

PART ONE GENERAL OR ADMINISTRATIVE RULES

Rule No. 1 – Citation of Rules

These Rules shall be known as the Alliance Municipal Court Rules of Practice and may be cited as AMCR No 2 - 31. In the event of a conflict between these Rules and the Rules of Superintendence, the Civil Rules, the Criminal Rules or the Traffic Rules, the State Rules shall govern. **Rule No. 2 – Hours of Session**

The Court shall be in continuous session for the transaction of all judicial business and at such other times and hours as the Administrative Judge or any other Judge thereof shall prescribe.

The regular hours of the Court shall be from 8:30 a.m. to 4:30 p.m., Monday, Wednesday, and Friday, each week; and 7:45 a.m. to 4:30 p.m. on Tuesday and Thursday. The Court will be closed on those days designated by law or by entry as legal holidays.

The Office of the Clerk of Court shall be open at all times Court is in session. **Rule No. 3 – Official Notice of Court Proceedings**

Notice to counsel or any party unrepresented, of any assignment of any case shall be by placing said notification in the ordinary U.S. Mail to the most recent address appearing in the Court's docket. **Rule No. 4 – Presiding/Administrative Judge**

The Presiding/Administrative Judge shall have the powers set out in Rule 3(B) and 4(B) and carry out the duties set forth in Rule 3(B) and 4(B) of the Superintendence Rule. **Rule No. 5 – Time**

The time allowed or permitted for the performance or completion of any act in handling matters shall be as established by the Civil Rules and the Criminal Rules, or if a particular matter is not covered by said Rules, such time shall be established by Court order. **Rule No. 6 – Duties of Trial Counsel**

Counsel shall, by individual personal signature, designate their capacity as trial counsel on all pleadings in civil and criminal matters. All such trial counsel shall be responsible to appear at all proceedings in the case, unless a timely court approved entry of withdrawal is filed. Counsel shall be allowed to withdraw as trial counsel only with the consent of the judge after filing a written motion containing certification of service to opposing counsel and the client.

No withdrawal of counsel shall be permitted within five (5) days of any hearing assignment except in extenuating circumstances. Pursuant to Supr. Rule 6, every attorney practicing in this Court shall include his or her attorney registration number issued by the Ohio Supreme Court on all documents filed with the Court. **Rule No. 7 – Costs**

No action or proceeding shall be accepted for filing by the Clerk of Court unless there first shall be deposited the sum of not less than the amount specified in **Appendix A** as security for costs unless otherwise excepted by law or by order of the court. The Court may authorize commencement, prosecution or defense or any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees and costs or security therefore upon good cause shown and upon the filing with the Clerk of an affidavit by the party making the request together with a statement of counsel that he has received no fees. Such affidavit shall state the nature of the action, defense or appeal, the assets of the affiant, the earnings of the affiant, and the affiant's belief that he or she is unable to pay costs or give security therefore. Judgment may be rendered for costs at the conclusion of the suit or action as in other cases. Costs shall be as set forth in **Appendix A** as may from time to time be amended by the Court. When a jury trial is held, the non-prevailing party shall be responsible for the jury costs unless the court provides otherwise. In any case for which a jury is demanded but not used, the jury costs will be assessed unless the demand is withdrawn in writing within twenty-four (24) hours before the trial time. **Rule No. 8 – Recording of Proceedings**

Proceedings, including discovery proceedings before the Court may be recorded by stenographic means, by phonogram means, by photographic means, by the use of audio electronic recording devices or by use of video tape recording systems. The Judge may order the use of any method of recording authorized by this Rule. If a court employed court reporter is desired, reasonable notice shall be given to the Court. **Rule No. 9 – Rent Deposits**

All rent deposits made with the Clerk of Court pursuant to Chapters 1923 and 5321 of the Ohio Revised Code shall be in cash or by certified check or by money order. Deposits shall be accompanied by a completed *Application by Tenant to Deposit Rent with the Clerk of the Alliance Municipal Court*. **Rule No. 10 – Court Files**

No persons, other than the Judge or authorized Court personnel, shall remove any court papers or files or parts thereof from the custody of the Clerk, except with leave of the Court.

The Clerk of Court office will keep certain records and mandate minimum records retention schedules for administrative and case records of the courts in accordance with Ohio Revised Code Chapter 149, Sup. R. 25, Sup. R. 26.01 to 26.05. The Clerk of Court may maintain records in forms other than paper, provided the form conforms to the standards established by the American National Standards Institute.

Rule No. 11 – Authentication of Court Records

All records and transcripts of records of the Court shall be authenticated over the signature of the Presiding/Administrative Judge, Magistrate or, in his/her absence, over that of any other Judge, and the Clerk of Court, with the seal of the Court attached.

Rule No. 12 – Filing of Journal Entries

The judgment entry specified in Civil Rule 58 and Criminal Rule 32 shall be journalized within thirty (30) days of the judgment. If such entry is not prepared and presented for journalizing by counsel, it shall be prepared by the Court and filed with the Clerk for journalizing.

Rule No. 13 – Juries

Jurors who are to serve in civil or criminal cases tried in this Court shall be chosen by the Stark County Jury Commission and shall be summoned by an officer of this Court. When a jury of eight (8) is demanded, at least sixteen (16) qualified electors of the Court district shall be requested as a venire.

Rule 13(a) – Jury Management Plan

I. Opportunity for Service

- A. The opportunity for jury service will not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a cognizable group in the jurisdiction of the Alliance Municipal Court
- B. Jury Service is an obligation of all qualified citizens.

II. Jury Source List

- A. The names of all potential jurors will be drawn from a jury source list compiled from one or more regularly maintained list of persons residing in the Alliance Municipal Court jurisdiction.
- B. The jury source list should be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
- C. The Court will periodically review the jury source list for its representativeness and the inclusiveness of the adult population in the jurisdiction as is feasible.
- D. Should the Court determine that improvement is needed in the representativeness and inclusiveness of the jury source list, appropriate corrective action should be taken.

III. Random Selection Procedures

- A. Random selection procedures shall be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods will be documented.

B. Random selection procedures should be employed in:

1. Selecting persons to be summoned for jury service;
2. Assigning prospective jurors to panels;
3. Calling prospective jurors for voir dire.

C. Departures from the principal of random selection are appropriate:

1. To exclude persons ineligible for service in accordance with IV;
2. To excuse or defer prospective jurors in accordance with VI;
3. To remove prospective jurors for cause or if challenged peremptorily in accordance with VIII and IX;
4. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with XIII.

IV. Eligibility

All persons are eligible for jury service as provided by Ohio Revised Code, except as provided in O.R.C. 2313.13 or as shown to the satisfaction of the Court that O.R.C. 2313.16 applies.

V. Term of an Availability of Jury Service

- A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
- B. A term of one (1) month will be the standard used by the Alliance Municipal Court.

VI. Exemption, Excuse and Deferral

- A. All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service are eliminated.
- B. Eligible persons who are summoned may be excused from jury service only if:
 1. Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by the Judge;
 2. They request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused by the Judge.
- C. Deferrals for jury service for reasonably short periods of time may be permitted by the Judge.

- D. Requests for excuses and deferrals and their dispositions should be written or otherwise made or recorded.

VII. Voir Dire

- A. Voir Dire examinations should be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.
- B. To reduce the time required for voir dire, basic background information regarding panel members will be made available to counsel in writing for each party on the day on which jury selection is to begin.
- C. The Judge will conduct a preliminary voir dire examination. Counsel will then be permitted to question panel members for a reasonable period of time.
- D. The Judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- E. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties. Counsel will refer to jurors by their numbers and questions are to be asked collectively of the entire panel whenever possible.

VIII. Removal from the Jury Panel for Cause

If the Judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual should be removed from the panel. Such a determination may be made on motion of counsel or by the Judge.

IX. Peremptory Challenges

- A. Peremptory challenges are limited in the Alliance Municipal Court to a number no larger than necessary to provide reasonable assurance of obtaining an unbiased jury.
- B. In civil cases, the number of peremptory challenges should not exceed three (3) for each side. If the Court finds that there is a conflict of interest between parties on the same side, the Court may allow each conflicting party up to three (3) peremptory challenges.
- C. In criminal cases, the number of peremptory challenges should not exceed three (3) for each side in all misdemeanor prosecutions. At least three (3) additional peremptory challenges should be allowed for each Defendant in a multi-Defendant misdemeanor criminal proceeding.

- D. In criminal and civil proceedings, each side should be allowed one (1) peremptory challenge if one (1) or two (2) alternate jurors are impaneled, two (2) peremptory challenges if three (3) or four (4) alternates are impaneled and three (3) peremptory challenges if five (5) or six (6) alternates are impaneled. These additional peremptory challenges shall be used against an alternate juror only and the other peremptory challenges allowed by law shall not be used against an alternate juror.

X. Administration of the Jury System

- A. The responsibility for the administration of the jury system is vested exclusively in the Judge of the Alliance Municipal Court.
- B. All procedures concerning jury selection are governed by the Ohio Rules of Court.

XI. Notification and Summoning Procedures

- A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding the prospective juror should be:
 - 1. Combined in a single document;
 - 2. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems;
 - 3. Delivered by ordinary mail.
- B. The summons will clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- C. The questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
 - 1. Determining whether a person meets the criteria for eligibility;
 - 2. Providing basic background information ordinarily sought during voir dire examinations;
 - 3. Efficiently managing the jury system.
- D. The Alliance Municipal Court Judge shall monitor failure of a prospective juror to respond to a summons and enforce the summons to report for jury service.

XII. Monitoring the Jury System

The Alliance Municipal Court shall collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:

- A. The representativeness and inclusiveness of the jury source list;
- B. The effectiveness of qualification and summoning procedures;
- C. The responsiveness of individual citizens for jury duty summons;
- D. The efficient use of jurors;
- E. The cost effectiveness of the jury management system.

XIII. Juror Use

- A. The Alliance Municipal Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
- B. The Alliance Municipal Court will determine, on a case by case basis, the minimally sufficient number of jurors to accommodate trial activity. This information and appropriate management techniques will be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels. The Alliance Municipal Court will ensure that each prospective juror who has reported to the Court is assigned for voir dire.
- C. The Alliance Municipal Court will coordinate jury management and calendar management to make effective use of jurors.

XIV. Jury Facilities

- A. It is the desire of the Judge of the Alliance Municipal Court to attempt to provide an adequate and suitable environment for jurors.
- B. It is the intention of the Judge of the Alliance Municipal Court to seek out and create a separate jury waiting room; however, due to present space difficulties, this is not always feasible. The Court will continue to attempt to eventually create a permanent suitable jury waiting room.
- C. The jury deliberation room of the Alliance Municipal Court has been created to include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation room has been ensured.

XV. Juror Compensation

- A. Persons seated for jury service will receive a reasonable fee for their service.
- B. Such fees shall be paid promptly by the Clerk of Court who shall be reimbursed by the City Auditor, who shall be reimbursed by the County Auditor, depending

on the designation of the charge.

