

CRIMINAL, TRAFFIC, CIVIL AND SMALL CLAIM RULES

1. JURISDICTION OF COURT:

The territorial jurisdiction of the Perry County Court include all of Perry County and the monetary jurisdiction shall be the amount as prescribed by the Ohio Revised Code.

2. COURT HOURS AND SESSIONS:

A. The Court hours are from 8:30 A.M. to 4:30 P.M. Monday through Friday, legal holidays excepted. The Court may also at such other times and on such other dates as may be prescribed by the Judge.

B. Court sessions will be held on Tuesdays and Thursdays starting at 9:00 A.M. with the arraignments, video arraignments and immediately following with criminal pre-trials and trials, civil and small claims pre-trials and trials. All jury trials will be set on Fridays starting at 9:00 A.M., unless otherwise ordered by the Judge.

3. RECORDS :

The Clerk or Deputy Clerks shall prepare and maintain such dockets, books or records as provided by the Ohio Revised Code.

4. CASE NUMBERING AND IDENTIFICATION ON ALL FILINGS:

All papers offered for filing with the Court shall be identified by including:

1. A title containing the name and part designation of the party filing it and the nature of document.
2. The typed name, signature, office address, office telephone number and the Supreme Court number of the designated trial attorney.
3. The case number assigned by the Court.

5. REMOVAL, FILING OF PAPERS AND COST PER COPY:

All original papers filed with the Court shall not be removed from the office without prior authorization from the Judge. All original filings must be accompanied with copies and the number of copies shall be determined by the number of complainants or defendants in the case. The Clerk or Deputy Clerks shall provide a copy of any papers filed to any person making such a request at the cost of a dollar (\$1.00) per page.

6. FORMS OR PAPERS FILED WITH THE COURT

All papers offered for filing with the Court shall be typed written or printed on 8 ½ by 11 inch bond paper without backing. Original documents attached or offered as exhibits and official Court forms supplied by the Court are exempt from the requirements of this rule.

Only legible documents will be accepted for filing.

7. EMPLOYEES OF THIS COURT MAY NOT PREPARE PAPERS OR CHARGE FOR NOTARY SERVICES

1. Employees of this Court shall not prepare or help to prepare any filings for this Court, except as provided under Section 1925.04 of the Ohio Revised Code.
2. No Fee shall be charged by any employee of this Court for notarizing affidavits or any other matters pertinent to the criminal and civil business of this Court.

8. PROOF OF SERVICE

1. All documents except the complaint offered for filing are required to be served on other parties shall contain proof of service in the form provided by Civil Rule 5(D) and Criminal Rule 49[©]).
2. No pleading shall be deemed served by leaving a copy with the Clerk or any Court

personnel. Neither the Clerk nor any other Court personnel have any obligation to forward pleading left by counsel or any other person to the opposing party.

9. DUTIES PERTAINING TO FILING OF DOCUMENTS

The Clerk or Deputy Clerk shall, upon receiving papers for filing, docket same and place the original of said papers in the file without delay. The Court may order stricken any filed paper which does not comply with the Court rules.

10. REQUEST FOR CONTINUANCE

1. Every request for a continuance shall be by written motion unless made on the record in open court and must be requested at least twenty four hours in advance. The motion shall set forth the date from which a continuance is requested and the reasons for continuance.

2. Attorneys submitting motions for continuance shall accompany them with an entry providing blanks for the new trial or hearing time, date, and courtroom. If a continuance is requested due to a prior set hearing in another Court, a copy of the notice of such hearing shall accompany said motion.

3. This rule does not restrict the Judge's exercise of discretion in granting or denying continuances.

4. All Motions for continuance for Jury Trials due to a conflict with a case set prior to our Jury Trial must be filed with the Court within ten days from the date of mailing of the Jury Trial hearing notice. Your failure to file the motion for continuance within the time prescribed will result in your Motion being denied.

11. ENTRIES

1. Entries on decision other than on the merits will be prepared and filed by the Court unless otherwise ordered.

2. Counsel for the prevailing party shall prepare a judgment entry with five (5) days of an order of the court and submit the same to counsel for the adverse party who shall approve or reject the entry within five (5) days. If opposing counsel fails to return the entry within five (5) days, it shall be submitted to the trial judge, who shall approve the entry in the form he considers proper.

