

# Local Rules

*Middletown Municipal Court*

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January 1, 2011

Judge Mark W. Wall

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Clerk of Court

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# General Rules

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## **Rule 1.00     Scope & Authority**

The following rules of the Middletown Municipal Court are intended to be supplemental to and used in conjunction with:

- (1)     The Ohio Rules of Civil Procedure, as amended;
- (2)     The Ohio Rules of Criminal Procedure, as amended;
- (3)     The Ohio Rules of Superintendence for Municipal Courts and County Courts, as amended; and
- (4)     The Rules of Superintendence of the Supreme Court of Ohio, as amended.

These local rules are not to be interpreted in any way which conflict with the various Ohio Rules and Rules of Superintendence. Should any conflict or contradiction be found, the Ohio Rules of Superintendence shall, in all cases, prevail over the Local Rules of this Court.

## **Rule 1.01     Hours of Court Sessions**

The hours of court sessions are 8:00 A.M. until 5:00 P.M., Monday through Friday. Court sessions may also be scheduled on Saturdays as needed.

## **Rule 1.02     Hours of Clerk's Office**

The Clerk of Middletown Municipal Court shall be appointed as provided in Section 1901.31 Ohio Revised Code. The office of the Clerk of Court shall be open for the transaction of court business from 8:00 A.M. until 5:00 P.M., Monday through Friday.

## **Rule 1.03     Holidays**

The Court shall not be in session on scheduled holidays. The holidays shall be in conformance, where practical, with those observed by the City of Middletown and its employees. The schedule of holidays shall be posted in the lobby of the Court and notification shall be provided to all police agencies and departments within the jurisdiction of the Court and to the Middletown Journal for circulation to the general public.

## **Rule 2.00     Time Computation**

The time within which an act is required to be done shall be computed by excluding the first day and including the last, except when the last day falls on a Sunday or a holiday. In such a case, that day shall be excluded and the next day counted. (Civil Rule Procedure Rule 6(A))

**Rule 2.01 Terms of Court**

There shall be no term of court, but in accordance with Section 1901.29 Ohio Revised Code, for the purpose of computing time. Ninety (90) calendar days following judgment shall be considered within term; time thereafter shall be considered after term.

All actions and all motions and other business of the court pending at the expiration of any term of the court shall be continued to the following term of the court without any special or general order or entry to that effect.

**Rule 2.02 “Classes of Actions” Not Applicable; Exceptions**

In the Civil Division of this court there shall be no division of civil actions into “classes” with respect to the amount of money judgment claim. All cases shall be designated as general civil actions, with the exceptions of Actions in Forcible Entry and Detainer, Replevin, Small Claims and such other special statutory proceedings (e.g. Trusteeship Proceedings) exempted under Civil Rule Procedure Tule 1 (C).

**Rule 2.03 Agreements**

Agreements of counsel with each other, with a party, or with an officer of the court shall be filed with the case or dictated into the record.

**Rule 3.00 Preparation of Documents**

The officers or employees of this court shall not prepare or help prepare any pleading, affidavit, entry, or order in any civil or criminal matter except as provided in Small Claims matters under Chapter 1925 of the Ohio Revised Code or as otherwise expressly provided by statute.

**Rule 3.01 Control of Documents**

The Clerk shall permit any person, upon request, to make a copy of any papers or documents contained in a court file. Reproduction of any material shall be at a rate established by the court. Original papers filed in any case shall not be removed from the Clerk’s office without written approval by the Judge.

**Rule 3.02 Notary Fee**

No fee shall be charged by any officer or employee of this court for notarizing affidavits or any other matter pertaining to Civil or Criminal business of this court.

**Rule 3.03 Court Reporter (Section 1901.32 Ohio Revised Code)**

A. Electronic Recording Device: This court utilizes an electronic audio recording device. Upon Request or order, a video/audio recording of a proceeding may

be used. Audio tapes of court proceedings shall be retained for two (2) years, unless otherwise directed by the Court.

- B. Court Reporter: Upon request by any party or counsel, a Court Reporter shall be provided to be taxed as part of the court costs in the case. In Civil cases, any party may, at their own expense, bring a reporter into any proceeding of this Court.
- C. Transcripts: It shall be the responsibility of the counsel or party requesting a transcript of any electronically recorded court proceeding to bear the cost of such transcript.

**Rule 3.04 Jurors (Section 1901.15 Ohio Revised Code)**

- A. Selection of Jurors: Jurors are selected at random from a list of residents as provided by the Clerk of Courts for Butler and Warren Counties.
- B. Notices of Jury Service: Notices of jury service are to be processed one (1) week before the scheduled trial date, when possible, to insure adequate time notice. Excuse from jury service shall be only with approval by the Court.
- C. Jury List: A list of jurors shall be made in each case for the Judge, Clerk, Bailiff, and each party.
- D. Cancellation of Jury: If a jury is canceled after it has been ordered into Court and the Clerk of Courts is unable to notify all prospective jurors of said cancellation, the Court must assess the cost incurred to the party originally filing the jury demand. If both parties file a demand for a jury trial, the cost will be assessed equally against both parties.

**Rule 4.00 Filing: Identification of Documents**

All Pleadings, Motions, Leaves to Plead or other papers filed in an action must bear the case number, and the name, address, telephone number and Supreme Court identification number of the attorney filing the document. A Certification of Judgment for a Lien or for Transfer of Judgment shall be obtained only upon filing a praecipe.

**Rule 4.01 Filing—Complaint—Formalities**

- A. Complaint: Known Address: Every complaint filed shall contain in the caption thereof the full names and addresses of all the parties to the action, and, on any cross-claim, counterclaim or any pleading making new parties to the action, the addresses of such new parties, unless the address of the party is unknown.

# Civil Division

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## **Rule 5.0 Procedure & Practice**

All procedure and practice in the Middletown Municipal Court shall be in accordance with the Ohio Rules of Civil Procedure and the Ohio Revised Code, unless modified by Local Rules of this Court where such modification is permitted by law.

## **Rule 6.0 Numbering of Cases and Form of Pleadings**

All Civil Actions shall be numbered consecutively as filed and shall be entered upon the Civil Docket as numbered. All Pleadings and all documents filed in any Civil Action shall be 8 ½ inches by 11 inches format.

