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COURT RULES PATASKALA MAYOR'S COURT

RULE 1.00 SCOPE AND EFFECTIVE DATE

These rules are adopted as local Rules of Court governing practice and procedure in the Pataskala Mayor's Court. They are adopted pursuant to the Court's inherent authority as set forth in the rules of Civil and Criminal Procedure and Rules of Superintendence. These rules may be cited as "Pataskala Mayor's Court Rule (i.e. (M.C. Rule 1.00)." They are effective as of February 1, 2015, and govern all proceedings filed subsequent to that date. These rules may be amended from time to time by orders of the Mayor or Magistrate.

RULE 2.00 COURT SESSIONS

Mayor's Court shall be convened in regular session every Thursday (except holidays) at 2 p.m. for Miscellaneous Hearings, 2:30 Pretrials, 3 p.m. for Arraignments. Trials shall also be scheduled on Thursdays after the Arraignments are concluded, typically at 3:30 – 4:00 p.m., or at the convenience of the Court in compliance with Ohio Revised Code §2945.71 et seq. Additional sessions may be convened when necessary as ordered by the Magistrate.

RULE 3.00 APPOINTMENT OF MAGISTRATE(S)

The Mayor shall appoint a Magistrate to preside over Mayor's Court. In order to be appointed, a Magistrate must have served as an attorney for at least four (4) years, with three (3) years of trial experience, and complete the Mayor's Court training as required by law. The Mayor may also appoint one or more alternate Magistrate(s) who meet the same qualifications as the primary Magistrate.

RULE 4.00 CLERK OF COURT

- A. The Clerk of Court shall maintain such dockets, books of record and indices as are required by law as public information, utilizing computers or other secure device for storage whenever possible. The Clerk of Court shall also act as Traffic and Minor Misdemeanor Violations Bureau Clerk.
- B. The Clerk shall permit any person to make a copy of any papers that are filed, but the original documents filed in any case, shall not be removed from the office without authority of the Clerk.
- C. The Clerk of Court will receive and time stamp all documents including but not limited to, not guilty pleas, continuances, counsel withdrawals, appearance of counsel, discovery requests, motions to dismiss, and any and all legal motions. The Clerk of Court will keep the original copy and it will become part of the official Court Record. The Clerk will place each stamped document in a case folder in chronological order as they are received. A docket entry of these documents will be entered into the Court Case Management System.
- D. Assignment of Case Numbers

The Clerk of Court shall use the proper designator code as described below upon entering any new case to the Court Management system.

TRD - Traffic
CRB - Criminal
TRC - OVI
OTH – Other and Parking
ZON - Zoning

The first two numbers represent the year.
The designator code represents the case type.

00000 - Represents the number of cases received consecutively, one defendant per case number, on a calendar year basis. When more than one charge is filed against an individual resulting out of the same incident, the charges will be listed as 1, 2, etc.