3. No entry shall be accepted for filing unless signed by a judge.

4. Nothing in this Rule precludes the assigned judge from preparing and filing a judgment entry sua sponte.

5. An entry must be drawn in language that is appropriate to the specific case in which it is to be filed.

12. TRIAL ATTORNEY

1. All documents filed on behalf of one or more parties represented by counsel shall be signed by one attorney in his individual name as trial attorney. All notices and communications from the court and all documents required to be served will be sent to the designated trial attorney. No attorney who has entered his or her appearance in a case may withdraw as trial attorney except upon written motion for good cause shown and after notice to the client.

2. All trial attorneys must enter their notice of representation with the court in writing in order to receive notice of trial dates.

13. RECORD OF PROCEEDINGS AND COSTS

1. Method for recording court proceedings shall be by audio-electronic recording devices.

2. With the exception of jury trials which will be recorded by stenographic means with the losing party bearing the cost.
3. Any and all recording of proceedings shall be done only in accordance with Criminal Rule 22 and where a request is required by said rule, said request must be made at least fifteen (15) days prior to the commencement of the proceedings.
4. Either party to the cause of action may request the court proceedings be recorded by stenographic means if the court has received written notice of the request at least fifteen (15) days prior to the hearing. The cost for such stenographic recording shall be borne by the requesting party.

14. TRANSCRIPTS

1. Any party requesting a transcript of any recorded hearing shall bear the cost of said transcript except as otherwise ordered by the court and said request must be put in writing to the court bearing the style of the case, type of hearing and the date of said hearing.
2. The reporter shall not prepare a transcript of the evidence in any case for anyone not a party thereto unless all parties to the case shall have consented thereto in advance.
3. Every transcript filed in this Court shall bear the name, address and telephone number of the court reporter making the same.
4. A reporter shall not be required to prepare a transcript until satisfactory arrangements for payment have been concluded. Copies of a transcript shall be made only by the reporter with arrangements for payment thereof.

15. EXHIBITS

Exhibits are to be exchanged three days prior to trial and marked. You are required to have three copies and one original for the court.

CIVIL AND SMALL CLAIMS RULES

1. COPIES OF THE COMPLAINT

Complaints shall tender with the original complaint a sufficient number of service copies for all defendant's to be served.

2. FORCIBLE ENTRY AND DETAINER

1. Once a judgment has been rendered ordering a defendant to vacate a house or other building the Sheriff shall not take action to remove the defendant until a request is filed with the Clerk, requesting that said action be taken and the Sheriff shall not proceed with said action until sufficient costs are deposited to cover the expense of accomplishing the move. There shall be additional expenses taxed as costs in the case.

3. SALES AND PROCEEDINGS IN AID OF EXECUTION

The Sheriff shall follow the rules prescribed by Section 2329.13, et seq of the Revised Code of Ohio in the advertising and conducting of all sales on attachments, execution or foreclosure of chattel mortgages.

4. JUDGMENT DEBTOR EXAMINATION

If a judgment debtor fails to appear at the scheduled examination, and it appears the debtor was served with notice, the attorney for the creditor may request of the Court that a bench warrant be issued for the arrest of the debtor. The request for a bench warrant shall be made in writing to the court along with the debtor's date of birth and social security

number.

5. DEMAND AND DEPOSIT FOR CIVIL/SMALL CLAIM JURY TRIALS

A demand for a jury trial shall be made in accordance with Civil Rule 38.

The Court orders the party that is requesting the jury trial to pay a deposit of \$250.00 when the jury demand is filed, as security for costs; unless an affidavit of hardship, approved by the Court, is filed in lieu of the deposit.

6. CANCELLATIONS AND RELEASES

Releases and assignments of judgements or certificates of judgment shall be in writing and signed by a person authorized to execute the instrument.

7. TRUSTEESHIPS

Application for appointment of trustee shall be in accordance with the Ohio Revised Code Section 2329.70 and any demand made in accordance with Ohio Revised Code Section 2716.02.

8. SUBPOENAS FOR WITNESSES

The return for subpoenas of witnesses shall be filed with the Clerk before the date of trial.

The failure to appear of a witness for whom the return was not filed in accordance with the rule will not be grounds for a continuance of the case.