Once a Civil Action is filed and a number assigned to it, any document whatsoever which may be thereafter presented for filing in said case shall bear the number assigned to it. The case number shall be typed or printed upon such document so as to be easily seen. No document shall be accepted for filing, regardless of its nature, unless its case number is displayed upon it.

## **Rule 7.0 Dockets and Records**

There shall be maintained in the Office of the Clerk (1) the Journal or General Index, (2) the Docket, and (3) such other records as the Court may require, all of which shall be considered public records of the Court.

The Clerk shall enter, at the commencement of a Civil Action, the full names of all parties to the action, the names and addresses of respective counsel, and the nature of the proceedings.

The Clerk shall enter all documents in strict chronological order. Documents shall be accepted for filing and entered upon the docket of the case in the order in which they are received for filing. The entry of the Clerk shall clearly identify the nature of the document filed.

No papers, dockets, books, records, or documents of any kind which are filed in the Office of the Clerk shall be removed from the Clerk's Office other than for use in Court, except by an attorney with a written leave of Court, and then only for the time specified by the Court.

Any request to the Clerk for mailed copies of any document of record must be accompanied by a self-addressed envelope with sufficient postage.

## **Rule 8.0 Plaintiff's Complaint**

The Complaint shall comply in form and contents with the provisions pertaining to Complaints set forth in the Ohio Rules of Civil Procedure.

The Clerk shall issue Service upon the persons designated in the Complaint as defendants by Certified Mail directed to them at their respective addresses, as stated in the caption. Any Complaint which fails to furnish a reasonably complete address in the caption for such service may

be refused by the Clerk. Service other than the above may be had only by written Request for Service with instructions separately set forth in the Complaint, except in the cases of Forcible Entry and Detainer, in which personal service shall be executed upon the defendant.

There shall be filed with the original Complaint a complete copy for each defendant to be served. If inadequate copies are furnished, the Clerk may refuse to accept the Complaint for filing.

### **Rule 9.0      Summons and Other Writs**

Summons shall be issued by the Clerk in conformance with the Ohio Rules of Civil Procedure.

Except in Forcible Entry and Detainer actions on the issue of possession of the premises, said summons shall notify each defendant that he must (1) answer or otherwise plead not later than the first Tuesday immediately following the 28<sup>th</sup> day after the date upon which said defendant was served with summons and copy of the Complaint, or (2) appear on his own behalf or by counsel in Court on such Tuesday.

In Forcible Entry and Detainer cases on the issue of possession of the premises, said summons shall notify the defendant that he must answer or appear on the first Tuesday following the 10<sup>th</sup> day after he has been served with the summons.

On such Tuesday, all cases wherein the defendant has failed to respond shall be called by the Court for default judgment. All cases in which defendant has responded shall be set for pretrial, trial, or other hearing as hereinafter provided in these rules.

In the event of failure of service by Certified Mail, the Clerk shall attempt additional service by Ordinary Mail upon the party to be served unless requested to do otherwise by counsel.

### **Rule 10.0      Service By Publication**

Service by Publication may be had as provided in the Ohio Rules of Civil Procedure and the Ohio Revised Code, excepting that the publication shall be made in the Middletown Journal on time a week for six (6) consecutive weeks, and shall be complete upon the last publication.

It shall further be the responsibility of the party requesting Service by Publication or counsel thereafter to obtain from said newspaper (1) the Affidavit of Publication, including a copy of the published notice, and (2) proof of payment of costs thereof, and to file the same in the Office of the Clerk prior to any further proceedings in the case.

### **Rule 11.0      Enlargement of the Time to Move, Answer, or Otherwise Plead**

Any Motion, Answer, Counterclaim, Cross Complaint, Third Party Complaint, or other pleadings filed subsequent to the Complaint shall comply with all provisions of the Ohio Rules of Civil Procedure.

Except in the cases of Forcible Entry and Detainer in the issue of possession of the premises, a defendant shall have the right, in lieu of any written filing, to appear in person or by counsel, on the first Tuesday immediately following the 28<sup>th</sup> day after the date of service of summons upon such defendant, and orally make response to the Complaint. Such response shall be reasonably calculated to fairly and accurately appraise any other party to the action or the nature of the defense and/or claim asserted by such defendant to any claim of any party to the action. The Court may, in its

discretion, require the filing of such response in writing and service of same upon opposing parties pursuant to the Rules of Civil Procedure.

In Forcible Entry and Detainer cases on the issue of possession of the premises, such hearings shall be held on the first Tuesday following the 10<sup>th</sup> day after service.

All papers required to be served upon a party after the Complaint shall have endorsed thereon a Certificate evidencing the service of a copy of such document upon all other parties to the action or their representative counsel, if represented.

### **Rule 13.0 Call of Cases and Assignment of Hearing**

The Clerk shall prepare for the Court, prior to 9:00 A.M. each Tuesday, a list of all cases deemed ready for default on that day.

The Court, upon the call of a case, may grant judgment by default against any party who has failed, although properly served, to respond or appear as required by law. Where the claim is for unliquidated damages, the Court may require presentation of evidence by the claimant as to the amount or value of the claim before judgment by default may be rendered.

In the event a party against whom a claim has been made has responded or appeared, the Court shall fix a hearing or direct other action as deemed proper.

### **Rule 14.0 Continuances**

Continuances shall be allowed only upon (1) agreement of counsel and evidenced by an entry filed prior to or at the time scheduled for hearing, or (2) written order of the Court filed prior to the time scheduled for hearing, or (3) oral order made at the time of hearing and documented by a written entry filed thereafter.

### **Rule 15.0 Pre-Trial Conference—Report Hearing**

At any time after the case is at issue, either party may request, or the Court may sua sponte order a Pre-trial Conference or Report Hearing. In the event the case has been pending for three (3) months or longer and no Pre-trial Conference has been scheduled, then the Court may schedule the case for a Report Hearing.