XVI. Juror Orientation and Instruction

- A. The Judge of the Alliance Municipal Court shall make his/her best effort to:
 - 1. Increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors;
 - 2. Present in a uniform and efficient manner a combination of written, oral and/or audio-visual materials.
- B. The Alliance Municipal Court will make its best efforts to provide some form of orientation or instructions to persons called for jury service:
 - 1. Upon initial contact prior to service;
 - 2. Upon first appearance at the Court.
- C. The trial Judge shall:
 - 1. Give preliminary instructions to all prospective jurors;
 - 2. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures, including note taking and/or questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed and the basic relevant legal principals;
 - 3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;
 - 4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system;
 - 5. Recognize utilization of written instructions if possible;
 - 6. Before dismissing a jury at the conclusion of a case:
 - a. Release the jurors from their duty of confidentiality;
 - b. Explain their rights regarding inquiries from counsel or from the press;
 - c. Either advise them that they are discharged from service or specify where and when they must report;
 - d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

- D. All communications between the Judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in Open Court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

XVII. Jury Size and Unanimity of Verdict

- A. Jury size and percentage of agreement in civil and criminal cases shall conform with existing Ohio law in the Alliance Municipal Court.

XVIII. Jury Deliberations

- A. Jury deliberations will take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making.
- B. The Judge shall instruct the jury concerning appropriate procedures to be followed during deliberations in accordance with XVI.
- C. The deliberation room will conform to the standards set form in XIV.
- D. The jury will not be sequestered except under the circumstances and procedures set forth in XIX.
- E. The jury will not be required to deliberate after a reasonable hour unless the Judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interests of justice.
- F. The Alliance Municipal Court shall provide personnel who will escort and assist jurors during deliberations.

XIX. Sequestration of Jurors

- A. A jury should be sequestered only for good cause, including but not limited to, insulating its members from improper information or influences.
- B. The Judge shall have the discretion to sequester a jury on the motion of counsel or on the Judge's initiative and shall have the responsibility to oversee the conditions of the sequestration.
- C. Standard procedures will be promulgated to:
 - 1. Achieve the purpose of sequestration;
 - 2. Minimize the inconvenience and discomfort of the sequestered jurors.
- D. Training shall be provided to personnel who will escort and assist jurors during

the sequestration.

Rule No. 14 – Pleading Requirements

All papers filed with the Clerk, including but not limited to pleadings, motions, applications, judgments and orders, shall be original copies neatly and legible printed, handwritten in ink or typewritten on 8 ½” by 11” paper. If consisting of more than one (1) sheet of paper, the sheets shall be securely fastened together. The use of covers or jackets is not permitted.

Pursuant to Civil Rule 5(E), effective July 1, 1991, pleadings and other papers may be filed electronically by facsimile transmission to the Clerk of Court's Office (330) 829-2231, providing the transmitting equipment sends a neat, clearly legible facsimile of the original. Any document filed electronically which is subject to a filing fee must be secured by a prior deposit with the Clerk’s Office. Documents filed electronically **SHALL** be followed up by filing the original with the Clerk of Court’s Office.

Each paper filed by each party represented by counsel shall designate, on the last page thereof, the name, address, telephone number and the attorney registration number issued by the Ohio Supreme Court of the attorney responsible for the case.

Each paper filed by each party shall contain one and only one case number. Each paper filed for separate cases will be filed on separate documents.

The complaint must give the mailing address for all parties and counsel and must include the correct zip code.

It shall be the duty of the Plaintiff, or his or her attorney, to file with the complaint as many copies thereof as there are defendants to be served with the summons in the said action. Copies may be legible carbon copies or clear photo static copies.

Rule No. 15 – Motions

Upon filing any written motion with the Clerk, the party or attorney filing the motion must:

- (1) Serve a copy of the motion, memorandum or brief and supporting affidavit, if any, either in person or by depositing it in the mail;
- (2) Include a *Proof of Service* indicating the person(s) served, the date and method of service, and the address at which the party or attorney was served.

The only exception to this Rule is when the motion is to be served with the summons; it may be deposited with the Clerk of Court for such service. Failure to comply with this Rule shall be sufficient cause to strike the motion from the file. Each motion shall include a memorandum or brief, styled as such, setting forth the grounds for the motion and the

reasons for sustaining the motion. This memorandum or brief shall be separate and apart from any affidavits that may be offered in support of the motion. Failure to file a memorandum in opposition to a motion within fourteen (14) days of the filing of the motion, after having received notice of the hearing on said motion, may be sufficient cause for the court to sustain the motion. All motions shall be deemed submitted as written briefs unless an oral hearing is requested or ordered by the Court.

Rule No. 16 – Use of Forms

Where applicable, parties are encouraged to use the forms recommended by the Clerk of Court office.

Rule No. 17 – Marriage Ceremony Procedure

Marriage ceremonies will be performed by the Judge, upon presentation of a valid marriage license.

Rule No. 18 – Magistrate

The Court may appoint one or more Magistrates to hear the actions authorized by Superintendence Rule 19.

The Magistrate or Magistrates shall act in matters referred pursuant to Civil Rule 53, Criminal Rule 19 and Traffic Rule 14. In addition, any Judge, with the consent of the Presiding or Administrative Judge, may refer other appropriate matters to a Magistrate.

The Magistrate shall file a written report stating his or her findings of fact and conclusions of law. Such report shall be sufficient for the Judge to make an independent review of the Magistrate(s) report and conclusions. The report shall be mailed to the parties, or their attorneys if represented, by the Clerk of Court if not delivered to them at the conclusion of the hearing. The Court may, from time to time, establish forms for the Magistrate's report in the various types of cases which will then be appended to these rules and used by the Magistrate.

Rule No. 19 – Reserved

Rule No. 20 – Reserved

PART TWO CIVIL RULES

Rule No. 21 – Civil Summons

The civil summons shall notify each defendant of the existing suit, and shall state the time limit for answer or appearance before judgment can be taken. A copy of the complaint shall be attached to the summons. All summonses, with the exception of forcible entry and detainer, will be issued by certified mail to addressee only, unless otherwise requested by Plaintiff or counsel. If no service is obtained upon the defendant, a request for service may be filed by counsel by the following means:

1. If certified mail is returned marked “unclaimed,” a request for service at the same address by ordinary mail may be filed;
2. If certified mail is returned marked “moved,” a request for service at a different address by certified mail or personal service may be filed; and
3. If certified mail is returned marked “refused,” the Clerk shall issue ordinary mail to addressee without charge to the Plaintiff.

Rule No. 22 – Leave to Plead

The time within which a party is required by the Civil Rules to serve and file a responsive pleading to a complaint, counterclaim, cross-claim, or a third-party complaint may be extended for a period of twenty-eight (28) days upon written application to the Court within “Rule Day” (Civil Rule 6[B][1]). Additional time thereafter may be granted by the Court pursuant to a written stipulation of the parties approved by the Court and pursuant to Civil Rule 6(B). **Rule No. 23 – Continuance**

No party shall be granted a continuance of a trial or hearing without an oral or written motion from the party, or his or her counsel, stating the reason for the continuance.

Continuance shall be further governed by Superintendence Rule No. 16(A), (B), and (C). No continuance will be granted within three (3) days of any hearing or trial except in instances of unforeseen emergencies.

Rule No. 24 – Pretrial Conferences

In any civil action, the Court may, in its discretion, with or without the request or motion of a party, assign such a cause for pre-trial conference. Notice of the time and place of such pre-trial conference shall be given by the office of the Clerk of Court to all counsel of record. Pre-trials may be held by telephone upon prior approval of the Court. All pre-trials shall be held and governed by Civil Rule 16 (1 through 10).

Rule No. 25 – Interrogatories and Requests for Admissions

In submitting interrogatories and requests for admissions, counsel shall file a “Notice of Filing Interrogatories” or “Notice of Filing Requests for Admissions” with the Court and shall mail the original copy and two (2) other copies to opposing counsel, leaving sufficient space, not less than one (1) inch, between each interrogatory or request for admission to permit opposing counsel sufficient space to type the answer or objection beneath the question. Opposing counsel shall type the answer or objection to each question on the original copy and file the same with the Court at the designated time, not more than twenty-eight (28) days after service. When interrogatories are filed simultaneously with the original complaint they shall not be attached to the pleading and must be under a separate cover. Counsel shall provide sufficient copies for each defendant in order that a copy may be served upon the defendant at the time of the service of the summons and the copy of the original complaint.

It is the responsibility of counsel for the defendant, upon being retained, to request the original copy of the interrogatories and follow the procedure outlined in the preceding paragraph. An objection to an interrogatory will be noted as such below the particular interrogatory, but discussion thereof must be submitted on a separate page with appropriate caption. Objections shall include, immediately preceding the discussion and citation of authority, the interrogatory, stated in full, to which the objection is made.

Rule No. 26 – Default Judgments

When the Defendant is in default for appearance or answer, judgment shall be rendered in accordance with Civil Rule 55(A) and 7(B)(1). If an action is for recovery of money only arising out of damages to personal property and the Defendant is in default of answer, final judgment shall be entered for the Plaintiff in the amount of the prayer if an affidavit with supporting documentation is filed by the Plaintiff, or his/her attorney, verifying that the prayer of the complaint does reflect the proper measure of damages allowed by law. Contract, lease agreements and security agreements must contain information regarding agreed interest rate.

The Court shall set a hearing date to assess unliquidated damages in all other actions not covered above.

Rule No. 27 – Motions for Relief from Judgment

Motions for Relief from Judgment, or Motions to Vacate Judgment, shall be made and directly delivered to the Clerk of Court. Objection to the motion may be filed with the Court within fourteen (14) days of service of the motion.

Rule No. 28 – Small Claims Division

Pursuant to the R. C. §1925.01, a Small Claims Division has been established for cases seeking the recovery of money only in amounts not exceeding Three Thousand Dollars (\$3,000.00), exclusive of interest and costs.

Transfer to the regular docket: Upon filing a motion and affidavit or a counterclaim, as set forth in R. C. §1925.10, and payment of required costs, a case shall be transferred to the

assignment commissioner for individual assignment.

Rule No. 29 – Replevin

All replevin proceedings shall be made in accordance with statutory requirements set forth in the R. C. §2737, et seq.

Rule No. 30 – Attachment and Garnishment

All pre-judgment attachment and garnishment proceedings shall be made in accordance with the statutory requirements set forth in the R. C. §2715, et seq. All post-judgment garnishments of personal earnings and property other than personal earnings shall be made in accordance with the requirements set forth in the R. C. §2716, et seq.

Rule No. 31 – Sales and Proceedings in Aid of Execution

The Bailiff of this Court shall follow the rules prescribed by the R. C. §2329, et seq., on the advertising and conducting of all sales on attachments, executions or foreclosures of chattel mortgages. In all attachments and executions to be levied on personal property, the attorney or party shall describe, in detail, those items that are to be levied upon. It will be insufficient to merely instruct the Bailiff to levy upon all goods and chattels of the Defendant. It is necessary for the Bailiff to know the type, size and number or items to be levied upon so that he may make an accurate estimate of the cost and can require sufficient security therefore. If the item to be levied upon is an automobile or other motor vehicle, the party or his/her attorney shall furnish the Court with an accurate description of the automobile or vehicle along with a written statement as to whether or not there is a lien or record on this vehicle in the office of the Stark County Clerk of Court. Before the Bailiff shall levy upon an automobile, he/she shall determine the fair market value of said automobile. If there is a lien on said automobile, the name of the lienholder shall appear on the notice of sale. If the Bailiff determines that the automobile, when sold, shall not bring a sufficient sum to pay for the costs of towing, storage, advertising and other court costs, he shall require the party to post sufficient additional cost to cover these expenses before proceeding with the execution. If the sale is to encompass many items, the Bailiff may secure the services of an auctioneer and proceed according to R.C. §2335.021.

