Offense</b>	<b>Bond</b>	<b>1<sup>st</sup> offense in year</b>	<b>2<sup>nd</sup> offense in year</b>
1533.17	Hunting, fishing, pursuing game without written permission	140.00	Court	Court
1533.32	Fishing without license	140.00	140.00	160.00
1533.32	Nonresident without valid license	140.00	140.00	160.00
1533.32	Fishing with another's license	140.00	140.00	160.00
1533.32	Sale or purchase falsely dated license	140.00	Court	Court
1531.02	Take or possess frogs in closed season	140.00	140.00	Court
1531.02	Each additional frog in closed season	20.00ea		
1531.02	Trap or shoot frogs or turtles	140.00	140.00	Court
1531.02	Over frogs	140.00	140.00	Court
1531.02	Using untagged trotline, bank lines or float lines	140.00	140.00	160.00
1531.02	No name on ice fishing shelter	140.00	140.00	160.00
1531.02	Seining minnows illegally	140.00	140.00	160.00
1531.02	Take game fish by spear, snag, traps, shooting or illegal method	140.00	140.00	Court
1531.02	Harvesting wild ginseng upon the lands of another without written permission of owner	275.00	250.00	Court

State code	Offense	Bond	1 <sup>st</sup> offense in year	2 <sup>nd</sup> offense in year
1533.54	Illegal possession of fish trap or seine	140.00	140.00	160.00
1533.40	Selling minnows without license	140.00	140.00	160.00
1533.63	Transport, sell, possess undersized commercial fish	550.00	Court	Court
1533.58	Poison or dynamite fish, frogs or turtles	350.00	Court	Court
1533.02	Sale of game fish	275.00	275.00	Court
1533.10	Subscribed to false affidavit; obtained license by fraud	275.00	Court	Court
1533.10	Hunting without license	250.00	Court	Court
1533.14	Fail to carry and exhibit license	140.00	140.00	160.00
1533.10	Non-resident without valid license	275.00	Court	Court
1533.02	Take animals from den	250.00	Court	Court
1531.02	Pursue furbearing animals at night without continuous white light	140.00	140.00	160.00
1531.02	Take animals by use of fire	300.00	Court	Court
1531.02	Hunting before or after hours	140.00	140.00	160.00
1531.02	Shoot from or take game from or by use of auto or attachments	300.00	Court	Court
1531.02	Shoot at or take game on, from or across public road/highway	300.00	Court	Court
1533.16	Take wild quadrupeds and game birds by illegal method; traps, crossbow, etc.	250.00	Court	Court
1531.02	Illegal possession of hen pheasant	140.00	140.00	Court
1531.02	Additional hen pheasant	20.00 ea	20.00 ea	Court
1531.02	Illegal possession of quail	140.00	140.00	Court
1531.02	Each Additional quail	20.00 ea	20.00 ea	Court
1531.02	Hunt, take or possess game in closed season	300.00	Court	Court
1531.02	Take or possess over limit of game	140.00	140.00	160.00
1531.02	Hunting fowl or deer with unplugged gun (too many shells)	140.00	140.00	160.00
1531.02	Possess firearm while pursuing furbearing animals in closed season	300.00	Court	Court
1533.07	Take or possess eagle or osprey	550.00	Court	Court
1533.07	Take or possess non-game bird	550.00	Court	Court
1533.02	Sale of wild game	350.00 ea	Court	Court
1531.02	Hunting ducks from boat under power	140.00	140.00	160.00
1533.71	Hold live game in captivity for sale without license	300.00	Court	Court
1533.22	Hunt within a field trial area	200.00	Court	Court
1533.71 – 1533.80	Regulations for license shooting preserve; tags, records, release of game thereon	250.00	Court	Court
1533.161	Shining from vehicle with gun	300.00	Court	Court
1533.161	Shining from vehicle without gun	200.00	200.00	Court
1533.161	Shining deer while having gun in possession	300.00	Court	Court
1531.02	Hunt, take or possess deer in closed season	550.00	Court	Court
1531.02	Hunt or take deer with gun in no-gun zone	550.00	Court	Court
1531.02	Hunt or take deer with prohibited weapon	550.00	Court	Court
1531.02	Possession of deer or parts of a deer without statement showing date received and from whom	250.00	Court	Court
1531.02	Transport deer without temporary tag	140.00	Court	Court
1531.02	Fail to check in a deer at an official checking station for permanent tagging	140.00	Court	Court
1531.02	Hunting without wearing hunter orange	140.00	140.00	Court
1533.02	Sale of deer	550.00	Court	Court
1531.02	Sale of deer	550.00	Court	Court
1533.11	Hunt deer without permit	250.00	Court	Court
1531.02	Taking additional deer in year without permit	300.00	Court	Court
1531.02	Trapping during closed season	300.00	Court	Court
1531.02	Illegal possession of fur in closed season \$20.00 each additional fur	350.00	Court	Court
1531.02	Using oversized traps	140.00	Court	Court
1533.23	Buying fur without fur buyer's license \$20.00 each additional offense	350.00	Court	Court
1533.66	Trespass on fish pond	140.00	140.00	Court

