

LOCAL RULES IN CRIMINAL CASES

RULE 17. CASE MANAGEMENT PROGRAM - PRETRIAL.

All criminal cases wherein the defendant pleads not guilty at the initial appearance or in which the case is not otherwise disposed of, shall be immediately set for a pretrial conference. The notice of the pretrial conference date shall be provided to the defendant and/or his attorney prior to leaving Court.

The defendant and his attorney shall be required to personally appear at the pretrial conference unless expressly excused by court order. No cases will be scheduled for a second pretrial without the Court's consent. In the event of (additional) pretrial(s), the prosecutor shall note for the file that a pretrial was conducted and the reason for the additional pretrial. All cases which are not disposed of at the conclusion of the pretrial conference(s) shall be set for final pretrial and trial unless specifically indicated otherwise by the Court. Prior to leaving Court at the conclusion of the pretrial conference notice of the final pretrial and trial date shall be delivered to the defendant and/or his attorney. No final pretrial will be initiated by phone.

RULE 18. CASE MANAGEMENT PROGRAM - TRIAL.

- A. All trials shall be scheduled before the court unless the defendant files a timely jury demand or otherwise is accorded a right to a jury pursuant to law.
- B. In cases other than minor misdemeanors, the final pretrial may be scheduled in the week prior to the trial in a final attempt to resolve the case without trial. The defendant and attorney (if represented) shall attend the final pretrial. In cases in which there will be a change of plea, the change of plea will be scheduled no later than the date of trial.
- C. All jury trials shall be conducted consistent with the proceedings adopted in this Court's Jury Use & Management .

RULE 19. WITHDRAWAL OF COUNSEL.

Only attorneys of record shall be considered as representatives of any party in a case. Withdrawal of such counsel shall be only upon a timely application submitted to the Judge with a journal entry prior to trial. Said request shall be served upon the client and counsel for all parties. Upon allowance of withdrawal by the Court, such withdrawn counsel shall serve copies of said journal entry upon the client together with a forwarding letter, a copy of which shall be filed with the Clerk's office. The letter shall provide the current address of the client and will be used for future service.

RULE 20. MOTIONS.

All motions in criminal proceedings shall be made in accordance with Criminal Rule 12. Any motion which, by its nature, is capable of determination without hearing shall be ruled on without hearing.

RULE 21. CASES HEARD ON SCHEDULED DATE.

All criminal cases shall be heard only at the regularly-scheduled date and time. Defendants may appear for hearing or disposition of their case at a time other than the regularly-scheduled date and time only with prior leave of Court.

RULE 22. DISMISSALS.

When the prosecutor desires to dismiss a criminal charge he shall file a written application therefore pursuant to the provisions of Rule 48, Ohio Rules of Criminal Procedure. The prosecutor shall state in the written application the reasons for the requested dismissal. Pursuant to this Rule, a criminal charge may only be dismissed by the State by leave of Court.

RULE 23. NOTIFICATION TO VICTIMS OF CRIME.

In cases involving a charge under O.R.C. § 2903.05, Negligent Homicide; § 2903.06, Vehicular Homicide; § 2903.13, Assault; § 2903.21, Aggravated Menacing; § 2903.211, Menacing by Stalking; § 2903.22, Menacing; § 2907.06, Sexual Imposition; § 2919.25, Domestic Violence; §2921.04(A), Intimidation of Attorney, Victim or Witness in criminal case (or any successor statute), or a violation of any substantially equivalent municipal ordinance, it shall be the duty of the prosecutor in the case to provide the alleged victim of the act that was the basis of the charge or a representative member of the alleged victim's family with the information required under O.R.C. § 2930.06. The prosecutor shall provide the information, either orally or in writing, upon his earliest contact with the alleged victim after the charges have been filed.

The prosecutor shall notify the Court of the date of such notice at the time of sentencing. In cases which are disposed of by plea, trial, reduction to another charge, or which are requested to be dismissed, it shall be the duty of the prosecutor to advise the Court at the time of disposition whether or not the alleged victim, or his/her representative in such case, is present in the courtroom so that they may be given an opportunity to address the Court prior to Court action pursuant to such statutes.

RULE 24. TRAFFIC VIOLATIONS BUREAU.

- A.** Pursuant to the authority of Ohio Traffic Rule 13 and Criminal Rule 4.1, there is hereby established at the Willoughby Municipal Court a Traffic Violations Bureau and the Clerk of Court is hereby appointed as the Violations Clerk.

The purpose of the Violations Bureau shall be to accept appearances, waivers of trial, pleas of guilty, and payments of fines and costs for offenses within the authority of the Violations Bureau.