Rule No. 32 – Dismissal for Want of Service - Other

Actions pending for a period of six (6) months and in which neither service of summons nor service by publication has been made, shall be dismissed immediately unless good cause is shown to the contrary. Cases pending on the docket for failure to comply with an order or direction of the Court, and cases held for settlement or other disposition shall be dismissed no later than sixty (60) days after such failure to comply, file, settle or dispose or, unless good cause is shown to the contrary, unless otherwise ordered by the Court.

Rule No. 33 – Satisfaction of Judgments

No satisfaction of judgment, in whole or in part, shall be entered in the Civil or Small Claims dockets, except by the Clerk of the Court, or his/her deputy. All satisfactions must be attested by the Clerk or his/her deputy. It shall be the duty of the Plaintiff, or his/her attorney, to immediately have an entry of satisfaction made upon the docket when a judgment is satisfied. Failure to so satisfy shall form the basis for appropriate sanctions by the Court.

Rule No. 34 – Forcible Entry and Detainer

In forcible entry and detainer cases, the complaint shall conform to the requirements of R.C. §1923.05. Methods of service shall conform to the requirements of R.C. 1923.06. Summons in forcible entry and detainer actions shall be drawn so as to notify each Defendant that he/she has been sued and to summon him/her to appear at a designated room at the time specified therein or the complaint will be taken as true and judgment rendered accordingly. In forcible entry and detainer actions involving residential property, the Court may decide at the first hearing both causes of action. If the Defendant appears, the Court shall inquire whether the Defendant chooses to contest the second cause of action. If the Defendant responds affirmatively, leave shall be granted for response to the complaint. If the Defendant makes a knowing waiver of the right to respond to the second cause, the Court may proceed to hear both causes.

Eviction: Should actual, physical eviction of property be required pursuant to a writ of restitution, Plaintiff shall arrange for sufficient workers to be present to accomplish the set-out under the supervision of the Bailiff.

Rule No. 35 – Judgment Debtor’s Examination

If a judgment debtor fails to appear at a scheduled examination, and it appears that the debtor was served with notice, the creditor may request of the Court that a hearing be set to show cause as to why the debtor should not be held in contempt for failure to attend the debtor’s examination. If the judgment debtor fails to appear for a show cause hearing, the creditor may request a bench warrant. The judgment creditor is required to provide an affidavit stating proof of personal service of debtors exam. The request for a bench warrant shall be made in writing to the Court.

Rule No. 36 – Trusteeships

An application by a debtor for a trusteeship under R.C. Section 2329.70 must contain a full and complete statement, under oath, setting forth:

1. The filing fee for Trusteeship is twenty-five dollars (\$25.00) which must be paid when filed;
2. Petitioner must have received a legal **Fifteen (15) Day Demand** within the past forty-five (45) days. This is the notice a creditor, or his/her attorney, sends by certified

their addresses, an account number if available, and the amount owed to each. If any account has been turned over to an attorney, credit bureau, or collection agency, the applicant must put the name of the creditor, who it was turned over to, their address, and the amount owed;

4. Petitioner is required to pay twenty-five percent (25%) of every paycheck (less all taxes and social security) including vacation and holiday pay. Petitioner may pay any amount over this if he/she may wish, but is not required to do so;
5. Petitioner must have his/her pay stub with him/her in order to make a payment;
6. No partial payments will be accepted nor will petitioner be excused from making any payments. Payments must be kept up to date;
7. We do not accept any personal checks. You must have cash, certified check or money order;
8. Once every three (3) months, the money you have paid into the individual's Trusteeship is distributed among her/her creditors. Out of that amount, a fee of three percent (3%) for Court costs is charged;
9. If Petitioner gets sick, laid off, or for any other reason, does not draw a paycheck, he/she must report each payday as usual and must sign a form. Failing to report will result in dismissal from Trusteeship;
10. Petitioner will not be able to re-file for six (6) months if his/her Trusteeship is dismissed for any reason;
11. Petitioner is required to notify the Court of any change address or employment;
12. Any additional accounts petitioner wants to add will need the Clerk's permission and will cost two dollars (\$2.00) per account;
13. Any such additional accounts wanted to add will need the name of the person(s) who made demand upon the applicant in accordance with R.C. Section 2329.70 and the date of such demand.

Any Trusteeship that is in arrears for payment for sixty (60) days shall be dismissed. Any Trusteeship that is inactive for six (6) months shall be dismissed. The attorney representing an applicant for Trusteeship shall be permitted to include his claim for such service in the Trusteeship and such claim shall be given priority over all other creditors in an amount not to exceed fifty dollars (\$50.00). R.C. Section 2329.66 provides for exemptions and is based upon disposable earnings. The Trustee is hereby authorized to require proof of disposable earnings and eligibility for exemption of payment by affidavit or otherwise at such times as he/she shall deem necessary.

Rule No. 37 – Jury Costs

In any civil action or proceeding when a jury trial is demanded, the party making such

demand shall be required to make an advance deposit of Two Hundred and Fifty Dollars (\$250.00), unless upon affidavit or other evidence the Court concludes that such party is unable to make the required deposit. If a jury is sworn, the fees of a jury shall be taxed as costs. If the advance deposit is not paid in full ten (10) business days prior to the trial date, the case shall proceed to a Court trial unless otherwise modified by Court Order.

Rule No. 38 – Alternative Dispute Resolution and Mediation

Mandatory Mediation: All civil cases will be ordered to Mediation by the Court. The mediation sessions will be conducted by the Court’s Mediators at the pre-trial or at forcible entry and detainer actions.

Small Claims: Small Claims cases, where an answer has been filed, will be set for Mediation as any other civil case. All other Small Claims cases will be mediated on the scheduled trial date, at the discretion of the Presiding Judge.

Authority of the Mediator: The Mediator shall at all times be in control of the mediation, including scheduling, and the procedures to be followed. The Mediator may meet and consult privately with any party or parties or their counsel during mediation.

Duties of the Mediator: The Mediator shall define and describe the following to the parties at the beginning of the mediation:

- a. The process of mediation;
- b. The difference between mediation and other forms of conflict resolution;
- c. The fact that mediation is not a trial, the Mediator is not a Judge, and the parties retain their right to trial if they do not reach settlement;
- d. The circumstances and/or conditions under which communications with the Mediator will be held in confidence during the conference;
- e. The duties and responsibilities of the Mediator and the parties;
- f. Determination as to whether an impasse exists or that the mediation should end;
- g. Report to the Court, in writing, whether a full or partial agreement has been reached, and whether efforts to settle the case through mediation have ceased or are continuing;
- h. No other information shall be communicated in any manner by the Mediator to the Court.

Duties of Parties, Representatives, and Attorneys

Attendance: The following persons shall physically attend Mediation:

- a. All individual parties; or an officer director, or employee having authority to settle the claim for a corporate party, or in the case of a governmental agency, a representative of that agency with full authority to negotiate on behalf of the agency and to recommend settlement to appropriate decision making body of the agency; and
- b. The party’s counsel of record, if any; and

- c. A representative of the insurance carrier for any insured party who is not such carrier's outside counsel and who has full authority to settle without further consultation.

Finalizing Agreement: Upon reaching an agreement, the parties shall reduce the agreement to writing and sign it along with their counsel.

Immunity, Confidentiality, and Privilege:

Immunity: A Mediator, acting pursuant to this Local Rule, shall have all immunity conferred by statute, rule and/or common law.

Confidentiality: All conduct and communications are confidential and shall not be disclosed in any civil judicial or administrative proceeding, or in response to a public record request pursuant to Section 149.43 of the Ohio Revised Code, except that disclosure shall not be precluded:

- a. By any person, of the Mediator's communications, if all parties to the mediation and the Mediator consent to disclosure;
- b. By any person other than the Mediator, of the communications made by any person other than the Mediator, if all parties consent to disclosure;
- c. If the communications were made in furtherance of the commission of a crime or as part of a plan to commit a crime;
- d. If a Court, after hearing, determines that such disclosure does not circumvent Evidence Rule 408 and is necessary to prevent a manifest injustice of sufficient magnitude in a particular case to outweigh the importance of protecting the principle of confidentiality in mediation proceedings in general.

This provision shall not be construed to prevent or inhibit the discovery or admissibility of any mediation communication that, in the absence of mediation, would be subject to discovery or subject to disclosure as a public record under the Public Records Act. This provision does not affect the admissibility or the status of a public record or of a written settlement agreement signed by the parties.

Privilege: Privilege as applied to the mediation process and the participants shall be governed by the applicable statutory provisions, the Rules of Evidence and any other pertinent judicial rule.

PART THREE CRIMINAL AND TRAFFIC RULES

Rule No. 39 – Criminal Court Sessions

- A. The Arraignment Session and Initial Appearance Session shall begin at 1:00

p.m., Monday, Wednesday and Friday, except on legal holidays. The Court shall consider all pleas of not guilty, guilty or no contest, requests for setting bail, stays of execution and all other matters to come before the Criminal Court not handled by other sessions. All pleas of not guilty shall be assigned for further proceedings at the Arraignment or Initial Appearance Session.

B. The Jury Trial Sessions shall begin at 7:45 a.m. on Thursday, except legal holidays. The Trial Session shall hear all trials to a jury in accordance with prior assignments made. In the event of a crowded docket, a second or third jury trial may be held on Thursday at such time as the Court deems appropriate and pursuant to notice of assignment.

Rule No. 40 – Traffic Court Sessions

A. The Arraignment Session shall be held at 1:00 p.m. on Monday, Wednesday and Friday, except on legal holidays. The Arraignment Session shall consider all pleas of not guilty, guilty or no contest and all other traffic matters not handled by other sessions. All pleas of not guilty shall be assigned from the Arraignment Session.

B. The Traffic Violations Bureau is hereby established. The Clerk of Court is appointed to be its Violations Clerk, who shall collect fines paid to, give receipts for and render accounts of the Bureau. The Bureau shall be open to the public continuously from 8:30 a.m. to 4:30 p.m. Monday through Friday, except for legal holidays, or as otherwise set by the Court.

Rule No. 41 – Order of Call – Arraignment Sessions

The order of call of the docket in each Arraignment Session of this Court shall be as follows:

- a. Cases where Defendant is represented by an attorney,
- b. Cases in random order for those persons not in custody, and
- c. Cases in which the Defendant is in custody.

No requests for continuances will be accepted over the telephone. Additional continuances require approval of the Judge or Magistrate.

Rule No. 42 – Arraignment and Pleas

Persons cited, summoned or arrested and charged with a misdemeanor must appear in Open Court (except as otherwise hereinafter provided), and after receiving an explanation of their rights, enter a plea provided by law.

Each case shall be considered as one case by the Court, but multiple charges of offenses against the same Defendant or multiple Defendants which are alleged to be the result of the same act, transaction or series of acts or transactions, may be consolidated for further proceedings before the Court.

Pursuant to Criminal Rule 10(B) or Traffic Rule 8(C), the Court may permit a written Not Guilty plea, presented by the Defendant's attorney, with prior written approval by the Prosecuting Attorney and signed by the Defendant. The case will be called during the scheduled arraignment session and be immediately assigned for further proceedings by the Court.

After the initial arraignment, no changes in plea or continuance can be made without written approval of the Judge. No requests for continuances or pleas will be accepted over the telephone.