i.e. **16TRD00001**

- E. Pursuant to O.R.C. §1907.43, the Clerk shall prepare and maintain a general index, a docket, and other records that the Mayor's Court requires, all of which shall be the public record of the Court. At the commencement of an action, the Clerk shall enter in the docket the names of the parties in full, the names of counsel and the nature of the proceedings. The docket shall also include the degree of the violation and the section number of the Codified Ordinances in dispute. The docket shall note the date of the filing of the complaint, issuing of summons or the process and returns.
- F. The arraignment docket for Court appearances will be available at least three (3) business days before the assigned court date.
- G. Any case designated for a trial will be assigned a date at least two weeks in advance. If it is deemed necessary, a case may be set one week following arraignment. Notices of all dates and times for scheduled hearings or trials will be provided to trial counsel or to the defendant if he/she is unrepresented.
The Prosecutor's Office will receive copies of the trial docket by Wednesday of the week pending a trial date.
- H. Pursuant to O.R.C. 1905.04, neither the Clerk nor a Deputy Clerk shall act as counsel or agent in the prosecution or defense of any case before the Court.
- I. All information concerning pending cases which is not classified by O.R.C. 149.43 as public record is hereby designated as confidential. Disclosure of such information may result in action under O.R.C. 102.03.
- J. The Clerk shall report all traffic convictions and corresponding points to the Ohio Bureau of Motor Vehicles no later than every 7 calendar days.
- K. Pursuant to Ohio Revised Code 1905.03.3 and 1905.033 the Clerk shall prepare and report to the Supreme Court all cases filed, pending or terminated in the mayor's court in the reporting period covered by the report, and any financial, dispositional, and other information that the Supreme Court prescribes by rule. The mayor shall make the report under division (B)(1) of this section on a form prescribed by the Supreme Court and not later than the 15th day of January, April, July and October of each year. The report shall cover all cases filed, pending, or terminated in the mayor's court for the calendar quarter preceding the appropriate filing date.
- L. The Clerk shall also register the Mayor's Court at the Ohio Supreme Court each year in January. A municipal corporation who conducts a Mayor's Court shall register annually with the Supreme Court as provided in this division. The Clerk shall file the registration electronically to Supreme Court and not later than the 15th day of January in any year in which the municipality conducts a Mayor's Court or at least 15 days before the mayor first conducts a mayor's court in a particular year, whichever is later. The registration shall include the name of the Mayor, the name of any Magistrate appointed by the Mayor pursuant to section 1905.05 of the Revised Code, and the dates on which the Magistrate last received the training required by section 1905.031 [1905.03.1] of the Revised Code.
- M. The Clerk shall report to the Bureau of Criminal Identification and Investigation every conviction in the Mayor's Court for an offense that is a misdemeanor on a first offense and a felony on any subsequent offense, or a reportable misdemeanor. The Magistrate shall make the report under division (B)(2) of this section upon entry of the judgment of conviction for the offense.

4.01 TRANSFER OF CASES TO LICKING COUNTY MUNICIPAL COURT

The Clerk is responsible for processing cases transferred to Licking County Municipal Court. If the case is being transferred for an appeal (trial de novo) the Clerk shall make a certified transcript of the proceedings and deliver such transcript together with the original papers to Licking County Municipal Court within fifteen days from the rendition of the Judgment appealed from. In all other cases of transfer, the Magistrate shall certify all papers filed in the case. Any money deposited on a transferred case to be recorded and a check sent to Municipal Court to hold as bond for the defendant.

RULE 5.00 FORMS OF PAPER FILED

Filing of pleadings and other papers: All papers offered for filing with the Court shall be typewritten or printed on 8 1/2 by 11 inch paper. Original documents attached or offered as exhibits are exempt from the requirements of this rule. Only legible copies of documents will be accepted. All papers accepted for filing with the Court shall be file-stamped with proper date and time.

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

- A. The person filing a document by facsimile transmission or by email need not file with the Clerk the same document with original signatures, but must have the document with original signatures as well as the original copy of the facsimile cover sheet or email used for the subject filing available for production upon request of the Court.
- B. All documents filed by facsimile transmission or email pursuant to this rule shall be considered filed with the Clerk as of the date and time the facsimile or email transmission is received by the Clerk. The risks of transmitting a document by email or facsimile transmission to the Clerk shall be borne entirely by the sender.
- C. The Clerk may accept for filing by email or facsimile transmission any document except those for which the Clerk is required to collect a specific filing fee pursuant to statute or court rule or to effectuate service and summons.
- D. The person filing a document by email or facsimile shall provide therewith a cover page containing the following information: (i) the caption of the case; (ii) the case number; (iii) the magistrate; (iv) a description of the document being filed; (v) the transmitting facsimile number; and (vi) an indication of the number of pages included in the transmission, including the cover page. Attorneys sending facsimile transmissions must include their Ohio Supreme Court attorney registration numbers.
- E. Facsimile filings may NOT be sent directly to the Court for filing but may only be transmitted directly through the facsimile equipment operated by the Clerk. For filings regarding criminal and traffic matters, the facsimile number is (740) 927-0228. Transmissions sent to any other location are not covered by or permitted under this rule.
- F. This rule has been adopted solely for the convenience of those filing documents with the Clerk, and neither the Clerk nor the Court assumes any new or additional responsibilities, obligations or liabilities by virtue of this rule, except as expressly provided for herein. This rule pertains only to the method of filing; it does not override, alter, amend, revoke or otherwise change any local rule or any provision of Ohio law.