After the Pre-trial Conference or Report Hearing is set upon the Court's calendar, such conference shall be deemed mandatory and may be canceled or continued only by order of the Court. Further, it shall be mandatory that each party, or counsel for that party, appear at the Pre-trial Conference or Report Hearing. Failure of a party or their counsel to so appear shall be grounds for orders against such party, including dismissal of their claim or entry of any judgment the Court may deem appropriate.

Appearance at a Report Hearing may be by telephone if request is made to the Court or the Court otherwise directs in its notice. It shall be the responsibility of the parties or their counsel to contact the Court by telephone and to arrange a conference call on the prescribed date and time for the Report Hearing. Failure to contact the Court on the prescribed date and time shall constitute a failure to appear and shall be grounds for orders against such party, including dismissal of their claim or entry of any appropriate judgment.

At the Pre-trial Conference or Report Hearing, the Court and the attorneys shall discuss inter alia the feasibility of referring the case to an appropriate and available alternative dispute program, establish a binding case management schedule, including a cut off date for discovery, and fix a Final Pre-trial Conference date.

### **Rule 16.0 Hearings**

Any motion filed without a specific request for oral hearing shall be deemed submitted by the movant to the Court for disposition without oral hearing. Any party shall have the right to request oral hearing on any motion, provided written request therefore is filed with the Clerk within seven (7) days after service of the motion. Failure to request oral hearing shall be deemed a waiver of same.

The Court may decline to allow an oral hearing on any motion if the Court, in its discretion, finds an oral hearing unnecessary.

Notice of oral hearing shall be served upon all parties by the movant. The date and time of hearing shall be specifically set forth in the notice. Counsel shall obtain approval of the date and time of hearing from the Court Reporter prior to issuance of such notice.

All Motions filed shall be supported by a Memorandum setting forth a statement of facts upon which the Motion is based and a statement of law, if necessary, upon which the movant relies. Proof of service upon all parties or their counsel of the filing of a Motion shall be made as provided in the rules of Civil Procedure.

### **17.0 Trial By Jury**

Trial by Jury shall be governed by the applicable Ohio Rules of Civil Procedure, subject to the following:

- A. Request for a Trial by Jury of eight or fewer persons must be made in writing not less than fourteen (14) days prior to the date scheduled for the trial.
- B. At the time of filing such request, the party making same shall deposit with the Clerk of Court such sum as the Court may require in the Schedule of Costs set forth hereafter.
- C. Jurors shall be summoned as provided by statute. Jurors shall be impaneled and shall have the same qualifications and receive the same fees as jurors in the Court of Common Pleas.
- D. Jury fees shall be taxed as costs and noted upon the Court's journal.

### **Rule 18.0 Trial Briefs and Jury Instructions**

Trial briefs and jury instructions shall be filed in the Judge's Office on all jury cases, seven (7) days prior to trial and shall include the text of, and citations of authority, for any instructions requested by counsel. If there is no compliance with this rule, the jury will be deemed waived. Trial briefs are also required for non-jury cases when there are substantial conflicts of view as to specific questions of law or when the Judge so requests.

### **Rule 19.0 Dismissal of Cases**

Any case pending on the docket of this Court for six (6) months or longer, in which the Court has not scheduled a pre-trial hearing, trial, or other hearing, shall be subject to dismissal without prejudice by the Court for lack of prosecution.



Counsel or a petitioner who files a complaint appealing a BMV suspension shall attach an affidavit signed by the petitioner setting forth matter necessary to consider work-related driving privileges. This includes home address, employer's business name and address, days and hours of work, business vehicles and reasons for driving during work.

### **Rule 23.0      Costs**

The Court shall fix and publish a Schedule of Fees and Costs which shall set forth the costs which must be paid to the Clerk of Court upon the filing of any document or the taking of any action by the Court. Such schedule may be modified from time to time as the Court, in its discretion, shall deem proper. Said schedule shall be deemed incorporated into these Local Rules of Court by reference as though fully written herein.

Where the payment of costs or fees is required for the filing of any document or taking of any action by the Court, the Clerk shall refuse to accept such document or take the action requested unless said costs or fees are first paid. The Court, in its discretion, may require the posting of additional costs in any case at any time.

### **Rule 24.0      Forms**

The Court may prescribe the forms to be used in any civil proceeding. Such forms must be used to the exclusion of any other forms. Any forms so prescribed by the Court shall be set forth in a Schedule of Forms which shall be deemed incorporated into these Local Rules of Court. Any form prescribed by the Court may be modified from time to time as the Court may direct. Any form prescribed by the Court shall be furnished to parties or counsel at no cost.

### **Rule 25.0      Garnishments and Proceedings in Aid of Execution**

Where service of a written demand upon a party is required by statute prior to the institution of proceedings in aid of execution, there shall be filed in the case written proof of the service of such written demand. No attachment, execution, or proceedings in aid of execution shall be issued out of this Court without such proof having been filed. Procedures pertaining to the service of such demand and proof thereof shall be in accordance with applicable statute.

### **Rule 26.0      Trusteeships**

Any person upon whom a statutory demand has been made and who resides within the territorial jurisdiction of the Court may apply for the appointment of a Trustee.

Such person shall file with his application a full, accurate and complete statement, under oath, of the names and addresses of his secured and unsecured creditors and the amounts owed to each. Notice of the filing and pendency of the application for appointment of the Trustee shall be served as provided by statute. The name of any creditor omitted from the list may be added at any time thereafter upon application of the debtor or the creditor with leave of Court first obtained and upon notice to said debtor or said creditor, as the case may be.

A Trusteeship shall be terminated upon the failure of the debtor to make any required payment within seven (7) days after such payment is due unless good cause therefore is shown to the Court. If such Trusteeship is so terminated, the debtor may not reapply for a period of six (6) months thereafter.

If a secured creditor elects to participate in a Trusteeship, they shall enter an agreement with the debtor stating the terms of such participation at, or prior to, the time of hearing on the application, and said agreement shall be approved or disapproved by the Court at the hearing. If such agreement is approved by the Court, said secured creditor shall be entered into the Trusteeship and shall be barred during the pendency of the Trusteeship to abide by the terms of the agreement, said creditor may apply to the Court to be released from such participation, and the Court shall make such order as it deems proper, upon due notice and hearing.