Rule No. 43 – Pretrial Procedure

When a pretrial is ordered, the following persons are required to attend: (1) the Prosecutor assigned to the case, (2) the Defendant, and (3) the attorney for the Defendant, if any.

If the case is not resolved at the pretrial conference, the case shall be set for trial except that the Court may, for good cause, continue the pretrial conference.

Rule No. 44 – Jury Demand

Jury demands shall be made in accordance with Criminal Rule 23. In the event that a criminal or traffic case is settled after 3:00 p.m. on the day prior to a scheduled jury trial and it is not possible to notify the jurors of the cancellation, the requesting party shall bear the costs of juror fees at twenty-five (\$25.00) dollars for those jurors who report on the day of the trial.

Once a written demand for a jury has been filed, any subsequent waiver of the jury shall be made in writing at least three (3) days prior to the trial date. Failure to comply shall result in the Defendant paying all jury fees and expenses incurred by such jury demand, unless otherwise ordered by the Court.

Rule No. 45 – Probable Cause Hearing in Misdemeanor Cases

In any case in which the Defendant is held in pre-trial confinement or in significant restraint upon pre-trial liberty, and is not entitled to a preliminary hearing the Judge shall review the complaint and its exhibit at the initial appearance in order to determine if there was probable cause for arrest. Probable cause is defined as that combination of facts and circumstances sufficient to warrant a prudent person in believing the suspect had committed or was committing an offense. It may or may not be sufficient to state an offense in the language of the applicable statute or ordinance. The Judge will exercise discretion in granting the most appropriate of the following:

- A. Probable Cause found; continue restraint pending trial;
- B. Defendant released pending pre-trial conference and trial;
- C. Restraint allowed for twenty-four (24) hours for prosecuting attorney to show cause why the case should not be dismissed; and
- D. Case dismissed, Defendant discharged.

Rule No. 46 – Posting of Bonds

Bond schedules are set forth for both felonies and misdemeanors in **Appendix B.**

Rule No. 47 – Appearance of Persons Arrested

Persons arrested and held in custody shall appear at the next regularly scheduled arraignment session of Court, except persons charged with misdemeanors who have been released on bail.

Defendants charged with misdemeanors who are released on bail, after having posted the required bond with the Clerk of Court, shall be given a *Notice of Appearance* in writing by the Clerk of Court directing their attention to the time and place of appearance for the arraignment. The *Notice of Appearance* shall also advise the Defendant to contact an attorney, if desired. The appearance date for arraignment shall be set by the Clerk of Court not to exceed ten (10) days. The Clerk of Court shall note such appearance on the complaint. Defendants released in accordance with Criminal Rule 4(F) shall be given a similar Court date.

Persons charged with a felony and who are released on bail shall appear at the next regularly scheduled arraignment session or such other date as set by the Judge or Magistrate who sets the bond.

Where the Court has issued a warrant for the arrest of a person who has previously failed to answer a notice to appear, citation or summons, or where the Court has issued a bench warrant upon the failure of a person to appear in accordance with the conditions of his release on bail, upon the apprehension or appearance of such person upon such warrant or bench warrant, his/her case shall be brought before the next regular or special session of the Court whether or not he/she is re-released on bond.

Rule No. 48 – Appearance of Persons Not Arrested

Persons who receive traffic or minor misdemeanor citations in which a plea of *guilty* and payment of a set fine and costs may be done by mail or at the Clerk of Court's office shall be given a Court date for arraignment by the citing officer not more than fourteen (14) calendar days from the date of the citation. If the fourteenth (14th) calendar day falls on a Saturday, Sunday or a Court holiday, or if it is inconvenient for the person who receives the citation, the next regularly scheduled Court day shall be set by the citing officer.

Persons who are charged with traffic offense which require a Court appearance by law shall be given a Court day for arraignment by the citing officer not more than fourteen (14) calendar days from the date of the citation. If the fourteenth (14th) calendar day falls on a Saturday, Sunday or Court holiday, or if it is inconvenient for the person who receives the citation, the next regularly scheduled Court day shall be set by the citing officer.

The citing officer shall also verify the correct local address of the person receiving the citation and shall enter that address on the citation. The citing officer shall clearly note convictions for any prior moving violations occurring in the past twelve (12) months on the citation in the remarks area.

Persons who are summoned to appear for arraignment as Defendants in misdemeanor and felony cases shall be given a Court date by the Prosecutor requesting the summons not more than seven (7) calendar days from the date the complaint is filed.

Rule No. 49 – Appearance of Persons in Custody

Persons arrested and in custody who cannot be brought before an Arraignment Sessions within twenty-four (24) hours of the date of arrest, shall have bail set either in accordance with the schedule of standard bails, or if a felony, by order of the Judge.

Rule No. 50 – Warrant for Arrest of Persons Who Fail to Appear

In the case of persons who fail to appear at the designated time and place, the Court may issue a bench warrant and order a forfeiture of the bond posted or, where the bond is a personal recognizance executed by the Defendant, violation of the terms of the personal recognizance shall be referred to the Prosecutor for such further action as he/she, in the execution of his/her office, deems proper and necessary.

In cases of stays of execution of fines or jail sentences, where the Defendant has failed to appear at the end of the stay, the Judge may order the sentence enforced and shall order a bench warrant to issue for the arrest of the Defendant.

Rule No. 51 – Subpoenas

Subpoenas shall be processed by the Clerk of Court from praecipe filed by counsel in accordance with the Criminal Rules.

Service of subpoenas may be made by an attorney at law, or by any person designated by the Court pursuant to Criminal Rule 17(D).

Rule No. 52 – Joint Felonies and Misdemeanors

When a Defendant is charged with more than one (1) violation, one (1) or more of which is a felony, all matters which are related to the felony, including misdemeanors, shall be handled by the Judge. All matters unrelated to the felony, including unassigned traffic, criminal cases and unrelated bench warrants, shall also be brought before the Judge.

If it should appear to the Court that justice would be served by awaiting the outcome of the felony charge before bringing the misdemeanor charge(s) to conclusion, reasonable continuances may be allowed on the misdemeanor charge(s) upon execution of a time waiver.

Rule No. 53 – Pre-Trial Motions

The filing dates of all motions in criminal cases shall be governed by Criminal Rule 12. The Court, in the interest of justice, may extend the time for making pre-trial motions.

Rule No. 54 – Indigents

All indigents charged with a criminal offense shall first be referred to the Public Defender's office.

In felony and certain misdemeanor cases, if a Defendant claims he/she is indigent

and the Public Defender, for any valid reason, cannot represent him/her, the Defendant may request that a private attorney represent him. In support of this request, the Defendant shall submit to a financial investigation by the private attorney.

Upon the disposition of the case through this Court, an entry of Court appointment and Court approval of fees shall be directed to the appropriate county or city official.

Rule No. 55 – Advance Deposit of Costs Waived

The Clerk of Court shall automatically waive the advance deposit of court costs in the following instances, to wit:

- A. Ohio Bureau of Employment Services;
- B. Bureau of Motor Vehicles;
- C. Conrail; Norfolk and Western Railroads;
- D. For any arrestee who is taken into custody without a warrant whether the complaint is signed by a private citizen or police officer (i.e. domestic violence, petty theft);
- E. Public school officials for crimes occurring on school property, and;
- F. Non-profit charitable organizations such as Goodwill, Catholic Community League, etc. for crimes occurring on their property.

Rule No. 56 – Community Work Service Program

A Community Work Service Program is hereby established pursuant to R.C. 2951.02 as a sentencing alternative. The sentencing Judge may allow a person convicted of a misdemeanor who qualifies for the Community Service Work Program to elect to perform community service work. The Community Work Service Officer shall establish the guidelines for the qualification and administration of the Community Work Service Program. Community Work Service may be performed as follows:

- 1. A condition of suspended confinement;
- 2. In lieu of confinement; and
- 3. In lieu of payment of fines and/or court costs.

Community work service shall be at the option of the misdemeanor, but only as ordered by the Court and approved by the Community Work Service Officer. Credit for same shall be given upon verification by the Community Work Service Officer and at the Court's discretion.

When a misdemeanor performs community work service as a condition of a suspended sentence or in lieu of confinement, then one (1) day of work shall be equal to one (1) day's confinement.

When a misdemeanor is unable to pay fines and/or court costs imposed, the Court may refer him/her to the Community Work Service Program. He/she shall be credited fifty dollars (\$50.00) towards fines and/or court costs for each full day of work. If the balance on fines and/or court costs is less than twenty-five dollars (\$25.00), then one half day of work

shall be credit for the same.

Any violation of the Community Work Service Program by a misdemeanant, including the requirements established by the Community Work Service Officer or the Sentencing Judge, is a violation of a Court order and subjects that misdemeanant to sanctions provided by law.

A misdemeanant herein is defined as provided in R.C. 2901.02.

Rule No. 57 – Court Security

The Court has appointed a Local Security Advisory Committee consisting of a representative from the following groups:

Judge's Office;
Alliance Police Department;
Clerk of Court's Office;
Alliance Director of Law's Office;
Alliance Auditor's Office;
Juvenile Probation Office;
Safety Service Director's Office or Mayor's Office;
Alliance Fire Department;
Adult Probation Office

Recovery Options Office.

Rule No. 58 – Procedures for Domestic Violence Cases

The State of Ohio and the Clerk of Court shall comply with all procedures set forth in Sup. R. 10 and the Court's procedures as follows:

1. The standard format for the Motion for Temporary Protection Order shall be uniform as set forth in **Appendix C** and shall be reviewed and submitted by the Prosecutor at the defendant's arraignment. The motion shall be revised, from time to time, by the State of Ohio to conform to the County-wide computer network software system.
2. The standard format for the Temporary Protection Order (TPO), as mandated by the Supreme Court of Ohio, shall be uniform as set forth in **Appendix C**. The Court shall revise the TPO, from time to time, as mandated by Sup. R. 10 and to conform to the County-wide computer network software system. The Clerk shall issue and serve time-stamped copies of the TPO to all parties noted by the Court on page two (2) of the TPO.
3. The Law Director shall complete Form 10-A as required by Sup. R. 10. The Clerk of Court shall forward Form 10-A, along with a certified copy of the TPO to the arresting agency for data entry into LEADS/NCIC.
4. The State of Ohio and Domestic Violence Project, Inc. shall prepare a uniform Victim Information Form that is given to the victim/complainant at the time of

arrest setting forth all of the victim's rights in Domestic Violence cases and the date, time and location of the defendant's arraignment or initial appearance. The State of Ohio, through the local Prosecutor's offices, shall instruct their law enforcement agencies to obtain all necessary information required to complete Form 10-A at the time of defendant's arrest for Domestic Violence or at the arraignment.

5. The Clerk of Court shall initiate a TPO recall and termination procedure and notice to all parties who received the TPO that the TPO has been terminated by operation of law. The Clerk's recall and notification shall be by regular mail. The Clerk shall institute a TPO recall procedure.
6. All procedures, notifications, forms and motions herein shall be revised in a timely manner to conform to the County-wide computer network software system as adopted and implemented by this Court.