RULE 6.00 COSTS

Court Costs shall be determined from time to time by the presiding Magistrate as amendments to these Rules (see Exhibit A) by ordinance as approved by City Council.

RULE 6.01 FINES

Court fines shall be determined from time to time by the presiding Magistrate as amendments to these Rules (See Exhibit B and C) by ordinance as approved by City Council.

RULE 6.02 BONDS

Standard Court bonds shall be determined from time to time by the presiding Magistrate as amendments to these Rules (See Exhibit D) by ordinance as approved by City Council. However, the Magistrate has the authority to set any bond amount that he deems reasonable for the circumstances.

RULE 6.03 REFUNDS

Refunds shall only apply to amounts of five dollars (\$5.00) or more.

RULE 6.04 ACCOUNTING AND DISBURSEMENTS

The Clerk is responsible for receipting, posting and balancing all court related court costs and fines. Additionally, the Clerk is responsible for disbursing those funds back to the State, County, and the City of Pataskala as directed by law and any other agency as may be required by law in the future. No greater than \$5.00 in coins will be accepted as payment for a fine and costs.

RULE 6.05 BALANCING OF MONTHLY STATEMENT

The Clerk will be responsible for balancing the monthly bank statement against all receipts and disbursements, and reporting EOM reports to the Mayor, Magistrate, City Administrator, and Law Director.

RULE 7.00 DUTIES OF COUNSEL

A. DESIGNATION OF COUNSEL. Attorneys will designate their capacity as counsel on all papers filed with the Clerk and shall include their office address, zip code, and telephone number. Normally, a law firm should not be named as attorney. However, substitution of counsel within the same law firm at hearings is authorized.

B. WITHDRAWAL OF COUNSEL. Counsel shall be allowed to withdraw only with consent of the Magistrate. 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 client. The time and date of trial, if set, shall also be included. Withdrawal of counsel will not be approved if application is made within three (3) working days of the trial date except for good cause shown. Approved withdrawal entries will be mailed immediately by the withdrawing counsel to the client's last known address.

C. MOTIONS PRACTICE. All motions, except those normally made at the trial, shall be in writing, served on opposing counsel, and made within the time limits prescribed in the Ohio Rules of Criminal Procedure. Motions will be supported by Memoranda of Law containing applicable statutory and case law citations. Copies of significant decisions shall be attached to the original filing only.

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

D. CONTINUANCES. Request for a continuance need to be signed by the defendant or their attorney. Speedy trial time must be waived, and the continuance will only be granted upon showing of good cause. Proposed entries should accompany the motions with blanks for the new court date if agreed to by opposing counsel. No requests for continuance will be considered if made less than two (2) business days before court except for circumstances which by reasonable diligence could not be determined two (2) or more business days prior to court.

RULE 8.00 VIOLATIONS BUREAU

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

In addition to violations that require a court appearance pursuant to Ohio Traffic Rule 13, the following offenses are mandatory appearances in the Pataskala Mayor's Court.

1. All speeding offenses occurring in a school zone.
2. A speeding offense of 30 mph or more over the posted speed limit.
3. A third moving traffic offense within a twelve (12) month period, (excluding an operator's license that has expired for less than six (6) months).
4. Resisting Enforcing Official.
5. Failure to Display Operator's License.
6. Disorderly conduct (misdemeanor of the 4th degree).
7. Violations involving damage to personal, real property, or an auto accident where insurance is not provided, or later determined to be invalid.
8. Parking in handicap area.

