

City of Worthington - Mayor's Court

Court Rules

Section	Organizational Rules
Rule 1.1a	Use of Electronically Produced Ticket
Rule 1.1	Case Numbering
Rule 1.2	Court Schedule
Rule 1.21	Prisoner Hearings
Rule 1.3	Order of Cases in Court
Rule 1.4	Hearing of Cases by Judicial Officer other than Mayor
Rule 1.5	Timestamping of Items Received by the Court
Rule 1.6	Joinder and Separation of Cases
Rule 1.7	Size of Paper Filed
Rule 1.8	Case flow Management
Rule 1.9	Motions Practice

Section	Procedural Rules
Rule 2.1	Continuances
Rule 2.2	Discovery
Rule 2.3	Use of Signature Stamp
Rule 2.4	Authorization of a Summons and/or a Warrant
Rule 2.5	Authorization to Waive Fees and Recall Warrants
Rule 2.6	Transfer of Cases to Municipal Court
Rule 2.7	Options on MM and M4 Cases with a Warrant
Rule 2.8	Options on M3-M1 Cases with a Warrant
Rule 2.9	Late Enforcement
Rule 2.10	Bond Case Transfers
Rule 2.11	Interpreters
Rule 2.12	Court Costs and Fees
Rule 2.13	Deviation from Designated Bond
Rule 2.14	Forms of Acceptable Payments
Rule 2.15	Overpayments

Section	Violation Bureau
Rule 3.1	Establishment of Violation Bureau
Rule 3.2	Payable Offenses and Fine Schedule
Rule 3.3	Continuance to Pay Fine

Rule 1.1a Use of Electronically Produced Ticket

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Worthington Mayor's Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.

Rule 1.1 Case Numbering

When filed with the Clerk's office, cases will be categorized as traffic, criminal, or parking cases. Each category will be serially numbered on an annual basis beginning with January first of each year. The case number for each case will consist of the last two digits of the year / case type / case sub-types / case number. This system is in accordance with the Ohio Supreme Court Rule of Superintendence number 43.

Rule 1.2 Court Schedule

Court nights shall be normally scheduled for every Tuesday night (except when a holiday falls on a Monday, then Court is on Wednesday) as follows:

1. Pre-trials at 5:00 p.m.
2. Arraignments, Pleas and Trials at 6:00 p.m.

Trials follow Pleas regardless of order of signing in.

Prisoner Hearings will be scheduled on an as needed basis.

The Court will publish the court schedule each May for the following year. The Mayor/Vice-Mayor and the Clerk of Court shall approve any changes from this schedule.

Rule 1.21 Prisoner Hearings

When a prisoner hearing occurs at the Mayor's Court, 6550 N. High Street, Worthington, Ohio 43085 and the Mayor, Vice-Mayor, or Magistrate on duty is not able to be physically present at the Court building, the assigned Mayor, Vice-Mayor, or Magistrate may, in their discretion, conduct said prisoner hearing with the participants physically present at the Mayor's Court building by Facetime or some other form of remote contemporaneous video.

Rule 1.3 Order of Cases in Court

Cases shall be presented to the Court in the following order:

- 1.) Prisoners
- 2.) Cases requiring an interpreter
- 3.) Cases with counsel
- 4.) All other matters

Any deviations must be approved by the Mayor/Vice-Mayor/Magistrate.

Rule 1.4 Hearing of Cases by Judicial Officer other than the Mayor

In the event the Mayor is unable to preside on the bench, the Vice-Mayor shall preside. In the event both the Mayor and Vice-Mayor are unable to preside on the bench, a Magistrate shall preside. The Mayor shall complete an entry of unavailability. The entry is to be time-stamped and a file maintained by the Clerk of Court.

Rule 1.5 Timestamping of Items Received by the Court

All tickets, citations, complaints, reports, motions, mail, correspondence, and any other case-related material received by the Court shall be time-stamped to show the date and time of receipt.

Rule 1.6 Joinder and Separation of Cases

Criminal and traffic cases which are filed at the same time against the same defendant shall be adjudicated together throughout the entire Court process. Any motions for separation must be approved by the Mayor/Vice-Mayor/Magistrate

Rule 1.7 Size of Paper Filed

All pleadings, motions, briefs, and other papers filed with the Clerk's Office shall be on paper not exceeding 8 ½ in. x 11 in. in size and shall be double spaced with 12-point font.

Rule 1.8 Case flow Management

Although Mayor's Courts are under no obligation to follow the Supreme Court of Ohio's Rules of Superintendence, the City of Worthington chooses to follow the Rules of Superintendence in the area of case management. The Court will strive to complete its cases within the time limits prescribed by the Supreme Court reporting rules for Municipal Courts. The current time limit for criminal, traffic, and OVI cases is 6 months. A quarterly report listing all cases over the prescribed time limit will be generated by the Clerk's office and reported to the Mayor. At its request, the Mayor will make reports to City Council.