Appendix A
Court Cost Schedule

THE ALLIANCE MUNICIPAL COURT
CIVIL COURT COSTS SCHEDULE

10/1/2005

FILED
ALLIANCE
MUNICIPAL COURT

2005 SEP 29 AM 9:21

Complaints, Two Defendants (Certified Mail Service) (Includes \$26.00 Legal Aid Fee and \$11.00 Computer Fee and \$5.00 Security Fee)	\$80.00
Each Additional Defendant	\$10.00
Alias Amended Complaint - Per Number Served	\$10.00
Third Party Complaint - Per Number Served	\$10.00
Small Claims - Two Defendants (Includes \$11.00 Legal Aid Fee and \$11.00 Computer Fee and \$5.00 Security Fee)	\$45.00
Each Additional Defendant	\$10.00
Alias Summons - Certified Mail Service	\$10.00
Alias Summons - Personal or Residence Service by Bailiff	\$45.00
Cognovits, Two Defendants	\$75.00
Each Additional Defendant	\$10.00
Personal Service by Bailiff - Per Number Served	\$45.00
Certified Mail Service - Per Number Served	\$10.00
Photocopies, Each	\$0.25
Certified Copies	\$3.00
Supplemental Service	\$10.00
Executions (Does Not Include Bailiff's Deposit)	\$50.00
Forcible Entry and Detainer, One Defendant	\$100.00
Two Defendants	\$130.00
(Includes personal service, ordinary mail with certificate of mailing and certified mail)	
Each Additional Defendant	\$30.00
Replevins	\$75.00
Alias Replevins	\$10.00
Contempt Orders - Service by ordinary mail; other options available	\$15.00
Show Cause Orders - Service by ordinary mail; other options available	\$15.00
Debtors Examinations - Service by Ordinary Mail	\$15.00
- Service by Certified Mail	\$25.00
- Service by Personal Delivery	\$45.00
Arrest Order	\$20.00
Revivor, Each Defendant	-\$15.00
Filing Certificate of Judgment for Transfer	\$75.00
Certificate of Judgment for Lien	\$10.00
Certificate of Judgment for Transfer	\$10.00
Transcripts	\$20.00
Exemplified Copy	\$10.00
Jury Demand	\$10.00
Jury Deposit (To be made no later than 10 days before trial date)	\$250.00
Juror Fee per Day (Due only after Juror has been sworn in on case)	\$25.00
Witness Fee, for each Day	\$6.00
Issuing subpoenas	\$5.00
Notary Services	\$1.00
Aids in Execution (Wage Garnishment)	\$60.00
Aids in Execution (Garnishment other than wages) (Must be accompanied by a check or money order in the amount of \$1.00 made payable to the garnishee as a garnishee fee (ORC 2716.04))	\$40.00

**THE ALLIANCE MUNICIPAL COURT
CRIMINAL AND TRAFFIC DIVISION
COURT COSTS SCHEDULE**

CRIMINAL/TRAFFIC COSTS

Basic Costs	\$20.00
Indigent Defense Support Fund - Felony	\$30.00
State Victims of Crime - Felony	\$30.00
Indigent Defense Support Fund - Misdemeanor	\$20.00
State Victims of Crime – Misdemeanor	\$ 9.00
Felony Moving Violations/Traffic Moving Violations Only	
Indigent Defense Support Fund	\$ 5.00
Criminal Justice Services	\$ 3.50
(97% of \$3.50 Drug Law Enforcement Program and 3% of \$3.50 Justice Program Services Fund)	
Indigent Drivers Alcohol Treatment Fund	\$ 1.50
Taking Recognizance – Appearance Bonds	\$ 9.00
Issuing Writs	\$ 5.00
Issuing Search Warrants	\$20.00
Suspend Driver’s License	\$20.00
Jury Demand	\$10.00
Hearing Assigned Cases	\$20.00
Filing and Determining Motion	\$10.00
Transcript of Case File	\$10.00
Certified Copies, Each	\$ 3.00
Commitment Order	\$20.00
Issuing Subpoenas, Each	\$ 3.00
Summoning Jurors	\$10.00
Court’s Legal Research and Computerization Fee	\$ 2.00
Clerk’s Computerization Fee	\$ 9.00
Court’s Security Fee	\$ 5.00
Photostatic Copies, Each	\$ 0.25
Witness Fee, For Each Day	\$ 6.00
Mileage Allowance, For Each Mile	\$ 0.33
Juror Fee Per Day(Only after Juror has been sworn-in on case)	\$25.00

COMPUTERIZED COPIES OF CASE HISTORIES

Up to and including ten (10) pages	\$ 5.00
Up to and including twenty (20) pages	\$10.00
Over twenty pages – each additional page	\$ 0.50

VIOLATIONS BUREAU

Basic Cost	\$20.00
Indigent Defense Support Fund - Misdemeanor	\$20.00
State Victims of Crime - Misdemeanor	\$ 9.00
Court’s Legal Research and Computerization Fee	\$ 2.00
Clerk’s Computerization Fee	\$ 9.00
Court’s Security Fee	\$ 5.00
Moving Violations Only – basic cost	
Indigent Defense Support Fund	\$ 5.00
Criminal Justice Services	\$ 3.50
(97% of \$3.50 Drug Law Enforcement Program and 3% of \$3.50 Justice Program Services Fund)	
Indigent Drivers Alcohol Treatment Fund	\$ 1.50

Appendix B
Bond Schedule

AS OF 2007 JAN 29 PM 12:42
1/2/13/06

TO BE USED BY
STAFF

STATE OF OHIO)

FILED
ALLIANCE
MUNICIPAL COURT IN THE STARK COUNTY COMMON PLEAS COURT

STARK COUNTY:)

JOURNAL ENTRY

RE: BOND SCHEDULE

- 1) The Judges of the Alliance Municipal Court, the Canton Municipal Court, the Massillon Municipal Court and the Stark County Common Pleas Court hereby order that the following Bond Schedule apply to all criminal and traffic cases where the defendant is booked into the Stark County Jail. This Bond Schedule replaces all other schedules and revisions thereafter. This Bond Schedule does not apply to defendants initially booked into the Massillon City Jail.
- 2) This Bond Schedule is for bonding PRIOR to a Court appearance and where no bond has been fixed by a Judge prior to Court Appearance. After the Defendant has appeared before a Judge, the Bond shall be determined by the Judge and the Judge is not required to fix bond according to this schedule.

FELONIES

<u>FELONIES</u>	<u>AMOUNT</u>	<u>TYPE</u>
Capital Offenses	None without hearing	
Felony - 1st Degree	\$50,000	Cash or Surety
Felony - 2nd Degree	\$50,000	Cash or Surety
Felony - 3rd Degree	\$25,000	Cash or Surety
Violent Felony - 4th Degree Felony	\$25,000	Cash or Surety
Non Violent Felony - 4th Degree	until further notice, bonds for 4th and 5th Degree	
Non Violent Felony - 5th Degree	Felonies shall be set pursuant to paragraph 3.	
Felony 1 or 2 Drug Offenses	\$100,000	Cash or Surety
Felony 3 Drug Offenses	\$50,000	Cash or Surety
Domestic Violence - F3	\$100,000 & No Contact	Cash or Surety
Domestic Violence - F4	\$50,000 & No Contact	Cash or Surety
Domestic Violence - F5	\$25,000 & No Contact	Cash or Surety

MISDEMEANORS

Misdemeanor - 1st Degree	\$1,000	Cash, Surety or 10%
Misdemeanor - 2nd Degree	\$ 750	Cash, Surety or 10%
Misdemeanor - 3rd Degree	\$ 500	Cash, Surety or 10%
Misdemeanor - 4th Degree	\$ 250	Cash, Surety or 10%
Minor Misdemeanor	Own Recognizance	
Domestic Violence - M1. & M2	\$10,000 & No Contact	Cash, Surety or 10%
Domestic Violence - M4	\$ 2,500 & No Contact	Cash, Surety or 10%

PROTECTIVE ORDER VIOLATIONS

- A) Individuals charged with violating a Temporary Protection Order issued out of any municipal court shall be required to post \$25,000 cash or surety bond prior to release.
- B) Individuals charged with violating a Temporary Protection Order or Civil Protection Order issued out of any common pleas court shall be required to post a \$50,000 cash or surety bond prior to release.

CMC IS NOW TAKING 10% ON DOMESTIC VIOLENCE

PAROLE VIOLATORS

Persons booked into the Stark County Jail who at the time of their booking are on parole or any type of post release control from Ohio or any other state shall be required to post a bond in an amount double to the amount set forth in any paragraph of this order.

This increased bond shall remain in effect until either a) an authorized officer of the State Parole system advises the sergeant on duty that the increase in bond is not necessary for this particular individual or b) a common pleas judge or municipal judge modifies the bond at a subsequent hearing.

- 3) On December 9, 2002, the Stark County Sheriff established a Release Procedure in order to maintain the inmate population at 379 persons. 379 is the maximum number of jail beds permissible based upon the staffing levels at the Stark County Jail and the staffing level requirements mandates by the state and federal guidelines.

Paragraph .02(B)(5) of the policy states:

"all fresh arrests of non-violent felony four and fives confined in the jail, or brought to the jail by an arresting or confining agency, shall be released on a \$2,500.00 unsecured Stark County Pretrial Release bond per Cr.R. 4(D) and Cr.R. 46(D) and are ordered to report to the Stark County Pretrial Release Officer in the appropriate court the next business day."

Prior to release, the Stark County Sheriff shall conduct a CCH record check on each defendant. If the record check reveals any of the following, the bond shall be set at \$25,000 cash or surety:

- a) two or more convictions of felonies of the 1st, 2nd or 3rd degree within the last four years;
- b) four or more convictions of non-violent felonies of the 4th or 5th degree within the last five years;
- c) release from any state penal institution for any conviction within the last twelve months;
- d) one or more convictions for any felony of violence within the last three years;
- e) any out-of-state conviction for a felony of the 1st, 2nd or 3rd degree within the last two years;
- f) any felony conviction for assault on a police officer regardless of date of conviction;
- g) pursuant to R.C. 2919.251, a police officer represents that a defendant who is charged with committing any offense of violence against a family or household member is not suitable for bond in any amount. Said representation shall be in writing and initialed by the arresting officer.

Persons charged with any felony offense, regardless of degree, under Chapter 2907: SEX OFFENSES or Chapter 2950 SEXUAL CLASSIFICATION; and persons charged with any felony offense, regardless of degree, under R.C. §4511.19: DRIVING UNDER THE INFLUENCE OF ALCOHOL shall not qualify or be released pursuant to this paragraph;

- 3) On December 9, 2002, the Stark County Sheriff established a Release Procedure in order to maintain the inmate population at 379 persons. 379 is the maximum number of jail beds permissible based upon the staffing levels at the Stark County Jail and the staffing level requirements mandated by the state and federal guidelines.

Paragraph .02(B)(5) of the policy states:

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- b) four or more convictions of non-violent felonies of the 4th or 5th degree within the last five years;
- c) release from any state penal institution for any conviction within the last twelve months;
- d) one or more convictions for any felony of violence within the last three years;
- e) any out-of-state conviction for a felony of the 1st, 2nd or 3rd degree within the last two years;
- f) any felony conviction for assault on a police officer regardless of date of conviction.

Persons charged with any felony offense, regardless of degree, under Chapter 2907: SEX OFFENSES or Chapter 2950 SEXUAL CLASSIFICATION; and persons charged with any felony offense, regardless of degree, under R.C. §4511.19: DRIVING UNDER THE INFLUENCE OF ALCOHOL shall not qualify or be released pursuant to this paragraph; persons charged with a felony level violation of R.C. §2921.331 Failure to Comply With an Order or Signal of a Police Officer shall not be released pursuant to this paragraph.

