

RESOLUTION NO. 2015-28-T&S

**RESOLUTION ADOPTING THE
GREENHILLS MAYOR'S COURT RULES**

WHEREAS, The Mayor and Council of the Village of Greenhills, Ohio, desire to establish Mayor's Court Rules that govern the operations of said Court, and

WHEREAS, The Mayor of the Village of Greenhills and the duly-appointed Magistrate have collaborated to promulgate the Rules of the Court; and

WHEREAS, The Municipal Manager and members of Council's Traffic and Safety Committee have had the opportunity to review said rules;

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Greenhills, Ohio,

SECTION 1.

That the Council of the Village of Greenhills accepts and adopts the Mayor's Court Rules for the Village of Greenhills, Ohio, attached hereto and incorporated herein by reference.

SECTION 2.

This resolution shall be in full force and take effect upon its passage.

Passed this 25th day of August, 2015.

David Moore, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/

Greenhills Mayor's Court
11000 Winton Rd.
Greenhills, OH 45218



Clerk of Court
513-825-2101 (office)
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MAYOR'S COURT RULES

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COURT RULES GREENHILLS 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 Greenhills 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 "Greenhills Mayor's Court Rule (i.e. M.C. Rule 1.00)". They are effective as of August 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 on the second and fourth Thursdays at 6:00 p.m. (except as scheduled in November and December) for the arraignment of traffic and criminal cases. Trials shall also be scheduled on court Thursdays after the arraignments are concluded 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 Mayor/Magistrate.

RULE 3.00 APPOINTMENT OF MAGISTRATE

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 will also hold the position of Accreditation Manager / Police Clerk. As such, he/she will be responsible to the Chief of Police and the Police Department for duties as may be required in addition to those of Court Clerk.
- B. The Clerk of Court shall maintain such dockets and indices as are required by law as public record. The Clerk of Court shall also act as Traffic and Minor Misdemeanor Violations Bureau Clerk.
- C. The Clerk shall permit any person to make a copy of any papers filed, but original papers filed in any case shall not be removed from the office without authority of the Clerk.

D. Assignment of Case Numbers

The Clerk of Courts shall assign a case number to each complaint/ticket.

ooooo - 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 A, B, etc.

- E. Pursuant to O.R.C. §1907.43, the Clerk shall prepare and maintain a docket and other records that the Mayor's Court requires, all of which shall be the public record of the Court. In the docket, the Clerk shall enter, at the time of the commencement of an action, the names of the parties in full, 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. Under proper dates the docket shall note the filing of the complaint, issuing of summons or the process and returns.
- F. The docket for Court appearances is available at least five (5) business days before the assigned court date.
- G. Any case designated for a trial will be assigned a date at least two (2) weeks in advance. 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.
- H. Pursuant to O.R.C. 1905.04, the Clerk shall not be concerned as counsel or agent in the prosecution or defense of any case before the Court.
- I. All information concerning pending cases that 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.

RULE 4.01 TRANSFER OF CASES TO HAMILTON COUNTY MUNICIPAL COURT

The Clerk is responsible for processing cases transferred to Hamilton County Municipal Court. If the case is being transferred or being appealed (trial de novo) such transcript together with all paperwork dealing with the case will be sent to Hamilton County Municipal Court, either by scanning the documents and emailing them or hand delivering them to the court. This will be completed within fifteen days from the rendition of the appealed Judgment or request of transfer.

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 8½ 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.

Filing of pleadings and other papers by electronic means: A document filed with the Clerk by facsimile transmission shall 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 shall 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 shall 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. 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 are set by the State of Ohio and approved by the presiding Mayor and ratified by Council.

RULE 6.01 FINES

Court fines shall be determined from time to time by the presiding Mayor/Magistrate and approved by ordinance as approved by Council.

RULE 6.02 BONDS

Bonds shall be determined from time to time by the presiding Mayor/Magistrate.

RULE 6.03 ACCOUNTING AND DISBURSEMENTS

The Clerk is responsible for receipting, posting, balancing, and depositing all court-related court costs and fines. The Finance Director is responsible for disbursing those funds back to the state, the county, and the Village of Greenhills as directed by law, and any other agency as may be required by law in the future.

RULE 6.04 BALANCING OF MONTHLY STATEMENT

The Finance Director will be responsible for balancing the monthly bank statement against all receipts and disbursements.

RULE 7.00 DUTIES OF COUNSEL

A. DESIGNATION OF TRIAL COUNSEL. Attorneys, not defendants, will designate their capacity as trial 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 trial attorney. However, substitution of counsel within the same law firm at hearings is authorized.

B. CONTINUANCES. Request for a continuance shall be by written motion and will only be granted upon showing of good cause. All requests shall be served on opposing counsel or party. Proposed entries should accompany the motions with blanks for the new trial time and date if agreed to by opposing counsel. No requests for continuance will be considered if made less than at least one(1) business day before trial except for circumstances which by reasonable diligence could not be determined one (a) or more business days prior to trial. Oral continuances may be granted in court only by the Mayor/Magistrate.

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 to, 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 Greenhills Mayor's Court:

1. Resisting Enforcing Official.
2. Failure to Display Operator's License.

3. Violations involving damage to personal or real property or another person or entity where insurance is not provided or later determined to be invalid.

The schedules of fines and costs that shall be charged by the Violations Bureau are established and published as Exhibits A and B. These schedules of fines, as well as a Court-approved statement of defendant's rights, shall be readily available upon request.