The schedule of fines and costs which shall be charged by the Violations Bureau is established and published as Exhibits A, B and C. These schedules of fines as well as a Court approved statement of defendant's rights shall be displayed prominently at the counter of the Violations Bureau.

When a defendant fails to appear in court, or pay the fine amount in lieu of the court appearance, on an offense which is a minor misdemeanor and a bench warrant has not been issued, the Clerk of Court with the Magistrate's approval is empowered to accept any payment made in person or by mail which is reasonable in light of the nature of the charge and all other circumstances, in addition to a \$20 late processing fee.

As provided in O.R.C. 2949.111 if payment is accepted pursuant to this rule in an amount less than one set by the fine schedule, all payments shall automatically be applied to cost first, and any remaining amount will be applied to the fine. This will include the twenty dollar late processing fee.

If a defendant fails to appear for court, the Magistrate may issue a bench warrant for their arrest, a warrant block on their driver's license registration, and a driver's license forfeiture. If a defendant subsequently appears the warrant and warrant block will be set aside by virtue of their appearance. Upon review the Magistrate will decide the on the release of the License Forfeiture.

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

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

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

RULE 9.00 MISDEMEANOR SUMMONS AND ARREST WARRANTS

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

1. All misdemeanor complaints shall be issued on a summons unless an arrest warrant is authorized or requested under this rule.
2. When a defendant fails to appear pursuant to a summons issued to that person, the Magistrate may issue a warrant.
3. A warrant shall be set aside only for good cause. The Magistrate shall enter in the file the date and reason for the recall of a warrant.
4. Any person arrested (ordered-in) on a bench warrant for failure to appear at a designated time for arraignment, trial, or miscellaneous hearing, has the option of either paying the fine and court costs, posting the bond amount set for the case, or of being incarcerated. The person may be advised of this option by the arresting officer at the time of arrest. If the person elects to make such payment he/she shall be escorted by the arresting officer to the office of the Clerk of Court during normal business hours and, on making such payment, he/she shall be released from custody. If the person elects not to make such payment, or the clerk's office is closed, he/she shall be transported and processed at the Licking County Jail.

RULE 9.01 COMPLAINT/ SUMMONS

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

RULE 9.02 AMENDING COMPLAINT/SUMMONS

If an error or omission in the original complaint/summons occurs, the correction can be submitted to the Court on or before the court date by submitting a "Request to Amend" form. This correction can also be requested verbally by the Prosecutor at the time of arraignment or trial.

RULE 10.00 APPOINTED COUNSEL IN INDIGENCY CASES

Appointed counsel (Court Appointed Attorney) will not be available in Pataskala Mayor's Court. When a defendant requests appointed counsel for a qualifying offense, his/her case will be transferred to Licking County Municipal Court.

RULE 11.00 COMMUNITY SERVICE

The Magistrate may sentence a defendant to perform community service work in lieu of incarceration or fine in accordance with Ohio Revised Code 2951.02(H).

RULE 12.00 FORM ENTRY ERRORS

Clerical mistakes in judgments, orders, or other parts of the record, and errors in the record arising from oversight or omissions may be corrected by the Court at any time and in the following manner: A Judgment Entry may not be changed without the express authorization of the Magistrate assigned to the case. The mistake or error shall be circled and the correction added to the entry and initialed by the Magistrate who originally signed the entry, unless the original signator has left; then the new Magistrate may make proper corrections. However, once a judgment entry has been filed, no alternations can be made without all parties being present.

RULE 13.00 BAIL/BOND / BAIL/BOND SCHEDULE / BAIL/ BOND SURETY COMPANIES

Pursuant to O.R.C. 2935.26(c) and Rule 46 of the Ohio Rules of Criminal Procedure, the purpose of bail is to insure that the defendant appears at all stages of the criminal proceedings. All persons scheduled for Mayor's Court are entitled to bail.