- B.** The Violations Bureau shall have authority to dispose of all traffic offenses and minor misdemeanor offenses except as follows:
1. Indictable offenses;
 2. Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
 3. Leaving the scene of an accident;
 4. Driving while under suspension or revocation of driver's license or commercial driver's license;
 5. Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six (6) months or less;
 6. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for purpose of receiving or discharging a school child;

7. Willfully eluding or fleeing a police officer;
 8. Street racing;
 9. Speeding violations in school zones where the speed exceeds 15 mph over the posted limit.
 10. Any minor misdemeanor traffic offense in which an accident occurred that resulted in injury to person, where the violator can not verify the existence of proof of financial responsibility covering the operation of the vehicle at the time of the offense;
 11. A third moving traffic offense within a twelve (12) month period;
 12. If there are outstanding fines and/or costs due to the Court.
- C. The Court hereby establishes and publishes a Waiver Schedule of fines and costs (Appendix B), for all offenses subject to the authority of the Violations Bureau. This schedule shall be distributed to all law enforcement agencies operating within the jurisdiction of the court and shall be displayed at the Court.
- D. A defendant charged with an offense which can be processed by a Traffic Violations Bureau may, within seven (7) days after the date of issuance of the ticket:
1. Appear in person at the Traffic Violations Bureau, sign a plea of guilty and waiver of trial provision of the ticket and pay the total amount of the fine and costs; or
 2. Sign the guilty plea and waiver of trial provision of the ticket, and mail the ticket and a check or money order for the total amount of fines and costs to the Traffic Violations Bureau.
- E. Remittance of the fine and costs to the Traffic Violations Bureau by any means other than by personal appearance at the Bureau constitutes a guilty plea and a waiver of trial whether or not the guilty plea and waiver of trial provision of the ticket are signed by the defendant.

**RULE 25. NONRESIDENT VIOLATOR COMPACT.
(4511.95 & 4511.951, O.R.C.)**

Pursuant to the provisions of the Nonresident Violator Compact, any police officer issuing a traffic citation for any offense other than to a resident of a member jurisdiction shall not require the violator to post collateral to secure his or her appearance if the arresting officer receives the violator's signed personal recognizance that he or she will comply with the summons. Any police officer issuing a citation to a nonresident motorist from a compact member jurisdiction for one of the following offenses shall not accept the violator's personal recognizance but shall instead require the violator to post security in accordance with the Court-adopted Bail Schedule (Appendix D) or, in lieu thereof, take the violator into custody and hold the violator in custody for an immediate appearance in Court at the first available Court session:

1. Indictable offenses;
2. Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
3. Leaving the scene of an accident;
4. Driving while under suspension or revocation of driver's license or commercial driver's license;
5. Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six (6) months or less;
6. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for purpose of receiving or discharging a school child;

7. Willfully eluding or fleeing a police officer;
8. Street racing;
9. Speeding violations in school zones where the speed exceeds 15 mph over the posted limit.
10. Any minor misdemeanor traffic offense in which an accident occurred that resulted in injury to person, where the violator can not verify the existence of proof of financial responsibility covering the operation of the vehicle at the time of the offense;
11. A third moving traffic offense within a twelve (12) month period;

RULE 26. NONRESIDENT VIOLATOR.
(Not a Member of Interstate Violators Compact)

Any law enforcement officer issuing a traffic citation to a violator who is not a resident of Ohio but is a resident of a State which is not a signatory to the Nonresident Violator Compact shall require the violator to post security in accordance with the court-adopted bond schedule or, in lieu thereof, shall take the violator into custody and hold the violator in custody for an immediate appearance in court at the first available court session.

RULE 27. OHIO VIOLATOR.

Any law enforcement officer issuing a traffic citation to a violator who is resident of the State of Ohio shall not require the violator to post collateral to secure his appearance if the arresting officer receives the violator's signed personal recognizance that the violator will comply with terms of the citation. Provided, however, any such violator who has been charged with one of the following offenses shall instead be required to post security in accordance with the court-adopted bond schedule or, in lieu thereof, the violator shall be taken into custody and held for an immediate appearance in Court at the first available court session:

1. Indictable offenses;
2. Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
3. Leaving the scene of an accident;
4. Driving while under suspension or revocation of driver's license or commercial driver's license;
5. Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six (6) months or less;
6. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for purpose of receiving or discharging a school child;
7. Willfully eluding or fleeing a police officer;
8. Street racing;
9. Speeding violations in school zones where the speed exceeds 15 mph over the posted limit.
10. Any minor misdemeanor traffic offense in which an accident occurred that resulted in injury to person, where the violator can not verify the existence of proof of financial responsibility covering the operation of the vehicle at the time of the offense;
11. A third moving traffic offense within a twelve (12) month period.

RULE 28. REPEAT TRAFFIC OFFENDER.