9. PRE-TRIAL PROCEDURE

A pre-trial conference may be ordered by the Court. Upon notice of the scheduling of a pre-trial conference, it shall be the duty of counsel to make a sincere effort to dispose of the matter by settlement, and agree on any matters of evidence about which there is no genuine dispute. Prior to the date of the pre-trial conference, counsel shall exchange reports of expert witnesses expected to be called by each party, as well as medical reports and hospital records if such are involved. All pre-trials shall be held at the Perry County Courthouse. There shall be no telephone pre-trials.

Failure of counsel to be prepared for pre-trial conference may result in dismissal of the case for want of prosecution or in a default judgment or such other action to enforce compliance as the trial judge deems appropriate. It shall be the duty of counsel to do the following at the pre-trial hearing:

1. The counsel who will be trial counsel and who is fully authorized to act and negotiate on behalf of the party must be present.
2. All parties in interest must be present at the pre-trial unless such presence is excused by the trial Judge.

10. MOTIONS

CRIMINAL AND TRAFFIC RULES

1. BAILIFF

The bailiff, clerk, deputy clerk or probation officer selected by the Judge shall formally open sessions in the traffic and criminal division of the Court.

2. CRIMINAL ACTION - FILING

The Clerk of the County Court and all deputies shall refuse to accept criminal filings from any person except a duly authorized law enforcement officer having jurisdiction within the territorial jurisdiction of this court or any representative of the County Prosecutor's Office.

3. WITNESSES

1. Failure of any witnesses to appear in court may subject them to prosecution for contempt of court.

2. It will be the policy and the procedure of the Perry County Prosecutors Office to file a praecipe for a subpoena with the Perry County Court Office and a subpoena being issued for service upon the named Police Officer or Officers. Failure to appear for such court hearing will result in a Direct Contempt Citation being issued for that person.

4. WITHDRAWAL OF CHARGES

1. All recommendations for withdraw, reduction, amendment or dismissal of charges and the reasons therefor shall be made in open court by the prosecuting attorney, and or shall be specifically set forth in writing upon the case file.

2. No reductions of charges shall be allowed after jury notices have been sent to the prospective jurors.

5. BOND FORFEITURE

Where bond or bail has been posted and the defendant fails to appear as scheduled, the court may issue a warrant for the arrest of the defendant and the defendant shall suffer the forfeiture of the bond or bail as so posted.

6. BAIL

Officers in charge shall release any person arrested and charged with any of the offenses, who gives bail or executes bond according to law and satisfactory to the Clerk in the amount indicated in the bond schedule for appearance in the Perry County Court.

7. JURY DEMAND

Demand for a jury must be filed at least ten (10) days prior to trial date, or on or before the third day following receipt of notice of the date set for trial, whichever is later. Failure to demand a jury trial as provided is a complete waiver of the right thereof.

8. JURY COSTS

The cost of the jury shall be assessed to the defendant. No deposit for criminal jury trials is required.

9. JUDGMENTS, ORDERS AND ENTRIES

All criminal and traffic judgments and orders of this Court shall be shown as entered on the journals of the court as of the date said judgment were announced by the court.

10. MOTIONS

All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. In Motions to Suppress, the items of evidence in question shall be specified. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. All motions shall be set for oral hearings.

11. PRE-TRIAL PROCEDURE

After entering a plea of not guilty to a criminal or traffic offense, the Court will automatically set a pretrial if a jury demand has been filed in the time prescribed by law. The court will also at its discretion set a pre-trial conference. The following persons are required to attend the pre-trial conference: the prosecutor, trial counsel and the defendant.

12. COURT APPOINTED ATTORNEY FEES

Appointed counsel in criminal/traffic cases shall not incur extra ordinary expenses in the investigation or preparation of their case until they have disclosed the purpose of the expense and the amount to the court and secured the court's approval by way of an order. Application for attorney fees must be submitted to the court within thirty (30) days from the date of the termination of said case or fees will not be approved by the court to be paid.

June 4, 2010

Attn: Assistant Prosecutor, Nancy Ridenour

The Perry County Court will be implementing a new local court rule, effective date as file stamp date.

Request for discovery, filed by the Defendant's Counsel or by the State of Ohio is to be filed with the Court (20) twenty days prior to pre-trial/ hearing date and the reply to discovery is to be exchanged (10) ten days prior to pre-trial/hearing.

Judge Dean L. Wilson