Rule 1.9 Motion Practice

All motions must be presented and filed in duplicate, in writing, accompanied by sufficient memoranda not less than 14 days before the next hearing date for the case. Unless the following statement appears prominently on the first page of the motion, no oral hearing will be permitted: "Counsel requests an oral hearing at which _____ witnesses will be presented." All parties wishing to respond in writing to a motion shall do so in duplicate not later than the tenth day following service of the motion on the responding party. Motions, where an oral hearing is requested, will be heard during the next scheduled Court night. A party may not file a motion prior to the entry of a plea in misdemeanor, criminal and traffic cases, except motions listed as exceptions in Criminal R. 12(B)(2) and motions listed as exceptions in Ohio Traffic Rule 11(B)(1).

Rule 2.1 Continuances

Requests for Continuances shall be made in writing to the Court. Faxed copies of the request may be accepted. All Requests for Continuances shall be to a date certain which shall not exceed 30 days from the date of arrest or the issuance of a summons, whichever is earlier, unless Defendant agrees to waive time. The date can be determined by contacting the Clerk's office. All continuances granted by the Court shall contain the signature stamp of the Mayor/Vice-Mayor/Magistrate. The person accepting the continuance will enter the case information into the computer.

Requests for continuances on cases going to trial shall be made at least 7 calendar days prior to the court date in order to allow the Clerk of Court time to contact all parties involved via phone or mail.

Any requests made less than 7 days prior to the trial date shall have the prior approval of the Mayor/Vice-Mayor/Magistrate. The Clerk of Court will make every attempt to confirm the continuance with all parties and witnesses.

The Clerk of Court's office is hereby granted permission to continue the case at the defendant's request a maximum of 2 times not to exceed a total period of 2 months without the prior approval of the Prosecutor, provided time is waived. Any further continuances are subject to the leave of the Court unless mutually agreed. The Court will strive to complete all cases within the Court's guidelines for Case Management.

Rule 2.2 Discovery

Parties shall comply with Ohio Criminal Rule 16 for all discovery in the Mayor's Court.

Rule 2.3 Use of Signature Stamp

The Mayor/Vice-Mayor/Magistrate shall personally sign orders for warrants, summons, and transfers to municipal court, limited driving privileges, and the orders granting limited driving privileges. The signature stamps of the Mayor/Vice-Mayor/Magistrate may be used for continuances, summons, vehicle releases, and administrative license suspensions appeals. Any other uses for the signature stamp(s) shall require the prior approval of the Mayor/Vice-Mayor/Magistrate.

Rule 2.4 Authorization of a Summons and/or a Warrant

The Mayor/Vice-Mayor/Magistrate shall make the determination of which cases shall receive a summons or a warrant as a result of not appearing for a scheduled court hearing. Once the entry for the summons or warrant is made on the file, the Mayor/Vice-Mayor/Magistrate authorizes the Clerk of Court to process the summons and/or warrants and to affix the Court's seal. Prior to the actual mailing and/or delivery to the Division of Police of a summons or a warrant, the Clerk of Court may cancel issuance of said summons or warrant if the defendant properly files for a continuance, pays all fines and costs associated with the citation, or posts bond.

Rule 2.5 Authorization to Recall Warrants

The Mayor hereby authorizes the Clerk of Court the discretion to recall warrants, when just cause is shown in order to preserve the integrity of the City of Worthington Mayor's Court.

Rule 2.6 Transfer of Cases to Municipal Court

The Mayor/Vice-Mayor/Magistrate may require the filing of this court's Request to Transfer form for approval to transfer case to municipal court. Ohio Revised Code Section 1905.032 states "if a Mayor transfers a case..., the Mayor shall require the person charged to enter into a recognizance to appear before the court to which the case is transferred." The section also states, "the Mayor shall certify all papers filed with the case, together with a transcript of all proceedings, accrued costs to date and the recognizance given, to the Court to which the case is transferred." The section also states, "the Mayor shall certify all papers filed with the case, together with a transcript of all proceedings, accrued costs to date and the recognizance given, to the Court to which the case is transferred." In accordance with this section of the O.R.C., the Clerk of Court shall prepare all papers necessary for the transfer and present them to the Mayor/Vice-Mayor/Magistrate for his/her signature.

Rule 2.7 Options on MM and M4 Cases with a Warrant

Minor Misdemeanor (MM) and Misdemeanor of the Fourth Degree (M4) cases with a warrant will be offered the following options:

1. On pre-convictions cases, the defendant will be given the opportunity to post a bond according to the bond schedule or execute a payout equal to the fine amount in the fine schedule plus all

accrued costs/fees. The payout option is available only on charges listed on the fine schedule as waivable. Failure to take either action will result in the defendant being held in jail pending a hearing.