## **Rule 27.0 Civil Case Management**

- A. Purpose: The purpose of this rule is to establish, pursuant to Municipal Court Superintendence Rule 18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.
- B. Scheduling of Events: {Cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. In all other special proceedings, the case shall be set for hearing within a reasonable time, not to exceed ninety (90) days.} The scheduling of a civil case begins when the case is filed. All cases filed will be tracked by event in accordance with Supreme Court reporting requirements, utilizing the worksheet provided by the Ohio Supreme Court. After filing, the case is managed in five (5) clerical steps and five (5) judicial steps.
- C. Clerical Steps:
1. Complaint: The Clerk shall process all complaints within seven (7) days per service of summons. Summons shall be served in accordance with the Ohio Rules of Civil Procedure.
  2. Service: In the event there is failure of service, the Clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six (6) months from the date of the cause of action had been filed, then the Clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary. Upon perfection of service, the Clerk shall notify counsel or the party writing. If no action is taken within sixty (60) days, the case will be dismissed for want of prosecution.
  3. Responsive Pleading: After a responsive pleading is filed, the Clerk shall immediately forward said pleading and file to the Judge or Magistrate so that the matter may be scheduled for a hearing. Upon the filing of a motion, the Clerk shall immediately forward the motion and case to the Judge for review and rescheduling of a hearing, if necessary.

4. Dismissal Without Prejudice: If no action has been taken on a case for six (6) months, and the case is not set for trial, then the case shall be subject to dismissal without prejudice by the Court for lack of prosecution pursuant to MMC Rule 19.0. The Clerk shall forward all such cases and files to the Judge and notify the parties and counsel that the matter will be dismissed within one (1) week unless good cause is shown.

5. Administrative Dismissal: When a file has been marked “Settled, Hold For Entry” and the entry has not been received within thirty (30) days, then the Clerk shall notify the party or counsel that the case will be dismissed unless the entry is received within ten (10) day. If no entry is received, the Clerk shall forward the file to the Judge for dismissal of the case without prejudice.

#### D. Judicial Steps:

1. Status Hearing: After an answer is filed, the case will be assigned to the Judge or Magistrate and the Clerk will forward the file to said Judge or Magistrate. The Court will then set a status or report hearing which may be heard in Court or by telephone pursuant to MMC Rule 15.0. The purpose of the status or report hearing is to set discovery and motion deadlines and pre-trial and trial dates. The status conference and pre-trial conference can be combined at the discretion of the Judge or Magistrate.

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.

3. Pre-trial Conference: The primary purpose of the Pre-trial Conference shall be to achieve an amicable settlement of the controversy in suit. The Court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy, and in general, to shorten the time and expense of trial.

Notice of a Pretrial Conference shall be given to all counsel of record by mail and/or by telephone from the Clerk or Assignment Commissioner not less than fourteen (14) days prior to the conference. Any application for continuance of the conference shall be

addressed to the Judge or Magistrate to whom the case has been assigned. Any attorney for a party to the action who fails to attend a scheduled Pre-Trial Conference without just cause being shown may be punished for contempt of this Court.

Counsel attending the Pre-trial Conference must have complete authority to stipulate on items of evidence and must have full settlement authority.

The Court will file a pre-trial statement to become part of the record in the case embracing all stipulations, admissions, and other matters which have come before it in the pre-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. The Judge presiding at the Pre-trial Conference shall have the authority (1) 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 Pre-trial Conference; (2) to order the plaintiff to proceed with the case and to decide to determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any Pre-trial Conference as required; and (3) to make such other order as the Court may deem appropriate under all circumstances. If the case cannot be settled at Pre-trial, then the case will be set for trial at the time agreeable to the parties or as previously scheduled at the status conference.

4. Continuances: No party shall be granted a continuance of a trial or hearing except in conformance with MMC Rule 11.0. 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 in this state, the case which was set first 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.

If a designated trial attorney has such a number of cases assigned for trial in courts in this state so as to cause undue delay in the disposition of such cases, the Judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

5. Judgment Entries: Counsel for the party in whose favor an order of 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 five (5) days. Within fifteen (15) 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 without the filing of an entry, but such entry shall be filed within thirty (30) days or the case will be dismissed for want of prosecution. Upon notification from the Clerk that the case has defaulted, prevailing counsel shall submit an application for default judgment within fifteen (15) days or the case will be dismissed for want of prosecution. The journal entry shall state which party will pay the court costs. All judgment entries, where appropriate, shall state in the caption "Final Appealable Order."

#### E. Forcible Entry and Detainer Case Management

1. Hearing: All Forcible Entry and Detainer cases shall be set for hearing before the Judge or Magistrate, pursuant to the time limits set forth in the Ohio Revised Code. The Magistrate shall, at the conclusion of the hearing, file a written report within seven (7) days.
2. Approval of Magistrate Report: The Court shall review the report of the Magistrate and enter the appropriate judgment entry. For purpose of set-out, the Magistrate Report is effective upon filing unless an objection is immediately filed.
3. Answer/Jury Demand: If an answer or jury demand is filed in a Forcible Entry and Detainer case, the Clerk shall forward the file to the Judge or Magistrate for scheduling of the appropriate hearing.

### **Rule 28.0 Special Proceedings Case Management**

#### A. Purpose:

The purpose of this rule is to establish, pursuant to Municipal Court Superintendence Rule 18.0, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. Examples of special proceedings would include default hearings, rent escrow, replevin, contempt hearings, garnishment hearings, debtor's exams, and BMV hearings.

- B. Time Limits: Cases that have time limits established by the Ohio Revised Code or the Ohio Rules of Civil Procedure shall be set for hearing within those time limits. In all other special proceedings, the case shall be set for hearing within a reasonable time, not to exceed ninety (90) days.

### **Rule 29.0 Mediation**

For the purpose of achieving a prompt and fair disposal of civil cases and to produce an amicable settlement, the Judge may refer a matter to the Magistrate, an approved attorney, or other court official for mediation. A date and time agreeable to the parties and counsel shall be set for mediation. Counsel, parties or their representatives attending the mediation conference must have full settlement authority of all claims for matters in controversy. Within seven (7) days of the completion of the mediation, the Magistrate, officer, or mediator shall notify the Judge in writing of the results of the mediation.