- 4) In light of the Release Procedure established by the Sheriff, the Common Pleas Court, General Division, hereby authorizes the Sheriff of Stark County to set a \$2,500.00 unsecured Pretrial Release bond (costs waived) for all individuals described under paragraph 3 of the entry.
- 5) Individuals so released shall be ordered to appear in the appropriate municipal court at 8:30 a.m. the next business day following their release. Said individuals shall report to the Stark County Pretrial Release Officer.

BENCH WARRANTS

Persons arrested on a Bench Warrant for Failure to Appear shall post a cash bond in the amount equal to the amount stated on the said Bench Warrant as set by the Clerk. Surety or 10% will not be accepted.

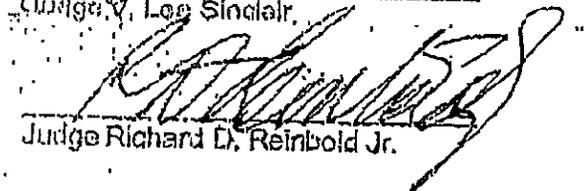
- 6) For persons whose residence is OUTSIDE OF STARK COUNTY or who have NO KNOWN ADDRESS, the amount of the Bond for any given offense charged shall be TWICE the amount above (except as set out in paragraph 3).



Judge John G. Haas



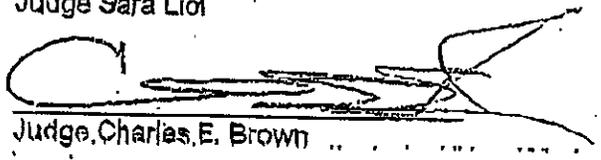
Judge V. Lee Sinclair



Judge Richard L. Reinbold Jr.



Judge Sara Lioi



Judge Charles E. Brown

Effective OCTOBER 16, 2009

Schedule A

Traffic Violations(Waiver)

	FINE		COST	=	TOTAL
Minor Misdemeanor					
First Offense	\$ 35.00	+	\$75.00	=	\$110.00
Second Offense	\$ 60.00	+	\$75.00	=	\$135.00
Misdemeanor – 4th					
First Offense	\$ 60.00	+	\$75.00	=	\$135.00
Second Offense	\$135.00	+	\$75.00	=	\$210.00
Misdemeanor – 3rd					
First Offense	\$ 85.00	+	\$75.00	=	\$160.00
Second Offense	\$185.00	+	\$75.00	=	\$260.00

Schedule B

Speed Violations (WAIVER)

SPEED VIOLATION OVER 80 MILES PER HOUR REQUIRES COURT APPEARANCE

	FINE		COST	=	TOTAL
0-10 Miles over limit					
First Offense	\$ 30.00	+	\$75.00	=	\$105.00
Second Offense	\$ 60.00	+	\$75.00	=	\$135.00
11-15 miles over limit					
First Offense	\$ 35.00	+	\$75.00	=	\$110.00
Second Offense	\$ 70.00	+	\$75.00	=	\$145.00
16-25 miles over limit					
First Offense	\$ 40.00	+	\$75.00	=	\$115.00
Second Offense	\$ 80.00	+	\$75.00	=	\$155.00

EXCEPTIONS

	FINE	COST	TOTAL
Child Restraint	\$ 35.00	\$45.00	\$ 80.00
Seat Belt Driver	\$ 30.00	\$45.00	\$ 75.00
Seat Belt Passenger	\$ 20.00	\$45.00	\$ 65.00
Peeling & Loud Exhaust	\$109.00	\$40.00	\$149.00
State Parking Violations	\$ 35.00	\$35.00	\$ 70.00
Jaywalking	\$ 40.00	\$45.00	\$ 85.00
Display/Expired Plates	\$ 50.00	\$45.00	\$ 95.00
Tinted Windows	\$ 50.00	\$40.00	\$ 90.00

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FILED
CLERK OF COURT
STARK COUNTY, OHIO

COUNTY: Stark

COURT: Alliance Municipal Court

ADDRESS: 470 East Market Street, Alliance, Ohio 44601

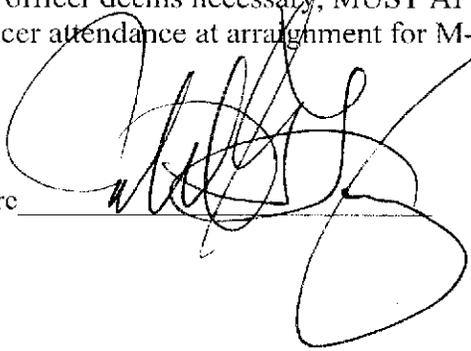
PHONE: 330.823.6600

WILDLIFE BOND SCHEDULE

Minor Misdemeanor	\$ <u>50.00</u>	+	\$ <u>65.00</u>	=	\$ <u>115.00</u>
Misdemeanor - 4 th					
Minor	\$ <u>75.00</u>	+	\$ <u>65.00</u>	=	\$ <u>140.00</u>
Major	\$ <u>150.00</u>	+	\$ <u>65.00</u>	=	\$ <u>215.00</u>
Misdemeanor - 3 rd					
Minor	\$ <u>100.00</u>	+	\$ <u>65.00</u>	=	\$ <u>165.00</u>
Major	\$ <u>200.00</u>	+	\$ <u>65.00</u>	=	\$ <u>265.00</u>
Misdemeanor - 2 nd					
Minor	\$ <u>125.00</u>	+	\$ <u>65.00</u>	=	\$ <u>190.00</u>
Major	\$ <u>250.00</u>	+	\$ <u>65.00</u>	=	\$ <u>315.00</u>
Misdemeanor - 1 st					
Minor	\$ <u>250.00</u>	+	\$ <u>65.00</u>	=	\$ <u>315.00</u>
Major	\$ <u>500.00</u>	+	\$ <u>65.00</u>	=	\$ <u>565.00</u>

If the arresting officer deems necessary, MUST APPEAR on the face of the summons will assure officer attendance at arraignment for M-4 through M-11.

Judge's Signature



Date

2/17/10

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STATE OF OHIO
SS:
STARK COUNTY

IN THE ALLIANCE MUNICIPAL COURT
JUDGMENT ENTRY

NOTICE TO:

CLERK OF COURTS

ORDER ESTABLISHING A BOND SCHEDULE

ALLIANCE POLICE DEPARTMENT

FOR DIVISION OF WATERCRAFT VIOLATIONS

COMMENCING 2/17/10

THE COURT HEREBY ORDERS, ADJUDGES AND DECREES THAT
THE FOLLOWING BOND SCHEDULE IS ORDERED FOR THE OHIO DEPARTMENT
OF NATURAL RESOURCES; DIVISION OF WATERCRAFT FOR VIOLATIONS
UNDER REVISED CODE SECTIONS 1547.03 TO 1547.92

CODE SECTION	WATERCRAFT AND WATERWAYS SCHEDULE	Fine	Cost	Total Bond	Degree
1547.03	Flashing lights prohibited.	\$ 35.00	\$65.00	\$ 100.00	MM
1547.04	Siren prohibited except for emergency.	\$ 35.00	\$65.00	\$ 100.00	MM
1547.06	Child operators prohibited.	\$ 35.00	\$65.00	\$ 100.00	MM
1547.07	Reckless operation without injury.	\$ 75.00	\$65.00	\$ 140.00	M4
1547.07	Reckless operation with injury.	\$100.00	\$65.00	\$ 165.00	M3
1547.08	Operation in certain areas prohibited; no wake areas; Marking by buoys or signs	\$ 35.00	\$65.00	\$ 100.00	MM
1547.09	Prohibitions on mooring, anchoring, tying up.	\$ 35.00	\$65.00	\$ 100.00	MM
1547.10	Operator to stop and furnish information upon accident or collision.		APPEARANCE REQUIRED		M1
1547.11	Operating under influence of alcohol, drugs prohibited; test analysis.		APPEARANCE REQUIRED		M1
1547.12	Incapacitated operators prohibited (without injury).	\$ 75.00	\$65.00	\$140.00	M4
1547.12	Incapacitated operators prohibited (with injury).	\$100.00	\$65.00	\$165.00	M3
1547.13	Failure to comply with law enforcement order; fleeing.		APPEARANCE REQUIRED		M1
1547.131	Duty upon approach of law enforcement vessel.	\$ 75.00	\$65.00	\$140.00	M4
1547.14	Water skiing confined to ski zones.	\$ 35.00	\$65.00	\$100.00	MM
1547.15	Observer required when towing skier.	\$ 35.00	\$65.00	\$100.00	MM
1547.16	Water skiing after dark prohibited.	\$ 35.00	\$65.00	\$100.00	MM
1547.18	Personal flotation device required for skiers.	\$ 35.00	\$65.00	\$100.00	MM
1547.19	Ski jumps prohibited.	\$ 35.00	\$65.00	\$100.00	MM
1514.20	Permission for conducting special water events.	\$ 35.00	\$65.00	\$100.00	MM
1547.21	Sale of single celled inflatable vessel prohibited.	\$ 35.00	\$65.00	\$100.00	MM
1547.22	Sitting, standing, walking on moving vessel restricted.	\$ 35.00	\$65.00	\$100.00	MM
1547.23	Engine warm-up required.	\$ 35.00	\$65.00	\$100.00	MM
1547.24	Children under 10 must wear appropriate size personal flotation device.	\$ 35.00	\$65.00	\$100.00	MM
1547.25	Operation without personal flotation devices prohibited.	\$ 50.00	\$65.00	\$115.00	M4
1547.251	Distress signals or flag required.	\$ 35.00	\$65.00	\$100.00	MM
1547.26	Anchor required; exception.	\$ 35.00	\$65.00	\$100.00	MM
1547.27	Fire extinguishers required on power craft.	\$ 35.00	\$65.00	\$100.00	MM

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CODE SECTION	WATERCRAFT AND WATERWAYS SCHEDULE	Fine	Cost	Total Bond	Degree
1547.28	Backfire arrestor required.	\$ 35.00	\$65.00	\$ 100.00	MM
1547.29	Ventilation required on power craft.	\$ 35.00	\$65.00	\$ 100.00	MM

STORAGE OF UNATTENDED VESSEL OR MOTOR

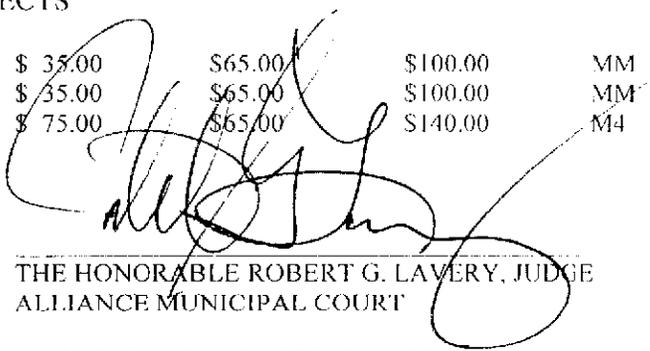
1547.30G	Law enforcement official may order storage of vessel or motor left on private property.	\$ 75.00	\$65.00	\$140.00	M4
1547.304	Abandonment of vessel or motor without notice to law Enforcement official prohibited.	\$ 75.00	\$65.00	\$140.00	M4
1547.31	Exhaust muffler required.	\$ 35.00	\$65.00	\$100.00	MM
1547.32	Vessel dwelling unlawful if a nuisance; exception.	\$ 35.00	\$65.00	\$100.00	MM
1547.33	Sink, toilet or sanitary system restrictions.	\$ 35.00	\$65.00	\$100.00	M4
1547.38	Rental of improperly equipped vessel prohibited.	\$ 75.00	\$65.00	\$140.00	M4
1547.39	Capacity plate required; manufacturer defined.	\$ 75.00	\$65.00	\$140.00	M4
1547.40	Exceeding capacity plate figures; absence of plate.	\$ 50.00	\$65.00	\$115.00	M4
1547.49	Littering prohibited.	\$ 35.00	\$65.00	\$100.00	MM