State code	Offense	Bond	1 <sup>st</sup> offense in year	2 <sup>nd</sup> offense in year
1533.171	Injury to person on private property	1,100.00	Court	Court
1533.02	Swimming, wildlife area	140.00	140.00	160.00
1531.02	Target shooting on non-designated area	140.00	140.00	Court
1531.02	Horseback riding without permit	140.00	140.00	160.00
1531.02	Dump rubbish on State public hunting area	300.00	Court	Court
1531.02	Hunting in closed zone, State controlled area	140.00	Court	Court
1531.02	Use outboard motor on lakes where prohibited	140.00	140.00	160.00
1531.02	Park /drive vehicle on closed area of public hunting area	140.00	140.00	Court
1501.311	Consuming alcoholic beverage	140.00	140.00	160.00
	Curfew violations	140.00	140.00	160.00
1533.67	Interfere, assault, deter a game protector	1,100.00	Court	Court
1531.29	Stream litter and litter on State owned, controlled and administered land (\$1,000.00 subsequent offense)	550.00 1 <sup>st</sup>	Court	Court
1531.29	Picnic litter	200.00	200.00	Court
1531.25	Hunt, kill, take or possess endangered species	550.00	Court	Court
1531.02	Pursue wild animals with dogs two weeks prior to fur bearing season	300.00	Court	Court
1531.02	Kill or cripple migratory game bird without making a reasonable effort to retain it	140.00	140.00	160.00
1531.	Other miscellaneous violations under Section 1531 as approved by Court	140.00	140.00	160.00

**RULE 20: DOMESTIC ANIMAL VIOLATIONS BOND & WAIVER MINOR MISDEMEANOR**

City Code	State Code	Offense	Bond	Waiver	2 <sup>nd</sup> offense within year
505.10	951.02	Dog / other animals at large	110.00	110.00	COURT
505.10C2	955.22	Dog – Reasonable Control	110.00	110.00	COURT
505.09	955..	Barking / Howling Dogs	110.00	110.00	120.00
505.15	955	Vicious Dog	110.00	COURT	COURT

Because of changing requirements from the State and variations in the waiver amounts indicated by officers, the Clerk's office is authorized to accept waiver payments up to \$10.00 plus or minus the amount listed in waiver schedule. Adjustment plus or minus will be adjusted in the Court costs on the case being waived. Any other variations from the waiver schedule must be approved by the Judge

**RULE 21: TRUSTEESHIP**

Any person entitled to the benefits of Ohio Revised Code Sections 2329.70 and 2329.71, and desiring to receive the benefits thereof, may file with the clerk of Highland County Court, an application, sworn to under oath, which shall contain an accurate account and complete statement of the names and addresses of his/her unsecured creditors, with liquidated claims, and the amount due and owing to each of them, and also the amount if any due and owing to each for work, labor and necessaries.

Upon the presentation of such an application, the debtor is to pay a filing fee of \$250.00 payable to the Highland County Court. The clerk shall thereupon notify such debtor that said application will be presented to a Judge of the Highland County Court upon a date to be fixed the clerk for a hearing upon said application. The clerk shall likewise instruct said debtor to be present at the time and place of the hearing, and notify all creditors listed by the applicant of the hearing. Any proof of claim by a creditor shall be verified before an officer authorized to administer oaths. Such proof of claim shall state the creditor's correct address, the amount which such creditor believes to be due him/her, the consideration for such claim and that it is for work and labor or necessaries, if such be the fact.

Any claimant or the debtor may by motion obtain a hearing to settle disputes concerning any proof of claim filed.

(A) The debtor shall pay to the clerk, as trustee, monthly, semi-monthly or weekly, in cash, the portion of his/her wages not exempt by law and such portion as such debtor wishes to pay over and above said sum not exempt by law.

(B) Within ninety (90) days after the receipt of such payments from the debtor, the clerk shall deliver checks payable to the order of the debtor's creditors, addressed to the creditors, to the address shown upon the creditor's authenticated proof of claim. Within the same time limit such checks shall be mailed to all creditors living outside of the jurisdiction of this Court to the address shown upon the creditor's authenticated proof of claim.

(C) All funds received by the clerk shall be deposited in the bank designated by this Court as the depository for funds held by the clerk as trustee to prevent garnishment. Such deposits shall be in the name of the clerk.

(D) If the debtor is the subject of a wage garnishment, the petitioner has fourteen (14) days from the date he or she receives the fifteen (15) day Notice of Garnishment to file a Petition for Appointment of Trustee.

(E). Any other procedure will require Court approval.

**RULE 22: RESTITUTION AND VICTIMS' RIGHTS**

The Court being aware of the enactment of Senate Bill 186 regarding victims' rights, and of provisions 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.