## **Small Claims Division**

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### **Rule 30.0 Authority & Purpose**

- A. Authority: The Small Claims Division of the Middletown Municipal Court is established and operated pursuant to Chapter 1925 of the Ohio Revised Code and the Local Rules of Middletown Municipal Court. All Magistrate proceedings shall be in accordance with the Ohio Civil Rules unless in conflict with Chapter 1925 of the Ohio Revised Code.
- B. Purpose: The purpose of the Small Claims Division is to allow parties to resolve disputes for money quickly, inexpensively and fairly without the necessity of counsel. Monetary limits are as prescribed by Chapter 1925 of the Ohio Revised Code. Types of cases include landlord-tenant, unpaid accounts, defective merchandise, minor traffic accident repair costs, overcharge of service, and minor property damage.

### **Rule 31.0 Duties of Party and Court**

- A. Sessions: The Small Claims Division of Middletown Municipal Court shall be in session Tuesdays from 10:30 A.M. until 12:00 P.M., and such other times as directed by the Court or Magistrate.

**B. Filing of Complaint:**

A complaint is filed by the plaintiff along with supporting documents. The plaintiff must complete the Small Claims complaint form as provided by the Court and submit two (2) copies of any document supporting the claim. The plaintiff must provide the Clerk with a full, complete and current address of all parties. If the defendant cannot be located at the address given to the Clerk, the Clerk will notify the plaintiff by mail of the inability to serve the defendant. The claim will be dismissed unless proper address is provided within ten (10) days. If the plaintiff fails to submit a new address, the matter will be dismissed for want of prosecution, unless service by publication or other proper method of service is commenced. The Clerk or Deputy Clerk shall assist persons in filing claims, docketing the same, setting them for hearing, and receiving court costs deposits.

**C. Answer and/or Counterclaim:**

Upon the filing of an answer or counterclaim, the matter shall be set for hearing before the Magistrate with parties notified of the date and time. The clerk shall also notify the parties that they must be present at hearing with all witnesses and exhibits necessary for a just adjudication of the matter.

**Rule 32.0 Costs**

Costs and filing fee for a Small Claims complaint will be \$25 for one defendant and \$10 for each additional defendant. Fees for all other costs shall be the same as those set for the Civil Court Division. All or any part of costs may be waived by the Court in the even a party is found, upon application, to be indigent.

**Rule 33.0 Failure to Appear**

Plaintiff's failure to appear at a hearing will result in dismissal without prejudice. Defendant's failure to appear for hearing will result in a default judgment for the plaintiff.

**Rule 34.0 Transfer to Civil Division**

A transfer to the Civil Division is accomplished pursuant to Section 1925.10 of the Ohio Revised Code and the payment of the appropriate filing fee.

**Rule 35.0 Small Claims Case Management**

Middletown Municipal Court Rule 27.0 shall also apply to the management of all Small Claims cases.

# Criminal/Traffic Division

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## **Rule 36.0 Procedure & Practice**

All procedure and practice in the Middletown Municipal Court shall be in accordance with the Ohio Rules of Criminal and Traffic Procedure and the Ohio Revised Code, unless modified by Rules of this Court, where such modification is permitted by law.

## **Rule 37.0 Numbering of Cases and Form Pleadings**

All Criminal and Traffic cases shall be numbered consecutively as filed and shall be entered upon the Criminal or Traffic docket as numbered. All pleadings and all documents filed in any Criminal or Traffic case shall be 8 ½ inches by 11 inches in format.

Once a Criminal or Traffic case is filed and a number assigned to it, any document whatsoever which may be thereafter presented for filing in said case shall bear the number assigned to it. The case number shall be typed or printed upon such document so as to be easily seen. No document shall be accepted for filing, regardless of its nature, unless its case number is displayed upon it.

The Clerk of Court shall have the right to refuse to file any document in any Criminal or Traffic case which does not bear the assigned case number.

## **Rule 38.0 Sessions of Court**

The court shall be in session from 8:00 A.M. until 5:00 P.M., Monday through Friday.

The Office of the Clerk of Court shall be open for the transaction of all business of the Court from 8:00 A.M. until 5:00 P.M., Monday through Friday.

## **Rule 39.0 Dockets and Records**

There shall be maintained in the Office of the Clerk (1) the General Index, (2) the Docket, and (3) such other records as the Court may require, all of which shall be considered public records of the Court.

The Clerk shall enter, at the commencement of a Criminal or Traffic case, the full names of all parties, the names and addresses of counsel, and the section of the Ohio Revised Code or Ordinances of the City of Middletown for each charge or violation.

The Clerk shall enter all documents in strict chronological order. Documents shall be accepted for filing and entered upon the docket of the case in the order in which they are received for filing. The entry of the Clerk shall clearly identify the nature of the document filed.

No papers, dockets, books, records, or documents of any kind which are filed in the Office of the Clerk shall be removed from the Clerk's Office other than for use in Court, except by an attorney with a written leave of Court, and then only for the time specified by the Court.

## **Rule 40.0 Complaint/Summons**

The Complaint or Summons shall comply in form and content with the provisions set forth in the Ohio Rules of Criminal and Traffic Procedure.

**Rule 40.10 Use of Electronically Produced Ticket**

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

**Rule 41.0 Arraignments**

- A. New Cases: In the disposition of daily business, new cases will be called first for pleas and motions.
  
- B. Criminal & Traffic Arraignments: Criminal and Traffic arraignments will be held at 9:00 A.M. each Monday, Wednesday, and Friday with a special Traffic arraignment held only on Wednesday at 1:30 P.M. In the event a holiday shall fall on any regular Criminal or Traffic arraignment day, arraignments shall be scheduled for the next day following the holiday.
  
- C. Special Arraignments: The Court may hold special arraignments at any time while it is in session.
  
- D. Felony Cases: Felony cases will be called for initial appearances on regular court days unless otherwise scheduled by the Judge.
  