A person arrested for a misdemeanor shall be released by the officer in charge or the Clerk of Court, on the defendant's personal recognizance in the amount specified in the bond schedule established by the Court. If the Clerk or officer in charge determines that the release on recognizance will not reasonably assure appearance as required, the defendant shall be eligible for release by posting either a cash or security bond in the amount specified in the Court's bail schedule or as set by the Magistrate. (See Exhibit D).

Bail Bond Companies wishing to do business in Pataskala Mayor's Court are required to register with the court by means of a company registration, and an individual registration for each agent that will be writing surety bonds. A power must be filed with the court and each agent must possess a valid State of Ohio Insurance License which will be verified through the State Department of Insurance.

RULE 14.00 COURT SECURITY

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

Weapons or other contraband will be confiscated. Those persons possessing weapons or contraband are subject to arrest if there is probable cause to believe a crime has been committed. This Rule does not apply to police officers or security personnel who are on official business, and not a party to a case before the Court.

RULE 15.00 VEHICLE RELEASE

If a vehicle is seized / impounded, the Magistrate may authorize the conditional release of a vehicle subject to Magistrates approval on next available court date.

RULE 16.00 WARRANT BLOCKS AND DRIVER'S LICENSE FORFEITURES

Failure to appear in court for an assigned court date can result in a bench warrant, warrant block, and in 30 days a license forfeiture being placed against the defendant. Additional court cost of \$40 to \$65 will be assessed to his/her case.

RULE 17.00 RIGHTS OF ACCUSED

1. You have the right to have an attorney represent you, and the right to have your case continued for a reasonable time to secure an attorney. If you are charged with an offense potentially punishable by a sentence of confinement and you are unable to obtain an attorney and wish to have one appointed for you, your case will be transferred to the Licking County Municipal Court where you may apply for a court-appointed attorney.
2. You have the right to bail if you are charged with a bailable offense.
3. You have the right to remain silent. This means that you cannot be compelled to make any statement or provide testimony which might incriminate you. In other words, you need not make any statement at any point in the proceeding, but any statement you make can and may be used against you.
4. In certain cases, you have the right to a jury trial. If your case qualifies and you wish to have a jury trial, you must make the request with this Court. Your case will then be transferred to the Licking County Municipal Court. If you wish for this Court to hear your case, you will be asked to sign a waiver of your right to a jury trial.
5. You have the right to have your guilt proven beyond a reasonable doubt. This means that at trial enough evidence must be presented to prove each and every element of the offense or offenses alleged against you beyond a reasonable doubt.
6. You have the right to confront and cross-examine any witness or witnesses who are called to testify against you. Also, you have the right to subpoena and call witnesses who you may wish to testify here in court on your behalf.
7. You have the right to have your case heard within thirty days after you were either arrested or served with a summons, whichever occurred first. However, this thirty day time period tolls, or is stopped, during any period of delay as result of a continuance requested or a motion submitted by you, or you fail to appear here in Court when requested to do so.
8. You are further advised that if you are not a citizen of the United States of America that a plea of Guilty in this Court, a finding of Guilty after a No Contest Plea or conviction in trial in this Court may have an adverse impact on your ability to remain legally in this county, to gain citizenship in this country and/or could result in deportation proceedings against you.
9. If a defendant does not understand the English language, they can have an interpreter during all of the court processes. The fees for interpreters (except sign for the deaf) will be added to the defendant's court cost.

RULE 17.01 PLEA OPTIONS

When your case is called, you will be asked to enter a plea to the charge or charges filed against you. You may enter one of the following pleas to each crime charged against you:

- **Guilty.** A plea of guilty is a complete admission of your guilt. This means that you are admitting not only the truth of the facts alleged against you, but that the facts alleged against you constitute the crime or crimes charged. If you choose to enter a guilty plea the Court will provide you an opportunity to make a statement if you wish.
- **Not Guilty.** A plea of Not Guilty is a complete denial of your guilt. This means that you are not only denying the facts alleged against you, but you are also denying that the facts alleged against you constitute the crime or crimes charged. If you choose to enter a not guilty plea the Court will schedule the case for trial at a later date.
- **No Contest.** A plea of no contest is an admission only of truth of the facts alleged against you. It is not an admission that the facts alleged constitute the crime or crimes charged and it is not a complete admission of your guilt. However, upon a plea of No Contest, the Court may use your admission as to the truth of the facts alleged and proceed to find you guilty of the crime or crimes charged. A plea of no contest cannot be used against you in any subsequent civil or criminal proceedings.