Therefore, it is the order of this Court that Local Criminal **Rule 23** is hereby adopted with regard to payment of restitution in all criminal and traffic cases in this Court; whether ordered as part of a sentence imposed upon a Defendant, as a term of probation, or as part of a plea agreement entered into 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 directly to the Highland County Victim Witness Office as established by Highland County Prosecutor's office, unless the Court finds the offender is unable to do so solely due to his financial status.

(B) Periodic payment of restitution offenders will pay a fee of \$5.00 for each payment.

(C) The Highland County Victim Witness office is authorized to communicate directly with the offender regarding all restitution matters, including payments, balance, receipts, and failure to pay, etc., unless the attorney for the offender notifies the Prosecuting Attorney's Office, in writing, that he or she is counsel for the offender. Thereafter, all contact is to be made through that attorney as provided in the Code of Professional Responsibility.

(D) As of February 2, 2004, the Court established a Victim-Witness Assistance Fund, assessing an additional Court cost of \$5.00 in all criminal and traffic cases filed in this Court. Said Victim-Witness Assistance Fund shall be assessed one time on each case number. This cost shall be in addition to any other Court costs imposed in a criminal or traffic case and subject to collection with other Court costs. Monies collected in the Victim-Witness Assistance Fund shall be forwarded to the Highland County Commissioners with each monthly distribution, designated for deposit in the Victim-Witness Assistance Fund.

**RULE 23: SPECIAL PROCESS SERVER**

From time to time as the need arises, the Court may utilize a Special Process Server to serve warrants, subpoenas and other items to people living within or outside the immediate jurisdiction of this Court.

The Judge shall appoint a Special Process Server to perform these duties.

The Special Process Server shall be paid at the following rate: Within the City of Greenfield: \$3.00 per person served or per location if served on a business or other address. Within Madison Township but outside the City of Greenfield and also within all townships contiguous to Madison Township: \$10.00 per person served or per location if served on a business or other address. For all other areas beyond contiguous townships: \$10.00 per person served, plus mileage at the rate of \$.50 for the first mile and \$.20 per mile thereafter. The Process Server shall complete the "service and return" portion of the original document and return it to the Court.

Payment of the Special Process Server is to be made monthly from Court costs collected or from a budget category designated by the Judge.

In civil and small claims cases, parties may request appointment of a Special Process Server who has agreed to attempt service pursuant to an agreement between one of the parties and the Special Process Server. Such request is to be made via a motion and is subject to approval of the Court. In such cases, payment of the Special Process Server shall be made by the party requesting the appointment in accordance with terms agreed upon by the parties and shall not be paid by the Court.

**RULE 24: BAD CHECK FEE**

If a bad check is received by the Court, a \$25.00 bad check fee shall be assessed as Court costs unless waived by the Court.

**RULE 25: FACSIMILE (FAX) AND ELECTRONIC FILINGS**

The filing of motions or pleadings and other papers may be made by electronic means at the discretion of the Clerk. Any signature on electronically transmitted pleadings or papers shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the pleadings or papers were transmitted without authority, the Court shall order the filing stricken.

1. The Clerk or Deputy Clerk shall notify the attorney or other parties if a transmitted document cannot be filed for any reason. All documents submitted will be considered filed only when file-stamped by the Clerk or Deputy Clerk and the document has been properly docketed.

**RULE 26: COPIES AND REPORTS**

Upon receipt of written request for copies of public records, the Court is to provide such records within a reasonable time and according to established guidelines. The costs of any such copies or reports shall be 10 cents per copy, or a minimum fee of \$1.00 per report, whichever is greater.

**RULE 27: SPECIAL PROJECTS FUND**

October 3, 2003 the Court authorized establishment of a Special Projects Fund pursuant to ORC 1907.24(B), authorizing the assessment of \$1.00 for the Court's Special Projects Fund on each new case number filed with the Court. This assessment was amended to \$21.00 effective January 1, 2009.

**RULE 28: OVERPAYMENT ON FINES, COSTS AND FEES**

In order to save on the time and expense of processing overpayments and refunding same, overpayments of \$10.00 or less sent to the Court for fines and costs may be accepted by the Clerk or Deputy Clerk, with the additional amount assessed as Court costs on the case or cases involved. Similarly, overpayments on civil filing fees of \$10.00 or less may be accepted by the Clerk or Deputy Clerk and applied to Court costs.

**RULE 29: AUTHORIZATION FOR CLERK TO PROCESS ELECTRONIC REPORTS / PAYMENTS AS MANDATED BY THE OHIO SUPREME COURT AND / OR STATE OF OHIO**

The Clerk of this Court or Deputy Clerk are hereby authorized to submit reports and electronic transfers consistent with the same as previously done by paper; furthermore these shall be considered true and accurate records of the Court the same as previous paper reports/checks.

**EFFECTIVE DATE OF RULES**

These rules shall take effect **January 1, 2017**. They govern all proceedings in actions brought after they take effect, and also all further proceedings in action then 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 injustice, in which event, former procedure applies.

ENTER:

\_\_\_\_\_  
Robert J. Judkins, Judge