- E. Criminal Misdemeanor: In all criminal misdemeanor and traffic cases where a citation has been issued, except where the defendant is incarcerated, the affidavit shall be filed with the Clerk of Court at least twenty-four (24) hours prior to the time of appearance.
  
- F. Bond Forfeiture: When a defendant fails to attend a scheduled Court appearance and has posted a bond, the bond may be forfeited by the Court and a warrant may be issued for the arrest of the defendant. The bond forfeiture shall not be treated as a final disposition of the case.

## **Rule 42.0      Written Not Guilty Pleas**

A written “not guilty” plea may be entered prior to the date of arraignment. If the written plea is entered, neither counsel nor the defendant need to appear at the arraignment. When counsel notifies the Assignment Commissioner or Clerk by telephone of an appearance and request for a continuance, such appearance and notification must be followed by a written plea within three (3) days to be effective. No appearance of record or plea will be accepted without counsel first scheduling a pre-trial and hearing date with the Assignment Commissioner. A request for a continuance or a waiver of “speedy trial” must accompany the written plea.

When filing written “not guilty” pleas on multiple charges, it is counsel’s duty to insure that a plea form is signed and completed and file stamped for each offense (incident) and to notify the Clerk of the number of charges. If the plea form does not contain a case number, the following information shall be provided in the caption of the form:

1. Ticket number, if any;
2. Nature of offense(s);
3. Code number of offense(s);
4. Date of offense(s); and
5. Date of arraignment(s).

## **Rule 43.0      Designation of Trial Counsel**

Attorneys, and not parties, will designate their capacity as trial counsel on all documents in criminal cases. The attorney’s Supreme Court registration number, office address, zip code, and telephone number shall be included on all documents filed.

Counsel shall be allowed to withdraw from trial counsel responsibility only with the consent of the Judge. No such application will be considered unless a written entry or motion is presented stating the reasons for the application, certificate of service on opposing counsel and/or client, and time and date of trial, if set. Withdrawal of counsel will not be approved if application is not made five (5) working days prior to the trial or hearing date, except for good cause shown. Approved withdrawal entries will be mailed immediately by the withdrawing counsel to his client’s last known address.

## **Rule 44.0      Prosecutorial Approval**

With the exception of traffic citations, minor misdemeanor citations, and those complaints where the officer observed the offense take place, no criminal misdemeanor complaint shall be accepted for filing by the Clerk of Court until and unless the Prosecutor’s Office has first approved the filing of the complaint.

## **Rule 45.0      Statements/Reports**

All law enforcement agencies shall leave a copy of their complete report, including accident reports, with the Prosecutor’s Office within twenty-four (24) hours of the arrest. In all cases where the offender is incarcerated, the complete report, record check, and bond recommendations, if any, shall be left with the Court upon filing of the complaint.

For those cases where a “not guilty” plea is entered at arraignment, a complete copy of the police report and accident report shall be left with the Prosecutor. All materials set forth in Criminal Rule 16, in

possession of the arresting agency shall be provided to the Prosecuting Attorney's Office within five (5) days of receipt of the trial notice by the arresting officer. Failure to provide this information to the Prosecuting Attorney may be cause for dismissal of the charge.

#### **46.0 Continuances**

Every request for a continuance shall be by written motion and will only be granted upon showing of good cause. All requests shall be served on the opposing counsel or the opposing party. The motion shall set forth a date for which a continuance is requested and reasons for the continuance. If a prior trial conflict exists, the date of scheduling shall be stated, with a copy of the notice attached to the motion. Entries shall accompany the motions setting forth a new trial or hearing date and time. No requests for continuance will be considered if made less than seven (7) days before trial or hearing, except for circumstances which by reasonable diligence could not be determined seven (7) days or more prior to trial or hearing.

When a continuance is requested for the reason that counsel is scheduled to appear at 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. The granting of any other requests for continuance of a scheduled trial is a matter within the discretion of the trial court.

If a designated trial attorney has such a number of cases assigned for trial in courts of this State so as to cause undue delay in the disposition of such cases, the Judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

#### **Rule 47.0 Motions**

All motions, except those normally made at the trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Criminal Procedure. Motions will be supported by memoranda of law containing applicable statutory and case law citations. A request for oral hearing shall be stated prominently upon the first page of the motion.

A date and time for oral hearings on motions must be obtained from the Assignment Commissioner. Parties wishing to respond in writing to such motions shall do so not later than the fourteenth (14<sup>th</sup>) day following service of the motion or three (3) days prior to the oral hearing date, if an oral hearing has been requested. In motions to suppress, the grounds must be stated with particularity and the items of evidence in question shall be specified. All motions where an oral hearing is not required shall be accompanied by a proposed entry.

#### **Rule 48.0 Discovery**

Failure by an investigating or arresting officer to provide the Prosecutor with all documents or items set forth in Criminal Rule 16 within five (5) days of the date of request will result in dismissal of the charges. Failure by the Prosecutor to provide complete discovery within fifteen (15) days of the demand or by the pre-trial, whichever is later, shall be cause for a dismissal by the Court, unless good cause is shown. Failure to demand discovery in a timely way will not be cause for a continuance. The defense shall provide reciprocal discovery within ten (10) days of the receipt of discovery from the Prosecutor or at the date of the pre-trial, whichever is later.

## **Rule 49.0 Scheduling**

It is counsel's duty, when representing a defendant in a trial to the Court, to enter an appearance as soon as possible in order for the Assignment Commissioner to schedule adequate time for trial. Counsel shall notify the Assignment Commissioner if a lengthy trial is anticipated.

If no entry of appearance is made seven (7) days before trial, then it shall be considered good cause for the Court to continue the trial to a date where suitable time exists for a more lengthy trial. The period of time in which the accused shall be brought to trial pursuant to Section 2945.71 of the Ohio Revised Code shall be considered extended by the defendant pursuant to Section 2945.72 (E)(H) of the Ohio Revised Code.

## **Rule 50.0 Pre-Trial Procedure**

No case, with the exception of minor misdemeanor cases or third and fourth degree misdemeanors, where a speedy trial has not been waived or where a trial to Court was initially scheduled, shall be called for trial unless a pre-trial conference has been held. A pre-trial conference shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon shall be signed by counsel and filed in said case.