2. On post-conviction cases, when the Defendant is arrested on a warrant issued for failure to appear on a Summons to Show Cause for failure to pay fines and/or costs/fees, the defendant may execute a payout in the amount of all outstanding fines, costs, and/or fees. Failure to do so will result in the defendant being held in jail pending a hearing.
3. On post-conviction cases, when the Defendant is arrested on a warrant issued for failure to appear on a Summons to Show Cause for failure to comply with something other than a failure to pay fines and/or costs/fees, the defendant will be given the opportunity to post a bond according to the bond schedule plus all accrued costs/fees. Failure to do so will result in the defendant being held in jail pending a hearing.

Rule 2.8 Options on M3 - M1 Cases with a Warrant

Misdemeanor of the Third Degree (M3), the Second Degree (M2), and the First Degree (M1) cases with a warrant will be offered the following options:

1. On pre-conviction cases, the defendant will be afforded the opportunity to post a bond according to the bond schedule. Failure to do so will result in the defendant being held in jail pending a hearing.
2. On post-conviction cases, when the Defendant is arrested on a warrant issued for failure to appear on a Summons to Show Cause for failure to pay fines and/or costs/fees, the defendant may execute a payout in the amount of all outstanding fines, costs, and fees accrued. Failure to do so will result in the defendant being held in jail pending a hearing.
3. On post-conviction cases, when the Defendant is arrested on a warrant issued for failure to appear on a Summons to Show Cause for failure to comply with something other than a failure to pay fines and/or costs/fees, the defendant will be given the opportunity to post a bond according to the bond schedule, plus all accrued costs/fees. Failure to do so will result in the defendant being held in jail pending a hearing.

Rule 2.9 Late Enforcement

When the Clerk of Court has determined a defendant has a late enforcement on any case, the case will be set for a court date. If the case comes into compliance before the court date, the Clerk of Court is authorized to accept and sign for late enforcements.

Rule 2.10 Bond Case Transfers

If a case is to be transferred to the appropriate municipal court, a bond or recognizance is to be entered. If a bond has been previously entered on the case, the bond will transfer to the municipal court. If a bond has not been previously entered, a personal recognizance will be entered into by the defendant to ensure his/her appearance unless the Mayor/Vice-Mayor/Magistrate orders a cash bond in his/her case.

Rule 2.11 Interpreters

Interpreters shall be provided for persons who do not speak, hear, or understand the English language. If necessary, the arraignment will be rescheduled until an interpreter can be provided.

Rule 2.12 Court Costs and Fees

Local court costs and fees assessed by the Court are determined by the Mayor. They are set forth in the Schedule of Court Costs and Fees (see Exhibit A).

Rule 2.13 Deviation from Standard Bond Schedule

The standard bond schedule is established by the Mayor. Only the Mayor/Vice-Mayor/Magistrate may deviate from the schedule. If a deviation is warranted, the Mayor shall be contacted prior to accepting a lesser bond amount or issuing a summons in lieu of posting a bond. In the event the Mayor is unavailable, the Vice-Mayor is to be contacted. In the event the Vice-Mayor is unavailable, the Magistrate is to be contacted. Any deviations from the standard bond schedule should be based upon special or extenuating circumstances.

Rule 2.14 Forms of Acceptable Payments

Payments for fines and/or costs may be made by cash, credit card, money order, or personal check. Payments for bonds must be made by cash, credit card, surety, or money order. No personal checks will be accepted for bond payments if a warrant has been issued. In accordance with Traffic Rule 13, the Court will accept credit card payments via information provided in person or by fax transmission.

Rule 2.15 Overpayments

Any overpayment of \$5.00 or less will be receipted as an additional ticket processing fee and sent to the City's general fund.

Rule 3.1 Establishment of Violation Bureau

In accordance with Traffic Rule 13 and Criminal Rule 4.1, a Traffic/Criminal Violation Bureau is established, and the Clerk of Court is designated as the violations clerk. The Mayor shall review the schedule of fines and costs annually. The schedule of fines and costs shall be prominently displayed at the place where fines are paid. All procedures stated in Traffic Rule 13 and Criminal Rule 4.1 shall be strictly followed. Once a payment has been received, it constitutes a guilty plea and a waiver of trial rights.

Rule 3.2 Payable Offenses and Fine Schedule

All M4 and MM traffic moving violations shall be payable offenses except those specifically excluded by Traffic Rule 13, the Court's Schedule of Fines and Bonds, or those citations in which the arresting officer has required a court appearance pursuant to ORC Section 2935.26.

Rule 3.3 Continuance to Pay Fine

All requests for continuances must be in compliance with Rule 2.1, except as stated below. The Clerk of Court's office is hereby granted permission to continue the case at the request of the defendant a maximum of 1 time not to exceed a total period of 5 weeks without the prior approval of the Prosecutor, provided time is waived.

Approved By:


Mayor

Effective Date: 01/01/2023