RULE 17.02 DIVERSION

Criminal / Traffic Diversion programs have been established in Pataskala Mayor's Court. The Prosecutor has the authority, subject to the approval of the Magistrate, to "divert" certain defendants from being convicted of a crime or traffic offense. Non-violent, first time offenders will only be considered. If accepted in one of the diversion programs the defendant must successfully comply with the terms and conditions of the program (including no violations of the law) for a specified amount of time. If successfully completed, the defendant's case will be dismissed and he/she will qualify for the record being sealed in criminal offenses. In the case of Traffic Diversion, the case will be dismissed and closed upon completion, but not sealed. There is a \$200 fee for monitoring the programs and it must be paid prior to being admitted.

RULE 18.00 APPEALS

You have the right to appeal a judgment of this court. An appeal must be filed with this Court within ten (10) days of the judgment. If you choose to appeal your case, it will be heard by the Licking County Municipal Court.

EFFECT ON DRIVER'S LICENSE

- If a defendant is convicted of a traffic violation, a record of the conviction will be sent to the Bureau of Motor Vehicles and become part of his / her driving record. In addition, all defendants are required to have proof of insurance. Failure to provide proof of insurance to this Court when requested may result in suspension of his / her driver's license by the Bureau of Motor Vehicles. This Court will not grant limited driving privileges if the applicant fails to provide proof of insurance.
- If defendant is convicted of a drug offense, their driver's license could be suspended for not less than six (6) months and not longer than five (5) years.

RULE 19.00 MAXIMUM PENALTIES

The potential penalties for individuals that this Court may impose are as follows:

<u>Offense Classification</u>	<u>Maximum Jail Term</u>	<u>Maximum Fine</u>
1 st Degree Misdemeanor	6 months	\$1,000.00
2 nd Degree Misdemeanor	90 days	\$750.00
3 rd Degree Misdemeanor	60 days	\$500.00
4 th Degree Misdemeanor	30 days	\$250.00
MM Degree Misdemeanor	None	\$150.00

In addition, the Court may suspend all or part of a jail sentence or fine, and impose community control sanctions (probation) for a period not to exceed three years. The Court may place certain conditions on the community control sanctions and order you to obey and abide by those conditions. If there is a violation of any condition the Court imposes as part of community control sanctions, the Court may terminate the community control sanctions and order you to serve whatever jail term it originally imposed and pay whatever fine amount was suspended.

RULE 20.00 CONDUCT IN COURTROOM

1. No weapons permitted in courtroom except Police Officers and authorized security persons who are not a party before the Court.
2. All persons and property entering the courtroom are subject to search.
3. Proper attire required. No shorts, halter tops, tank tops, clothing with offensive wording or images are permitted. Hats will be removed upon entering the courtroom. Attorneys will wear business attire. Police witnesses will be in proper uniform.
4. No smoking, eating or beverages will be permitted in courtroom.
5. Proper demeanor/conduct shall be observed at all times. Foul/abusive language is prohibited and may result in removal from the courtroom.
6. No talking while in court except as necessary for court business. This includes Police Officers.
7. Turn off/do not use cell phones, or electronic devices of any kind, while in courtroom.
8. Children and infants must remain quiet and under control at all times. Should a child or infant become a distraction to the proceeding, they will be asked to be taken outside the courtroom.
9. Court starts promptly at 2:00 p.m. for miscellaneous hearings, 3 p.m. for arraignments and 3:30 – 4:00 p.m. for trials. Anyone who is late could have his/her case rescheduled to a later date.