## **Rule 51.0 Jury Trial**

When a jury trial has been requested, it is the duty of the trial counsel demanding a trial by jury to notify the Assignment Commissioner at least seven (7) days prior to the trial date that the jury is to be waived or the case has been settled. Failure to waive the jury trial in writing at least seven (7) days prior to trial and to enter a plea of guilty or no contest to any original charge will result in a \$100 jury fee assessment being taxed to the defendant.

Upon conviction after a jury trial in a Criminal/Traffic case, jury fees in the approximate sums as set forth on the Cost Schedule will be taxes as court costs.

The Assignment Commissioner shall prepare a list of jury cases in the order in which they will be called for jury trial seven (7) days in advance of the date scheduled for jury trial. This list will be posted in the Assignment Commissioner's Office. When cases are settled or when a jury is waived, the case will be crossed off of the list.

Failure of counsel to notify the Assignment Commissioner by 2:0 P.M. the day preceding trial of any late change in plea or jury waiver will result in jury costs in the full amount being assessed to the defendant.

## **52.0 Views**

Request for a view by the Judge or Jury shall be made at the time of the pre-trial conference and noted in the report. It is within the discretion of the Judge whether or not to permit a view.

## **Rule 53.0 Additional Pre-Trial**

The Prosecutor's pre-trial procedure does not restrict or prevent the Judge on any criminal or traffic case from conducting additional pre-trial conferences. The pre-trial agreement form, as prepared by the Prosecutor, shall include the name of the defendant, the case number, the type of offense(s) charged, the name of the defense attorney, the proposed plea agreement, and any continuances in the motion, hearing,

or trial dates. This form shall be signed by the Prosecutor and the defense attorney with notification to the Assignment Commissioner.

#### **Rule 54.0      Violations Bureau**

A Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13 with authority to process and dispose of those traffic offenses for which no court appearance is required by law. In accordance with the Ohio Rules of Criminal Procedure Rule 4.1, there is hereby established a Minor Misdemeanor Violations Bureau with authority to process and dispose of minor misdemeanors for which no Court appearance is required. A schedule of fines for such violations has been adopted and is posted in the Clerk's Office.

#### **Rule 55.0      Bond Schedule**

A bond schedule and procedure has been adopted by the Court by separate order and is posted in the Clerk's Office and with the Jail Supervisor.

No attorney, officer, or attache of the Court, nor any member of his or her immediate family, shall furnish or be received of bail or surety by the Clerk of this Court or by any member of the police department of the City of Middletown, City of Trenton, or the Butler or Warren County Sheriff's Department. The above restriction shall also apply to attorneys in those cases where the bond is to be furnished for clients or prospective clients of the attorney or associates of the attorney.

No person shall be accepted as surety, nor bail bond be posted by anyone who does not qualify in the provisions of Rule 45 of the Ohio Rules of Criminal Procedure.

A Court officer shall determine the financial responsibility of the person attempting to act a surety before accepting surety or bond commitment. The officer must obtain from the surety an affidavit setting forth a property which the surety proposes as security together with all encumbrances thereon, the number of other bonds and undertakings outstanding, and all other liabilities. The surety shall provide other such evidence of financial responsibilities as the Court may require. No one shall be permitted to post bond for himself or another person unless he appears to be financially responsible in at least the amount of the bond to be posted. Variations of this rule must be approved by the Judge. When the defendant fails to appear and the surety, after notice, fails to pay the bond, that surety shall not be permitted to post any other bonds with the Court.

The Clerk of Court shall prepare annually a list of all sureties regularly posting bonds with the Court and require that the sureties provide such other evidence of financial responsibility as the Court may direct.

#### **Rule 56.0      Court Costs in Traffic and Misdemeanor Cases**

Court costs in traffic and misdemeanor cases shall be that as provided by statute and as provided by the Court in separate order and posted with the Clerk of Court. With approval by resolution of the Middletown City Commission, the Court may establish, by separate entry and order, such fees for the Court for special projects, probation fees, legal research, or other matters as provided by statute.

## **Rule 57.0 Criminal/Traffic Division Case Management**

### **A. Purpose:**

The purpose of this rule is to establish, pursuant to Municipal Court Superintendence Rule 18, a system for criminal/traffic case management which will provide the fair and impartial administration of criminal/traffic cases.

### **B. Clerical Steps:**

1. Processing of Complaints: The Clerk shall process all complaints filed for purposes of arraignment. All cases filed will be tracked by event in the Supreme Court reporting requirements, utilizing the worksheet provided by the Ohio Supreme Court.
2. Filing Not Guilty Plea: Upon the filing of a not guilty plea, the Clerk shall immediately forward the case to the Assignment Commissioner for scheduling.
3. Filing of a Motion: Upon the filing of a motion, the Clerk shall immediately forward the motion and case file to the Judge for review.

### **C. Judicial Steps:**

1. Motions: All motions not heard or decided prior to trial will be disposed of at trial.
2. Court Trials: In all cases where a jury has not been demanded, a court trial shall be scheduled by the Assignment Commissioner to be heard within twenty-eight (28) days.
3. Pre-Trials/Jury Trials: In all cases where a jury demand has been filed, a pre-trial shall be scheduled by the Assignment Commissioner or the Court to be heard within thirty-five (35) days of the filing of the not guilty plea. A jury trial shall be scheduled within twenty-eight (28) days of the pre-trial conference. Third and fourth degree misdemeanors will be set for trial immediately if a speedy trial has been demanded.
4. Sentencing: Upon a finding of guilty, sentencing shall occur immediately unless the Court orders a pre-sentence investigation. In cases where a pre-sentence investigation is ordered, the Assignment Commissioner or the Judge shall schedule a final disposition to be heard within thirty-five (35) days.