DIVISION OF WATERCRAFT

1547.52A2	Chief of division of watercraft.	\$ 50.00	\$65.00	\$115.00	M4
1547.53	Numbering of watercraft; waiver for temporary use.	\$ 35.00	\$65.00	\$100.00	MM
1547.531	Registration of documentation requirements.	\$ 35.00	\$65.00	\$100.00	MM
1547.54	Application for registration certificate; assigning of number.	\$ 35.00	\$65.00	\$100.00	MM
1547.54M	Application for registration certificate; assigning of number.	\$ 75.00	\$65.00	\$140.00	M4
1547.541	Historic watercraft identification plates.	\$ 35.00	\$65.00	\$100.00	MM
1547.542	Certificate of livery registration for fleets of rental watercraft; restriction or suspension.	\$ 35.00	\$65.00	\$100.00	MM
1547.543	Dealer or manufacturer registration certificate.	\$ 35.00	\$65.00	\$100.00	MM
1547.57	Tags indicating expiration date; attachment of identification number.	\$ 35.00	\$65.00	\$100.00	MM
1547.59	Duties after collision or accident; accident reports.	\$ 35.00	\$65.00	\$100.00	MM
1547.66	Alteration of identifying marks; false information on application.		APPEARANCE REQUIRED		M1
1547.69	Firearms offenses; signaling devices.	\$ 75.00	\$65.00	\$140.00	M4

HARBOR PROJECTS

1547.74	Facilities in harbors and waterways.	\$ 35.00	\$65.00	\$100.00	MM
1547.75	Waterways safety fund.	\$ 35.00	\$65.00	\$100.00	MM
1547.92	Tampering with navigation aid or vessel prohibited.	\$ 75.00	\$65.00	\$140.00	M4



THE HONORABLE ROBERT G. LAVERY, JUDGE
ALLIANCE MUNICIPAL COURT

ANY VIOLATION NOT APPEARING ON THIS BOND SCHEDULE REQUIRES COURT APPEARANCE
ALL M-1 CITATIONS REQUIRE COURT APPEARANCE

OFFICER HAS DISCRETION ON ALL M3 AND M4 VIOLATIONS, APPEARING ON THIS BOND SCHEDULE,
TO REQUIRE APPEARANCE OR ALLOW POSTING OF BOND

General Hunting

1533.10	Hunting without a license	\$140.00	\$215.00	4th
1533.111	Trapping without annual trapping permit	\$140.00	\$215.00	4th
1533.14	Fail to carry or exhibit hunting or trapping license and state or federal duck stamp	\$140.00	\$215.00	4th
1533.15	Purchase back-dated hunting or trapping license	\$140.00	\$215.00	4th
1533.15	Sell back-dated hunting or trapped license	\$140.00	\$215.00	4th
1533.15	Falsely procure hunting or trapping license	\$140.00	\$215.00	4th
1533.14	Fail to display hunting or trapping license	\$140.00	\$215.00	4th
1533.68	Purchase hunting, trapping or fishing license during period of revocation	\$315.00	\$565.00	1st
1531.02	Hunt on Sunday	\$140.00	\$215.00	4th
1531.02	Hunt, take or possess small game in closed season	\$140.00	\$215.00	4th
1531.02	Over limit of small game	\$140.00	\$215.00	4th
1531.02	Hunt before or after hours	\$140.00	\$215.00	4th
1531.02	Shoot from, along or over public highway	\$140.00	\$215.00	4th
1531.02	Pursue furbearers without continuous white light	\$140.00	\$215.00	4th
1531.02	Pursue furbearers in closed season with hunting device	\$140.00	\$215.00	4th
1531.02	Run dogs during closed period before season	\$140.00	\$215.00	4th
1531.02	Possess tree climbing equipment while hunting furbearing animals	\$140.00	\$215.00	4th
1533.161	Jacklighting all wild animals (except deer) with hunting device in possession	\$140.00	\$215.00	4th
1533.07	Take or possess non-game bird	\$315.00	\$565.00	1st
1533.07	Take or possess hawk, owl, eagle or vulture	\$315.00	\$565.00	1st
1533.17	Hunting or trapping without permission	\$165.00	\$265.00	3rd
2923.16	Improper transportation of firearm in motor vehicle(TICKET MAY REQUIRE COURT APPEARANCE)	\$140.00	\$215.00	4th
1533.67	Game Protector -- interfere with, assault, threaten, resist, deter	\$315.00	\$565.00	1st
1533.171	Injury of persons or property by hunters	\$315.00	\$565.00	1st
1531.02	Special deer permit-hunting without, fail to exhibit possess, Loan or borrow permit of another	\$140.00	\$215.00	4th
1533.68	Special deer permit-purchasing permit during period of revocation	\$315.00	\$565.00	1st
1531.02	Hunt, take, possess-closed season or no certificate of ownership	\$165.00	\$265.00	3rd
1531.02	Hunt, before or after hours	\$140.00	\$215.00	4th
1531.02	Hunt, take before or after hours	\$165.00	\$265.00	3rd
1531.02	Hunt, take second deer; over limit	\$165.00	\$265.00	3rd
1531.02	Buy or sell deer	\$165.00	\$265.00	3rd
1531.02	Fail to wear hunter orange during gun season	\$140.00	\$215.00	4th
1531.02	Temporary tag-hunt with tag detached from permit, fail to tag deer with temporary tag, possession of untagged deer	\$165.00	\$265.00	3rd
1531.02	Permanent tag-fail to take deer to checking station, tagging in wrong deer zone, removal of head	\$165.00	\$265.00	3rd
1531.02	Permanent tag-transport deer of another to checking station for tagging	\$165.00	\$265.00	3rd
1533.161	Jacklighting deer with hunting device (TICKET MAY REQUIRE APPEARANCE)	\$165.00	\$265.00	3rd
1533.161	Jacklighting deer without hunting device	\$165.00	\$265.00	3rd
1531.02	Hunt, take, shoot deer from public highway	\$165.00	\$265.00	3rd
1531.02	Hunt, take deer by unlawful means-rifle, pistol, long bow or crossbow during gun season, shotgun during primitive season, shotshells, dogs, in water	\$165.00	\$265.00	3rd
1531.02	Records-fail to keep accurate records, taxidermists, cold Storage, lockerplant, processer	\$165.00	\$265.00	3rd

1531.02	Custody records/tagging-leave deer or receive deer without tag or seal or statement attached	\$165.00	\$265.00	3rd
1531.02	Tree stand-erect or use on lands of another without permission from owner(deer)	\$165.00	\$265.00	3rd
	mechanical or electrical device-use or possess or direct, guide or assist in deer hunting, (C.B. radio motorized vehicle)	\$140.00	\$215.00	4th

Trapping Violations

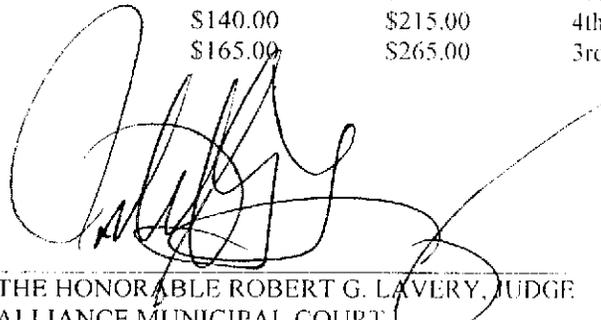
CODE SECTION	WILDLIFE BOND SCHEDULE	MINOR	MAJOR	DEGREE
1531.02	Untagged traps	\$140.00	\$215.00	4th
1531.02	Oversize trap on land	\$140.00	\$215.00	4th
1531.02	Fail to check traps within 24 hours	\$140.00	\$215.00	4th
1531.02	Disturb or molest trap of another	\$140.00	\$215.00	4th
1531.02	Snare, illegal trapping device or flesh bait not covered	\$140.00	\$215.00	4th

Waterfowl

1531.02	No federal/state duck stamp or stamp not signed	\$140.00	\$215.00	4th
1531.02	Take by illegal means-baiting, snare, net, fish hooks	\$140.00	\$215.00	4th
1531.02	Over limit waterfowl	\$140.00	\$215.00	4th
1531.02	Hunt before or after hours/wanton waste	\$140.00	\$215.00	4th

State Property-General

1531.02	Landscape and buildings-injure, remove, damage trees, signs, buildings, fences or remove crops, sand, gravel, wood, etc.	\$315.00	\$565.00	1st
1531.02	Horse-ride horse, pony, mule, etc. on wildlife area	\$140.00	\$215.00	4th
1531.02	Motor vehicles restricted-operate or park a motor vehicle in a non-designated are	\$140.00	\$215.00	4th
1531.02	Refuse containers-dispose of household trash in state receptacle	\$140.00	\$215.00	4th
1531.02	Swimming-in wildlife waters or non-designated area	\$140.00	\$215.00	4th
1531.02	Camping on wildlife area	\$140.00	\$215.00	4th
1531.02	Fires-build or use open fire on wildlife area	\$140.00	\$215.00	4th
1531.02	Fireworks-possess or use on wildlife area	\$140.00	\$215.00	4th
1531.02	Firearms-shoot fully automatic rifle or pistol on public hunting area	\$140.00	\$215.00	4th
1531.02	Firearm-target shooting on public hunting area	\$140.00	\$215.00	4th
1531.29	Litter-state and private land, stream litter	\$165.00	\$265.00	3rd



THE HONORABLE ROBERT G. LAVERY, JUDGE
ALLIANCE MUNICIPAL COURT

ON ALL M-1'S, TICKET MAY REQUIRE APPEARANCE
THESE BOND AMOUNTS INCLUDE COURT COST OF \$65.00

Appendix C
Temporary Protection Orders (TPO)

**WARNING CONCERNING THE ATTACHED
DOMESTIC VIOLENCE PROTECTION ORDER**

NOTE: Rules of Superintendence 10.01 and 10.02 require this Warning to be attached to the FRONT of all civil and criminal domestic violence protection orders issued by the courts of the State of Ohio.
TO BE USED WITH FORMS 10.01-H, 10.01-I, 10.01-J, and 10.02-A.

WARNING TO RESPONDENT / DEFENDANT

Violating the attached Protection Order is a crime, punishable by imprisonment or fine or both, and can cause your bond to be revoked or result in a contempt of court citation against you.

This Protection Order is enforceable in all 50 states, the District of Columbia, tribal lands, and U.S. Territories pursuant to the Violence Against Women Act, 18 U.S.C. Section 2265. Violating this Protection Order may subject you to federal charges and punishment.

As a result of this order or consent agreement, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. Section 922(g)(8). If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

Only the Court can change this order. The Petitioner/Alleged Victim cannot give you legal permission to change this order. If you go near the Petitioner/Alleged Victim, even with the Petitioner's/Alleged Victim's consent, you may be arrested. If you and the Petitioner/Alleged Victim want to resume your relationship you must ask the Court to modify or terminate this Protection Order. Unless the Court modifies or terminates this order, you can be arrested for violating this Protection Order. You act at your own risk if you disregard this WARNING.