RULE 21.00 EVIDENCE/EXHIBITS AT TRIAL

Any document, photograph or other extrinsic evidence/exhibit that a party intends to use during trial shall provide a copy of that evidence/exhibit to the opposing party prior to its use. This Rule will not apply where the nature of the evidence would make it impractical to follow.

Any testing, certification or other extrinsic evidence that the defendant or his attorney intends to challenge as part of their case must inform the prosecutor prior to trial and if they want that evidence produced must do so pursuant to a request for discovery under the Criminal Rule 16 of the Ohio Revised Code.

RULE 22.00 COURT RECORDS MANAGEMENT, RETENTION AND DISTRIBUTION SCHEDULE

The retention and disposition of records in Mayor's Court shall be in accordance with the Pataskala's Public Records Policy (RC-2) and Rules of Superintendence (Sup. R. 44).

Pursuant to the Ohio Rules of Court, Rules of Superintendence for the Courts of Ohio, Rule 26 (C) and (D), all City of Pataskala Mayor's Court cases filed after January 1, 2010, will be retained in electronic media format, including text and digital images, as an alternative to a paper record.

The Clerk of Court will provide the computer hardware and software equipment necessary to allow for inspection and copying of public records, including public records that are maintained, recorded, copied or preserved by an electronic records and information management process in accordance with division (D) (2) of Rule 26.

Paper media may be destroyed after it is imaged and saved to the electronic case record in accordance with division (D) of Rule 26, and the City of Pataskala Mayor's Court Public Records Policy (RC-2)

EXHIBIT A

CRIMINAL/TRAFFIC DIVISION COURT COST SCHEDULE

Basic Local Court Costs	\$26.00
Computerized O.R.C. 5705.12.....	\$10.00
State Victims of Crime.....	\$9.00
State Moving Violation.....	\$10.00
State Indigent Support Defense Fund	\$20.00
Court Security	\$5.00

Total Court Costs **\$80.00**

Additional Costs

Certified Mail	\$10.00
Credit Card Convenience Charge	4% of Charge Amount
Collection of Unpaid Fines & Costs	30%
Continuance	\$5.00
Copies	
Certification	\$2.00
Photocopies (per page)	\$0.10
DUI Education Fund	\$25.00
Record Sealing (Non-Refundable)	\$50.00
Interpreting Fee	Actual cost of service
Return Check Charge	\$25.00
Subpoena/Summons.....	\$10.00
Time Payment Program	\$20.00
Warrant Issued – Arrest (plus mileage if served)	\$ 5.00
Failure to Appear – Bench Warrant	\$25.00
Late Processing Fee	\$20.00
Warrant Block Processing Fee.....	\$15.00
License Forfeiture Processing Fee	\$25.00
Registration Block	\$15.00
NRVC (non-resident violators compact)	\$25.00
Witness Mileage.....	\$.56 per mile
Witness Fees	\$ 6.00 ½ day

EXHIBIT B

PATASKALA MAYOR'S COURT TRAFFIC VIOLATION FINE SCHEDULE

	FIRST SPEEDING			SECOND SPEEDING	
	FINE	TOTAL		FINE	TOTAL
1-5 MPH	\$47	\$127		\$67	\$147
6-10 MPH	\$52	\$132		\$72	\$152
11-15 MPH	\$62	\$142		\$82	\$162
16-20 MPH	\$72	\$152		\$92	\$172
21-25 MPH	\$87	\$167		\$107	\$187
26-29 MPH	\$102	\$182		\$122	\$202
30 mph over posted speed Speeding in a School Zone		Appearance Required			Appearance Required

TRAFFIC DEGREE ENHANCEMENT: [Code 333.03(j)]

SPEED: If within one year, two prior speed convictions is a M-4. If within one year, three or more speed convictions is a M-3.

NON-SPEED: If within one year, one prior conviction of any moving violation (including speed) is a M-4. If two or more convictions of any moving violation (including speed) is a M-3

(The prior conviction(s) and date of that conviction(s) must be noted on the citation.)