If a defendant fails to appear for court or fails to fully pay fines and/or costs, the Magistrate may issue a warrant for their arrest, warrant block on their driver's license registration, driver's license forfeiture, and/or registration block. If a defendant subsequently pays all fines and costs, the warrant, warrant block, forfeiture, and registration block will be set aside by virtue of this payment.

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.

The schedule of fines and costs and a Court approved statement of defendants' rights shall be readily available upon request.

Within seven (7) days of a conviction, the Clerk of Court shall transmit to the Bureau of Motor Vehicles via electronic means or if unavailable, the US Postal Service, 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 Greenhills Codified Ordinances and Ohio Revised Code.

1. All misdemeanor complaints shall be issued on summonses 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 Mayor/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 on a warrant for failure to appear at a designated time for arraignment, trial, or enforcement of sentence on a minor misdemeanor for 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 that have

accrued in the case, or of posting bond and being recited to the next court date. The person shall 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 released from custody upon making payment. If the person elects to post bond, he/she will be recited to the next court and released. If, after multiple attempts by the defendant to gather sufficient money to post bond or pay the citation in full, then he/she will be recited to the next court and released on their own recognizance.

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. 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 requested verbally by the Prosecutor at the time of arraignment or trial.

RULE 10.00 APPOINTED COUNSEL IN INDIGENCY CASES

When a defendant requests appointed counsel, he/she must complete the required paperwork to show that he/she is qualified to have counsel appointed. There is a mandatory fee associated with this that is set by the State and which must be paid by the defendant. If his/her case meets that qualification, counsel will be appointed at the Village's expense.

RULE 11.00 BOND

Pursuant to O.R.C. 2935.26(c) and Rule 46 of the Ohio Rules of Criminal Procedure, the purpose of bond is to insure that the defendant appears at all stages of the criminal proceedings.

A person arrested for a misdemeanor may be released on their own recognizance. 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 a security bond.

RULE 12.00 COURT SECURITY

All persons who enter the Greenhills Municipal Building and wish to proceed into Mayor's Court are subject to the search of their person and possessions.

Weapons or other contraband may be confiscated. Those persons possessing weapons or contraband are subject to arrest if there is probable cause to believe a crime has been committed or if law otherwise permits. 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 13.00 WARRANT BLOCKS, DRIVER'S LICENSE FORFEITURES

In cases for which a warrant was issued, the Clerk is authorized to do a warrant block and/or a driver's license forfeiture. A driver's license forfeiture can be issued to the Bureau of Motor Vehicles after thirty (30) days. A warrant block can be done immediately.

RULE 14.00 REGISTRATION BLOCKS

Registration blocks can be ordered by the Magistrate/Mayor after a defendant has been given a fine that has not been paid. Registration blocks can only be released after the fine has been paid in full.

RULE 15.00 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 Hamilton County Municipal Court.
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 Hamilton 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. In addition, you have the right to subpoena and call witnesses who you may wish to have 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, 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 you do not understand the English language, you can have an interpreter for any or all of the court process, or the Court or defendants can request a transfer to Hamilton County Court where interpreters are readily available. The fees for interpreters (except sign for the deaf) will be added to Court cost.

RULE 16.00 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 at this time, 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 at this time, the Court will schedule the case for trial at a later date.
- No Contest. A plea of no contest is an admission 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.

APPEAL

- You have the right to appeal from the 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 Hamilton County Municipal Court.

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.
- 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 17.00 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

RULE 18.00 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 is required. Hats will be removed upon entering the courtroom. Attorneys will wear business attire. Police witnesses will be in proper uniform or business attire.
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.
6. No talking while in court except as necessary for court business. This includes Police Officers.
7. Turn off/do not use cell phones, pagers, etc., while in courtroom.
8. Defendants coming to court with children or infants will be asked to stay in the hallway so as not to disrupt the court proceeding. The Court Officer will take note of the defendant's name and call for them to come into the court room when their names are called. Children who do enter the courtroom when their parents are summoned 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 6:00 p.m. Anyone who is late could have his/her case rescheduled to a later date.

RULE 19.00 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 20.00 RECORDS RETENTION AND DISTRIBUTION SCHEDULE

The retention and disposition of records in Mayor's Court shall be in accordance with the Village of Greenhills Public Records Policy and Rules of Superintendence.

EXHIBIT A

COURT COST SCHEDULE - TRAFFIC

Basic Local Court Costs	\$25.00
Computerized O.R.C. 5705.12	13.00
State Victims of Crime	9.00
State HB1 / HB562 /DLEF / County	30.00
Total Traffic Court Costs	\$77.00

COURT COST SCHEDULE - CRIMINAL

Basic Local Court Costs	\$25.00
Computerized O.R.C. 5705.12	13.00
State Victims of Crime	9.00
State HB1	20.00
Total Criminal Court Costs	\$67.00

Additional Costs

Credit Card Convenience Charge	4%
Collection of Unpaid Fines & Costs	(Variable)
Expungement Filing Fee (Non-Refundable)	\$50.00
Failure to Appear – Bench Warrant	\$25.00
Photocopies (per page)	\$0.05
Return Check Charge	\$35.00

EXHIBIT C

**BOND SCHEDULE
RECOGNIZANCE OR SURETY**

1 st Degree Misdemeanor	\$1,000
2 nd Degree Misdemeanor	\$750
3 rd Degree Misdemeanor	\$500
4 th Degree Misdemeanor	\$250
Minor Misdemeanor	\$150