WARNING TO PETITIONER / ALLEGED VICTIM

You **cannot** change the terms of this Order by your words or actions. Only the Court can allow the Respondent/Defendant to contact you or return to your residence. This order cannot be changed by either party without obtaining a written court order.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all jurisdictions. Violation of this Protection Order, regardless of whether it is a criminal or civil Protection Order, is a crime under R.C. 2919.27. Law enforcement officers with powers to arrest under R.C. 2935.03 for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2919.26, 2919.27 and R.C. 3113.31. If you have reasonable grounds to believe that Respondent/Defendant has violated this Protection Order, it is the preferred course of action in Ohio under R.C. 2935.03 to arrest and detain Respondent/Defendant until a warrant can be obtained. Federal and State Law prohibit charging a fee for service of this order.

IN THE ALLIANCE MUNICIPAL COURT
OF STARK COUNTY, OHIO

Order of Protection

Per ORC 2919.26(G)(2), this order is indexed at

Law Enforcement Agency where indexed

Phone Number

City of Alliance

vs.

Defendant

CASE No. _____

Judge: _____

County

STARK

State

OHIO

**DOMESTIC VIOLENCE CRIMINAL TEMPORARY
PROTECTION ORDER (DVTPO) (R.C. 2919.26)**

New Order Modification of Previous Order

Alleged Victim

Person(s) Protected by this Order:

Alleged Victim _____ DOB: _____
 Alleged Victim's Family or Household Member(s):
 _____ DOB: _____
 _____ DOB: _____
 _____ DOB: _____

DEFENDANT:

DEFENDANT'S IDENTIFIERS:

SEX	RACE	HT	WT
EYES	HAIR	DATE OF BIRTH	
DRIVERS LIC # & EXP. DATE			STATE

Address where Defendant can be found:

FIREARMS ACCESS - PROCEED WITH CAUTION

Ex Parte Order Granted: _____ Date Issued _____
 DVTPO Granted: _____ Date Issued _____

Distinguishing Features

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this form not required for enforcement.)

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Defendant has been or will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth below.**

THE COURT HEREBY ORDERS:

That the above named Defendant be restrained from committing acts of abuse or threats of abuse against the Alleged Victim and other protected persons named in this order, as set forth below.
 Additional terms of this order are set forth below.

WARNING TO DEFENDANT: See the warning page attached to the front of this Order.

Upon a Ex Parte hearing held on the Court finds that the motion for a Domestic Violence Temporary Protection Order is well taken. The Court finds that the safety and protection of protected persons named in this Order may be impaired by the continued presence of Defendant. Therefore, the following orders, which are designed to ensure the safety and protection of protected persons named in this Order, are issued to Defendant as pretrial conditions of release in addition to any bail set under Criminal Rule 46.

ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE DEFENDANT

1. **DEFENDANT SHALL NOT ABUSE** protected persons named in this order by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexual oriented offenses against them. [NCIC 01 and 02]

2. **DEFENDANT SHALL NOT ENTER** the residence, school, business, place of employment, or child care providers of the protected persons named in this Order, including the buildings, grounds and parking lots at those locations. Defendant may not violate this order ever with the permission of a protected person. [NCIC 04]

3. **DEFENDANT SHALL NOT INTERFERE** with protected persons' right to occupy any residence by canceling utilities or insurance and interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]

4. **DEFENDANT SHALL SURRENDER** all keys and garage door openers to the following residence: _____ at the earliest possible opportunity after service of this Order to the law enforcement officer agency that serves Defendant with this Order **or as follows**
To the Law Enforcement office where the victim's address is located.

5. **DEFENDANT SHALL STAY AWAY FROM PROTECTED PERSONS NAMED IN THIS ORDER** and shall not be present within 50 Feet of protected persons, wherever protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be. **even with protected person's permission.** If Defendant accidentally comes in contact with protected persons in any public or private place. Defendant must depart *immediately*. This order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

6. **DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected person named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writings, or communications by any other means in person or through another person. Defendant may not violate this order even with the permission of a protected person. [NCIC 05].

7. **DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order.

8. **DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY OTHER PERSON** to do any act prohibited by this order.

9. **DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON.** Defendant shall turn over all deadly weapons in Defendant's possession to the law enforcement agency that serves Defendant with this Order as follows: _____ Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

10. **DEFENDANT MAY PICK UP CLOTHING** and personal items from the following residence: _____ only in the company of a uniformed law enforcement officer within 7 days of the filing of this Order or the date of Defendant's release on bond in connection with this charge, whichever is later. Arrangements may be made by contacting _____

11. **DEFENDANT SHALL NOT CONSUME, USE OR POSSESS** illegal drugs or beverages containing alcohol.

12. IT IS FURTHER ORDERED: _____

13. DEFENDANT IS ADVISED THAT VISITATION ORDERS DO NOT PERMIT DEFENDANT TO VIOLATE ANY OF THE TERMS OF THIS ORDER.

14. IT IS FURTHER ORDERED that a copy of this Order shall be delivered to Defendant on the same day that the Order is entered.

15. THIS ORDER REMAINS IN EFFECT: (1) until modified by this court; or (2) until the criminal proceeding arising out of the complaint upon which these orders were issued is disposed by this court or by the common pleas court to which the defendant is bound over for prosecution; or (3) until the court issues a Civil Protection Order (CPO) arising out of the same activities as those that were the basis of the complaint filed in this action.

IT IS SO ORDERED.

JUDGE/MAGISTRATE - DATE/EX PARTE - DVTPO

JUDGE/MAGISTRATE - DATE OF DVTPO

NOTICE TO DEFENDANT: THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

A Final Hearing on this order shall be held before
Judge _____
on _____ at _____ am/pm
at the Alliance Municipal Court
470 East Market Street
Alliance, Ohio 44601
(the next court day) at the following location:

TO THE CLERK:
COPIES OF THIS ORDER SHALL BE DELIVERED TO:
 Prosecutor
 Alleged Victim
 Defendant (by personal service)
 Attorney for Defendant
 Police Department Where Alleged Victim Resides
 Police Department Where Alleged Victim Works
 The _____ County Sheriff
 Other _____

Service acknowledged: _____
Defendant's Signature

_____ Date

WAIVER OF HEARING

I HAVE BEEN ADVISED OF MY RIGHT TO HAVE A HEARING ON THE MOTION FOR A DOMESTIC VIOLENCE CRIMINAL PROTECTION ORDER AND HEREBY KNOWINGLY AND VOLUNTARILY WAIVE THE HEARING ON THE MOTION AND AGREE TO BE BOUND BY THE TERMS OF THIS ORDER.

DEFENDANT: _____

DATE: _____

FORM 10-A: PROTECTION ORDER NOTICE TO NCIC

(Required fields appear in bold print)

Initial NCIC Form
 Modification of Previous Form

SHIP DATA ONLY (EPO) **SUBJECT NAME** _____
(LAST) (FIRST) (M.I.) (TITLE)
ADDRESS _____

PHYSICAL DESCRIPTION HGT _____ WGT _____ HAIR _____ EYES _____ RACE _____ SEX _____

NUMERICAL IDENTIFIER (NOTE: Only ONE of the 4 numerical identifiers is needed.)

- 1. SSN _____
 - 2. DOB _____
 - 3. Drivers License No. _____ State _____ Expiration Yr. _____
 - 4. Vehicle License No. _____ State _____ Expiration Yr. _____ License Type _____
- (*If #3 or #4 is used as numerical identifier, entire line MUST be completed.)

BRADY DISQUALIFIERS:

(Pursuant to 18 U.S.C. 922(g)(8), a "yes" response to all three Brady Questions disqualifies the subject from purchasing or possessing any firearms, including a rifle, pistol, revolver, or ammunition.)

- Does order protect intimate partner or child(ren)? YES NO
- Did subject have opportunity to participate in hearing regarding order? YES NO
- Does order find subject a credible threat or explicitly prohibit physical force? YES NO

CASE NO. _____ (15 DIGIT MAXIMUM)
COURT ORIGINATING AGENCY IDENTIFIER OH076091J _____ (9 DIGIT ORI ASSIGNED BY NCIC)

R.C. 2903.213 R.C. 2903.214 R.C. 2151.34 **NAME OF JUDGE** _____
 R.C. 2919.26 R.C. 3113.31

DATE OF ORDER _____ **EXPIRATION OF ORDER** _____
(IN R.C. 2919.26 CASES NONEXP MAY BE USED)

TERMS AND CONDITIONS OF ORDER (MARK ALL THAT ARE APPLICABLE):

- 01 The subject is restrained from assaulting, threatening, abusing, harassing, following, interfering, or stalking the protected person and/or the child (ren) of the protected person.
- 02 The subject shall not threaten a member of the protected person's family or household.
- 03 The protected person is granted exclusive possession of the residence or household.
- 04 The subject is required to stay away from the residence, property, school, or place of employment of the protected person or other family or household member.
- 05 The subject is restrained from making any communication with the protected person, including but not limited to, personal, written or telephone contact, or their employer, employees, or fellow workers, or others with whom the communication would be likely to cause annoyance or alarm to the victim.
- 06 The subject has visitation or custody rights of the children named in the order.
- 07 The subject is prohibited from possessing and/or purchasing a firearm or other weapon.
- 08 See the Miscellaneous Field for comments regarding the specific terms and conditions of the order.
Miscellaneous comments: _____
- 09 The protected person is awarded temporary exclusive custody of the children named in the order.

LIST ALL PROTECTED PERSONS (Total of 9 allowed, may attach additional forms; **SSN is NOT necessary if DOB is given**):

PROTECTED PERSON	DOB	(RACE / SEX)	(SSN)
_____ (LAST, FIRST, MI, TITLE)	_____/_____/_____ (MM/DD/YY)	_____/_____ (RACE / SEX)	_____ (SSN)
_____ (LAST, FIRST, MI, TITLE)	_____/_____/_____ (MM/DD/YY)	_____/_____ (RACE / SEX)	_____ (SSN)
_____ (LAST, FIRST, MI, TITLE)	_____/_____/_____ (MM/DD/YY)	_____/_____ (RACE / SEX)	_____ (SSN)

Authorized by _____ Date _____
Judge/Magistrate (circle one)

NOTICE CONCERNING POSSESSION OR PURCHASE OF FIREARMS

NOTE: Rule of Superintendence 10.04 requires notice of possible firearm restrictions be provided to the defendant prior to entering a guilty plea or plea of no contest to a misdemeanor crime of violence against a family or household member.

Pursuant to Ohio Revised Code section 2943.033, you are advised that if you enter a guilty plea or plea of no contest to a misdemeanor crime involving violence where you are or were

- A spouse, person living as a spouse, former spouse of the alleged victim;
- A parent or child of the alleged victim;
- A parent or child of a spouse, person living as a spouse, or former spouse of the alleged victim; or
- The natural parent of any child of whom the alleged victim is the other natural parent or the putative natural parent

it may be unlawful for you to ship, transport, purchase, or possess a firearm or ammunition as a result of any conviction for a misdemeanor offense of violence pursuant to federal law under 18 U.S.C. section 922(g)(9).

If you have any questions whether this law makes it illegal for you to ship, transport, purchase, or possess a firearm or ammunition, you should consult an attorney.