EXHIBIT C

PATASKALA MAYOR'S COURT MISCELLANEOUS VIOLATION FINE SCHEDULE

	<u>Fine</u>	<u>Total</u>		
Driver Seatbelt	\$30	\$110	Parking Ticket	\$35.00
Passenger Seatbelt	\$20	\$100	Handicap Parking – Court Required	
Child Restraint	\$50	\$130		
ACDA	\$100	\$180		
Parking near a Public Safety Vehicle	\$75	\$155		
Driving over a Firehose	\$75	\$155		
Driving Through a Safety Zone	\$75	\$155		
One Way Street	\$75	\$155		
Driving on Sidewalks, Lawns	\$75	\$155		
Reasonable Control	\$75	\$155		
Texting While Driving	\$100	\$180		
Excessive Sound from a MV	\$75	\$155		
FTY Ped	\$75	\$155		
Right Away to Blind Ped	\$75	\$155		

All Other Minor Misdemeanor Traffic Offenses No Listed

1st Offense within 12 months
\$65

2nd Offense within 12 months
\$85

Other Minor Misdemeanor Payable Offenses

Animals at Large	\$155.00 – 1st Offense Minor Misdemeanor Only
Barking / Howling Dogs	\$155.00 – 1st Offense Minor Misdemeanor Only
Animal Registration Required	\$110.00 – 1st Offense Minor Misdemeanor Only
Disorderly Conduct	\$155 – 1st Offense Minor Misdemeanor Only
Open Container	\$155 – 1st Offense Minor Misdemeanor Only

EXHIBIT D
PATASKALA MAYOR'S COURT
STANDARD BOND SCHEDULE

M-1

2,500 Cash/Surety/10%
County Resident

5,000 Cash/Surety/ 10%
Out of County

\$10,000 Cash/Surety/10%
Out of State

M-2

2,000 Cash/ Surety/10%
County Resident

4,000 Cash/ Surety/10%
Out of County

\$6,000 Cash/ Surety/10%
Out of State

M-3

\$1,500 Cash/ Surety/10%
County Resident

\$2,500 Cash/ Surety/10%
Out of County

\$5,000 Cash/ Surety/10%
Out of State

M-4

\$1,000 Cash/ Surety/10%
County Resident

\$2,000 Cash/ Surety/10%
Out of County

\$2,500 Cash/ Surety/10%
Out of State

MM

\$225 Cash / Surety
County Resident

\$275 Cash / Surety
Out of County

\$500 Cash / Surety
Out of State

Unclassified Misdemeanor
Driving Under Suspension

\$1,500 Cash / Surety / 10%

Other Unclassified Misdemeanors

\$1,500 Cash / Surety/10%

EXHIBIT D CONTINUED
PATASKALA MAYOR'S COURT BOND SCHEDULE

Standard bond amounts are subject to change at the discretion of the court.

Probation Violations – There will be no bond on a probation violation, unless the court has previously set a bond, and the bond amount is included on the bench warrant.

All bonds (except a personal recognizance bond where there is no money deposited) are required to pay an additional \$25 in cash at the time of posting bond. This money is sent to the State of Ohio, and is not refundable unless the defendant is found not guilty, or the case is dismissed.

If a defendant is arrested and incarcerated on a Pataskala Mayor's Court Warrant, on newly filed charges, or bench warrants, the amount of the bond will be based upon the total amount of bond on each individual alleged offense.

Minor Misdemeanor Offenses

The Ohio Revised Code, Section 2935.26, prohibits the arrest of a defendant for a minor misdemeanor, and requires the issuance of a minor misdemeanor citation, unless one of the following apply.

- **The offender requires medical care or is unable to provide for his own safety.**
- **The offender cannot or will not offer satisfactory evidence of his/her identity.**
- **The offender refuses to sign the citation.**
- **The offender has previously been issued a citation for the commission of that minor misdemeanor and has failed to appear in court or pay the fine & cost instead of appearing in court.**

Charles E. Kelsey, Magistrate

Michael W. Compton, Mayor

Date