Any law enforcement officer issuing a traffic citation to be filed in the Willoughby Municipal Court shall indicate on the face of the citation in the section marked "Description of Offense" whether or not it is a second, third or subsequent violation within a twelve (12) month period.

RULE 29. NO OPERATOR'S LICENSE/EXPIRED OPERATOR'S LICENSE.

Any law enforcement officer issuing a traffic citation to be filed in the Willoughby Municipal Court involving a violation of a motor vehicle with an expired operator's license shall indicate on the face of the citation in the place marked "Description of Offense" whether or not the license has been expired for six (6) months or less.

RULE 30. CONTINUING TRAFFIC APPEARANCE.

The date of any defendant's initial appearance on a traffic citation shall not be continued by the Court unless the defendant files a written motion with the Court in advance of the appearance date along with a brief memorandum or statement of facts setting forth the reasons requiring the continuance.

RULE 31. GENERAL PROVISIONS.

- A. In all instances wherein a party requests a copy of a time-stamped pleading or entry be returned by mail, a return self-addressed stamped envelope shall accompany the request.
- B. Pleadings that do not conform to the Rules set forth herein are subject to being rejected and returned to the filing party.
- C. Costs associated with any filing are to be paid at the time of filing unless prior arrangements have been made with the Clerk's office.

RULE 32. ISSUANCE OF ARREST WARRANTS.

All arrest warrants shall be issued by the Judge or Magistrate of the Willoughby Municipal Court upon a finding of adequate probable cause during court hours.

During the hours the court is closed, a police officer in need of an arrest warrant, may contact the Judge of the Willoughby Municipal Court or his designee to give probable cause for said arrest warrant. Upon the Judge finding sufficient probable cause, the police officer shall note, on the complaint, the date and time of said findings of sufficient probable cause by the Judge or the issuance of the arrest warrant. Thereafter, the police officer shall file the complaint with the Clerk of Court, a deputy clerk, or officer of the Court designated and authorized by the Judge under Criminal Rule 4, so that the arrest warrant may be served or executed.

RULE 33. BROADCASTING AND PHOTOGRAPHY.

The Judge presiding at the trial or hearing shall permit the broadcasting or recording by electronic means and the taking of photographs in Court proceedings open to the public as provided by the Rules of Superintendence for the Courts of Ohio, Rule 12. The Judge, after consultation with the media, shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for broadcasting, televising, recording, or taking of photographs in the courtroom shall be in writing and the written order of the Judge required by Sup. R. 12 shall be made part of the record of the proceedings.

Use of more than one portable television, video tape/dvd or movie with one operator shall be allowed only with the permission of the Judge.

Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the Judge. Still photographers shall be limited to two (2) cameras with two (2) lenses for each camera.

For radio broadcast purposes, not more than one (1) audio system shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. In the event no such systems are available, microphone and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.

Visible audio recording equipment may be used by news media reporters with the prior permission of the Judge.

Arrangements between or among media for "pooling" of equipment shall be the responsibility of the media representatives authorized to cover the proceeding. Such arrangements are to be made outside the courtroom and without imposing on the Judge or court personnel. If disputes arise over arrangements between or among media representatives, the Judge may exclude all contesting representatives from the proceeding.

The use of electronic or photographic equipment which produces distracting sound or light shall be prohibited by the Judge. No artificial lighting other than that normally used in the courtroom shall be employed, provided that if the normal lighting in the courtroom can be improved without becoming obtrusive, the Judge may permit modification.

Still photographers and television, and radio representatives shall be afforded a clear view but shall not be permitted to move about in the courtroom during court proceedings from the places where they have been positioned by the Judge, except to leave or enter the courtroom.

The changing of film or recording tape in the courtroom during Court proceedings is prohibited.

There shall be no audio pickup or broadcast of conferences conducted in the Court facility between attorneys and clients or co-counsel, or of conferences conducted at the bench between counsel and the Judge.

The Judge shall have the discretion to limit the photographing of victims, witnesses, or jurors.

This rule shall not be construed to grant media representatives any greater rights than permitted by law wherein public or media access or publication is prohibited, restricted, or limited.

Media representatives shall not be permitted to transmit or record anything other than the Court proceedings from the courtroom while the Court is in session.

Failure of any media representative to comply with the conditions prescribed by the Judge or the Rules of Superintendence of the Supreme Court may result in revocation of permission to broadcast or photograph the trial or hearing.

RULE 34. SECURITY.

- A. In addition to the other duties assigned, the Chief Bailiff shall be in charge of Court security and may be assisted by deputy bailiffs, as needed.
- B. The Chief Bailiff and deputy bailiffs may carry firearms while on duty if they have completed the requirements of O.R.C. Section 109.77(D); and, provided they qualify at least once a year with a police department within the Court's jurisdiction.