**Rule 58.0 Special Proceedings Case Management**

- A. Purpose: The purpose of this rule is to establish, pursuant to Municipal Court Superintendence Rule 18, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. Examples of special proceedings include contempt hearings, preliminary hearings, extradition hearings, and bond hearings.
- B. Time Limits: Cases that have time limits established by the Ohio Revised Code or the Ohio Rules of Criminal procedure shall be set for hearing within those limits. In all other special proceedings, the cases shall be set for hearing within a reasonable time, not to exceed ninety (90) days.
- C. Rules for Criminal/Traffic Division: Where applicable, the rules as set forth herein for cases in the Civil Division and not in conflict shall apply to those cases in the Criminal and Traffic Division, including special proceedings.

**Middletown Ohio Municipal Court**  
**Local Rule 58.1**  
**Subject: Specialized Docket - VETERAN'S**  
**Effective: February 1, 2014**

**A. Establishment of VETERANS' DOCKET**

The Court established a specialized docket to address the unique challenges facing our Veterans as they return to civilian life often with serious trauma, both physical and mental which may contribute to their involvement with the criminal justice system. The Court believes we have a responsibility to ensure that Veterans receive the evidence based intervention and treatment they need and on February 1, 2014 established a VETERAN'S SPECIALIZED DOCKET to link Veterans with various benefits, programs, evidence based treatment and foster interaction with other veteran peers to reduce recidivism among those Veterans with behavioral health issues in the criminal justice system; to reduce the need for incarceration, as well as periods of incarceration for those sentenced with treatable medical, substance abuse and behavioral health issues; and to successfully graduate participants from the VETERAN'S SPECIALIZED DOCKET PROGRAM.

**B. Placement on VETERAN'S SPECIALIZED DOCKET**

In order to have his/her criminal case placed on the VETERAN'S SPECIALIZED DOCKET, a criminal defendant must make an Application for Admission. To qualify for admission, a criminal defendant must meet the following legal criteria: be a Veteran or currently serve in the United States Military, be a resident of Butler, Warren or Montgomery County; be charged with a misdemeanor of the fourth, third, second and/or first degree unless approved otherwise by a Presiding Judge; be amenable to treatment and acknowledge a willingness to comply with the recommendation of the treatment team, be able to benefit from court monitored treatment and supervision; and the Veteran must voluntarily enter the VETERAN'S SPECIALIZED DOCKET PROGRAM. Application for placement in VETERAN'S SPECIALIZED DOCKET shall be subject to initial assessment by defense counsel, prosecutor and/or probation officer ("Assessment Team") subject to approval by the Judge assigned to the criminal case, according to the criteria adopted by the Court. Persons charged with sex crimes (excluding public indecency), and minor misdemeanors are normally not eligible for the VETERAN'S SPECIALIZED DOCKET. The VETERAN'S SPECIALIZED DOCKET PROGRAM is not available if felony charges are pending without approval of the Presiding Judge. Upon initial acceptance into the VETERAN'S SPECIALIZED DOCKET PROGRAM, the participant is referred for diagnostic evaluation with the Dayton V.A. to confirm that he/she meets clinical criteria. Clinical criteria include treatable medical, psychological, substance abuse or mental health condition that may have contributed to the participant's involvement with the criminal justice system. Mental health conditions include an "Axis One" diagnosis that is consistent with a severe and persistent mental illness; sufficient stability to understand and comply with program requirements; and the criminal defendant must not pose an unacceptable risk to program staff, family or community. All Veterans are screened for PTSD (Post Traumatic Stress Disorder) TBI (Traumatic Brain Injury) and MST (Military Sexual Trauma). The Assessment Team following assessments and evaluations, subject to approval by the Judge assigned to their case will determine if the defendant qualifies for the VETERAN'S SPECIALIZED DOCKET PROGRAM.

**Subject: Specialized Docket - VETERAN'S**  
**Effective: February 1, 2014**

**C. Case Assignment**

Upon Application to Admission for the VETERAN'S SPECIALIZED DOCKET, the criminal or probation case is transferred to the criminal docket of the judge presiding over VETERAN'S SPECIALIZED DOCKET. If the criminal defendant does not enter the VETERAN'S SPECIALIZED DOCKET PROGRAM, then the case is transferred to the original criminal docket or the General Probation division, if the case has already been heard. Upon acceptance into VETERAN'S SPECIALIZED DOCKET, the criminal defendant shall enter a plea of guilty and be sentenced. Sentence will be suspended subject to terms of probation that will include the Veterans Treatment Plan or if the defendant has already been ordered on probation an amended rule will include compliance with VETERAN'S SPECIALIZED DOCKET. The judge presiding over the VETERAN'S SPECIALIZED DOCKET shall have primary responsibility for case management. In the event the criminal defendant is unsuccessfully terminated from VETERAN'S SPECIALIZED DOCKET PROGRAM for any reason, the case shall be returned to the regular docket of the judge presiding over the VETERAN'S SPECIALIZED DOCKET.

**D. VETERAN'S SPECIALIZED DOCKET Case Management**

Criminal defendants accepted into the VETERAN'S SPECIALIZED DOCKET PROGRAM will participate in counseling (individual and/or group sessions) and for substance abuse, or mental health if appropriate. The treatment plan may also include obtaining stable housing and reliable transportation, completing high school or obtaining a GED, participating in vocational assessment and entering appropriate training, obtaining and maintaining employment (either part or full time). The Program Description, Participant Handbook, and Participation Agreement (as amended from time to time) are incorporated by reference.

**E. Graduation from VETERAN'S SPECIALIZED DOCKET PROGRAM**

Upon successful completion of the VETERAN'S Treatment Plan, the participant is graduated from the VETERAN'S SPECIALIZED DOCKET PROGRAM and an entry closing the Probation will be signed by the Judge. If the criminal defendant is unsuccessfully terminated from the VETERAN'S SPECIALIZED DOCKET PROGRAM, a probation violation hearing may be scheduled. In the event the Court finds the probation terms have been violated, the remaining sentence may be imposed. A criminal defendant may also be neutrally discharged or transferred to another Probation program if they are no longer capable of completing the VETERAN'S SPECIALIZED DOCKET PROGRAM.

The Court hereby adopts and approves these Rules of the Middletown Municipal Court, effective January 1, 2011. These rules supercede and replace and hereby cancel all previous rules of this Court.

ENTERED:

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Mark W. Wall, Judge

Middletown Municipal Court