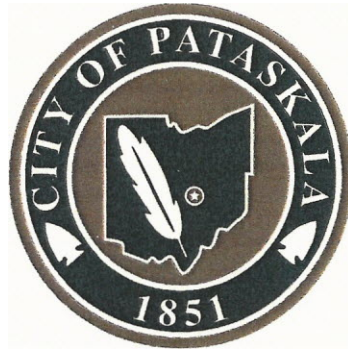


City of Pataskala Mayor's Court Rules



Michael W. Compton, Mayor

Kip Kelsey, Magistrate

Brian Zets, Law Director

Andrew Y osowitz, Prosecutor

,Clerk



Pataskala Mayor's Court Mission Statement

The mission of Pataskala Mayor's Court is to fairly and impartially decide cases, and administer justice and assistance for all citizens that may find themselves in the court.

The Court consist of a Magistrate, Prosecutor, and a Certified Mayor's Court Clerk, and it operates under the direction of the Mayor of Pataskala.

The Court has a goal to deliver outstanding customer service by providing efficient records management, and financial services, while coordinating court proceedings for individuals and agencies involved with the justice system.

All court records are maintained with the highest integrity and accountability. The court is also responsible to collect and disburse payments in accordance to the Ohio Revised Code, to notify all legally mandated stakeholders of court case dispositions, and to provide accurate and timely support and information to court officials, law enforcement, defendants and the general public.

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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 will be convened in regular session every Thursday (except holidays) at 2 p.m. for Miscellaneous Hearings, 2:30 for Pretrials, 3 p.m. for Arraignments. Trials will 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 will 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 under Ohio Revised Code section 1905. 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 will maintain such dockets, books of record and indices as are required by law as public information, utilizing computers, electronic media or other secure device for storage whenever possible. The Clerk of Court will also act as Traffic and Minor Misdemeanor Violations Bureau Clerk.
- B. The Clerk will permit any person to make a copy of any papers that are filed, but the original documents filed in any case, will 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 will 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. **15TRD00000**)

- E. Pursuant to O.R.C. §1907.43, the Clerk will prepare and maintain a general index, a docket, and other records that the Mayor's Court requires, all of which will be the public record of the Court. At the commencement of an action, the Clerk will enter in the docket the names of the parties in full, the names of counsel and the nature of the proceedings. The docket will also include the degree of the violation and the section number of the Codified Ordinances in dispute. The docket will 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 will 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 will 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, the Clerk will prepare and report to the Ohio 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 Clerk will make that report 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 will cover all cases filed, pending, or terminated in the mayor's court for the calendar quarter preceding the appropriate filing date.

- L. The Clerk will also register the Mayor's Court at the Ohio Supreme Court each year in January. A municipal corporation who conducts a Mayor's Court will register annually with the Supreme Court as provided in this division. The Clerk will file the registration electronically to the 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 will 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 of the Revised Code.
- M. The Clerk will 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 will make the report upon entry of the judgment of conviction for the offense.

RULE 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 after conviction (trial de novo), the Clerk will make a certified transcript of the proceedings (if the proceedings were recorded), 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 will certify all papers filed in the case. Any money deposited on a transferred case will be recorded and a check sent to Licking County 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 will 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 will 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 will be accepted as the original filing, provided the person sending the document by facsimile transmission complies with all the requirements set forth in this rule.

- A. The person filing a document by facsimile transmission 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 used for the subject filing available for production upon request of the Court.
- B. All documents filed by facsimile transmission pursuant to this rule will be considered filed with the Clerk as of the date and time the facsimile transmission is received by the Clerk. The risks of transmitting a document by facsimile transmission to the Clerk will be borne entirely by the sender.

- C. The Clerk may accept for filing by 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 facsimile will 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 will 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 will 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 will 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 individual bond amount that he deems reasonable for the circumstances.

RULE 6.03 REFUNDS

Refunds will 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 costs and fines. 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 \$3.00 in coins will be accepted as payment for a fine and/or court cost.

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 end of month reports to the Mayor, Magistrate and City Administrator,

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 will 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 will 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, will 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, will 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 will 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 will 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 a MOTIONS TO SUPPRESS, the grounds must be stated with particularity and the items of evidence in question will 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 and 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. The Clerk is authorized to grant a continuance for the first request. Thereafter, the Magistrate must approve further continuances.

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 will 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 IN SCHOOL ZONES IN EXCESS OF 15 MPH OVER LIMIT.
2. ACDA OR ANY CRASH CITATION WHERE NO INSURANCE IS SHOWN.
3. FLEE/ELUDING POLICE.
4. SPEED OF 30 MPH OR GREATER OVER LIMIT.
5. SPEED WITH 2 OR MORE PRIOR SPEED CONVICTIONS WITHIN 12 MONTHS.
6. ANY MOVING VIOLATION WITH 1 OR MORE PRIOR MOVING VIOLATIONS WITHIN 12 MONTHS.
7. ALL CRIMINAL OR MISDEMEANOR VIOLATIONS (EXCEPT MM DISORDERLY).
8. FAILURE TO DISPLAY A VALID DRIVER'S LICENSE.
9. HANDICAPPED PARKING.
10. ANY DRUG RELATED OFFENSE.
11. RECKLESS OPERATION OF MOTOR VEHICLE.
12. HIT/SKIP.
13. O.V.I. OR PHYSICAL CONTROL.
14. DRIVING UNDER ANY SUSPENSION.
15. ANY ANIMAL VIOLATION NOT LISTED ON THE FINE SCHEDULE.

The schedule of fines and costs which will 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 will 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. 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 will automatically be applied to court 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. However the release the License Forfeiture will be at the Magistrate's discretion until the case is terminated.

On a weekly basis, the Clerk of Court will 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.

B. Minor Misdemeanor Violations Bureau is established in accordance with the Ohio Rules of Criminal Procedure Rule 4.1, The Clerk of Court is appointed to be the Violation's 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 will be prominently displayed at the counter of the Violations Bureau.

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 will 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 will be set aside only for good cause or the appearance of the defendant. The Magistrate will 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, a misdemeanor or minor misdemeanor in which the fine, fees and costs are prescribed in a published schedule adopted by this Court, has the option of either immediately and voluntarily paying such fine and any fees and costs which have accrued in 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 the defendant, or someone on their behalf, will be escorted by the arresting officer to the office of the Clerk of Court during normal business hours and, on making such payment, the defendant shall be released from custody. If no one elects to make such payment, or the Clerk's office is closed, the defendant 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 will also state the numerical designation of the applicable statute or ordinance and the degree of the offense. It will be made upon oath before any person authorized by law to administer oaths.

RULE 9.02 USE OF ELECTRONICALLY PRODUCED TICKETS

1. A law enforcement office, pursuant to the Supreme Court Rules of Superintendence for the Courts of Ohio, may provide for the use of a ticket that is produced by computer or other electronic means. A ticket produced by computer or other electronic means will not require the signature of the defendant. A ticket produced by computer or other electronic means will conform in all substantive respects to the "Ohio Uniform Traffic Ticket." The provisions of division (B) of this rule relative to the color and weight of the paper, size, and method of binding will not be applicable to a ticket that is produced by computer or other electronic means. The ticket paper will be of sufficient quality to allow the court record copy to remain unchanged for the period of the retention schedule for the various traffic offenses as prescribed by Rule 26.05 of the Rules of Superintendence for the Courts of Ohio. The court record of the ticket will be filed with the Court or may be filed electronically as authorized by local Rule 9 and division (2) of this section.
2. A law enforcement officer may also provide for the filing of the ticket by electronic means. If a ticket is issued at the scene of an alleged offense, this rule will require that the issuing officer serve the defendant with the defendant's paper copy of the ticket as required by Rule 9.02 of this rule. A law enforcement officer who files a ticket pursuant to Rule 9.02 (1) or (2) of this rule, and electronically affixes

the officer's signature thereto, shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to these rules.

RULE 9.03 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 provided by the Court. 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 would qualify and request appointed counsel, 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 Judgment Entries, Orders, or other parts of the record, and errors in their record that arise 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 will be circled and the correction added to the entry and initialed by the Magistrate who originally signed the entry, unless the original Magistrate 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 to the matter being present.

RULE 13.00 BAIL/BOND AND BAIL/BOND SCHEDULE

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 will 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 will be eligible for release by posting either a cash, security, or 10% appearance bond in the amount specified in the Court's bail schedule or as set by the Magistrate. (See Exhibit D).

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. The Magistrate may possess a weapon if authorized by the Mayor and have a current Carrying Concealed Weapon permit.

RULE 15.00 VEHICLE RELEASE

If a vehicle is seized or impounded, the Magistrate may authorize the Clerk to release the vehicle if not being held as evidence by the police. If released, the driver/owner must have a valid driver's license and the vehicle is insured.

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 a license forfeiture being placed against the defendant. Additional Court cost of up to \$65 will be assessed to their 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.

RULE 17.01 INTERPRETERS

Anyone who does not speak, hear or understand the English language, can have an interpreter during all court processes. If necessary, the arraignment will be rescheduled until an interpreter can be provided. The cost for interpreters (except sign for the deaf) will be added to defendant's court cost.

RULE 17.02 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 the 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. A plea of No Contest is at the discretion of the Magistrate.

EFFECT ON YOUR DRIVER'S LICENSE

- If you are convicted of a traffic violation, a record of your conviction will be sent to the Bureau of Motor Vehicles and become part of your driving record. In addition, you are required to have proof of insurance. Failure to provide proof of insurance to this Court, when requested, may result in suspension of your 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. The requisite points for the traffic offense will remain on your record for 24 months from the date of conviction.

- If you are convicted of a drug offense, your license could be suspended for not less than six (6) months and not longer than five (5) years.

RULE 17.03 DIVERSION

A Diversion program has 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. Nonviolent, first time offenders will only be considered. If accepted, the defendant must successfully comply with the terms and conditions of the program (including no violations of the law) for one (1) year for criminal cases and successfully completing a defensive drivers course for traffic cases . If successfully completed, the defendant’s case will be dismissed and they will qualify for the record being sealed in criminal offenses. There is a fee for monitoring the program 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 of conviction. If you choose to appeal your case, it will be heard by the Licking County Municipal Court.

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. Should you violate 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 are permitted in courtroom except Police Officers, authorized security persons, and Magistrate 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 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 will be observed at all times. Foul/abusive language is prohibited.
6. No talking while in court except as necessary for court business. This includes Police Officers.
7. Turn off or do not use cell phones, pagers, etc., 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, 2:30 for pretrials, and 3 p.m. for arraignments and approximately 3:30 to 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 or exhibit that a party intends to use during trial will provide a copy of that evidence or 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 RECORDS RETENTION AND DISTRIBUTION SCHEDULE

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

Pursuant to 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 May 1, 2016 will be retained in electronic media format, including text and digital images, as an alternative to a paper record.

The Clerk of Courts 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	
Continuance.....	\$ 5.00	
DUI Education Fund	\$25.00	
State Sealing Fee (Non-Refundable)	\$50.00	
Interpreter Fee	Actual cost	
Return Check Charge	\$25.00	
Subpoena/Summons	\$10.00	
Time Payment Program	\$25.00	
Failure to Appear – Bench Warrant	\$25.00	
Warrant Block Processing Fee.....	\$15.00	
License Forfeiture Processing Fee	\$15.00	
Registration Block.....	\$15.00	
Witness Mileage.....	\$.58 per mile	
Witness Fees.....	\$ 6.00 ½ day	
Diversion – Traffic & Misdemeanor.....	\$200.00	
Limited Driving Privileges.....	\$25.00	
Interstate Compact Processing (NRVC).....	\$25.00	

EXHIBIT B

**PATASKALA MAYOR'S COURT
TRAFFIC VIOLATION FINE SCHEDULE**

SPEEDING FINES

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 +		Appearance Required			Appearance Required

**All Other Minor Misdemeanor Traffic Offenses
(excluding speed and seatbelt/restraint)**

1st Offense within 12 months \$65.00

2nd Offense within 12 months \$85.00

EXHIBIT C

PATASKALA MAYOR'S COURT MISCELLANEOUS VIOLATION FINE SCHEDULE

	<u>Fine</u>	<u>Total With Court Cost</u>
ACDA	\$100	\$180
Parking Near a Public Safety Vehicle	\$75	\$155
Driving Over A Firehose Hose	\$75	\$155
Driving Through a Safety Zone	\$75	\$155
One Way Street	\$75	\$155
Driving on Sidewalk	\$75	\$155
Reasonable Control (without accident)	\$75	\$155
Texting or Distracted Driving	\$100	\$180
FTY to Pedestrian	\$75	\$155
Driver Seatbelt	\$30	\$56
Passenger Seatbelt	\$20	\$46
Child Restraint	\$50	\$76
Parking Ticket	\$35	
Handicap Parking	Court Required	

**Other Minor Misdemeanor Payable Offenses
(Including Court Cost)**

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

EXHIBIT D

PATASKALA MAYOR'S COURT STANDARD BOND SCHEDULE

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

M-1	\$2,500 Cash/Surety/10%	OUT OF STATE: \$5,000 Cash/Surety/10%
M-2	\$2,000 Cash/ Surety/10%	OUT OF STATE: \$4,000 Cash/Surety/10%
M-3	\$1,500 Cash/ Surety/10%	OUT OF STATE: \$3,000 Cash/Surety/10%
M-4	\$1,000 Cash/ Surety/10%	OUT OF STATE: \$2,000 Cash/Surety/10%
UM	\$1,500 Cash / Surety /10%	OUT OF STATE: \$3,000 Cash/Surety/10%
MM	\$225 Cash / Surety	N/A

NOTE

In the event that a non-resident person charged with an offense can establish to the satisfaction of the Clerk of Court or Magistrate that he/she is a student or is gainfully employed in this state, then he/she will be released on the same bail as residents of this state.

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.

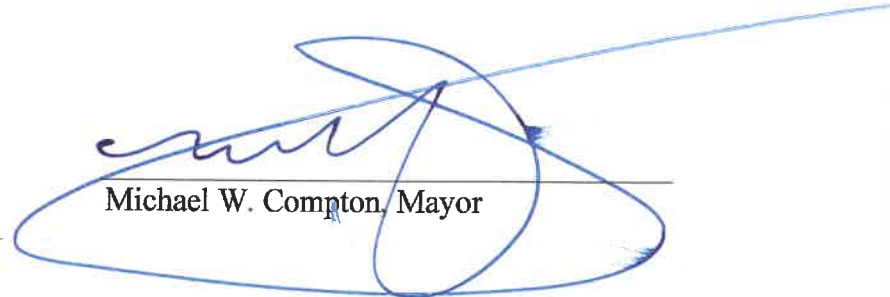
Arrest for Minor Misdemeanor Offenses

The Ohio Revised Code, Section 2935.26(A), 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 Kelsey, Magistrate



Michael W. Compton, Mayor

DATE REVISED: 5/1/2020