

IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO

NEW PHILADELPHIA
MUNICIPAL COURT

2019 DEC 20 PM 12:04

CLERK
JULIE A. STAMETS

IN THE MATTER OF LOCAL RULE—
AMENDMENT TO SCHEDULE OF
FEES/COSTS FOR DRIVING
PRIVILEGES

JOURNAL ENTRY

JUDGE
NANETTE DEGARMO VON ALLMAN

Pursuant to Sup. R. 5, and O.R.C. 1901.26(A)(1)(a), the Court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective January 1, 2020. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, attorneys regularly appearing in criminal matters before this court, and the Tuscarawas County Public Defender. Copies of this emergency rule are also available from the Clerk of this Court.

The Court invites commentary from the public and bar regarding this emergency rule. Comments may be made in writing to the Clerk of this Court. The comment period shall be from the implementation of this rule until January 20, 2020.

The emergency rule as adopted states:

Fees for Driving Privileges

The Court's Cost Schedule, effective January 15, 2018, is hereby amended to adopt a filing fee of \$40.00 for all Driving Privileges, including Amended Driving Privileges, in both Civil and Traffic/Criminal cases. The fees for filing an ALS Appeal or 12-Point Appeal are unaffected by this amendment.


Judge Nanette DeGarmo VonAllman

CC: Tuscarawas County Bar Association President
Clerk of the Ohio Supreme Court
Tuscarawas County Public Defender
Prosecuting Attorneys

Local Defense Attorneys
Clerk

MAY 02 2019

CLERK
JULIE A. STAMETS

**IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO**

**IN THE MATTER OF LOCAL RULE—
WRITTEN NOT GUILTY PLEA
PROHIBITED IN CASES
WHERE PROTECTION ORDER
MAY BE ISSUED**

JOURNAL ENTRY

**JUDGE
NANETTE DEGARMO VON ALLMAN**

Pursuant to Sup. R. 5, O.R.C. 2937.23, and Ohio Criminal Rule 46, the Court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective May 1, 2019. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, attorneys regularly appearing in criminal matters before this court, and the Tuscarawas County Public Defender. Copies of this emergency rule are also available from the Clerk of this Court.

The Court invites commentary from the public and bar regarding this emergency rule. Comments may be made in writing to the Clerk of this Court. The comment period shall be from the implementation of this rule until May 25, 2019.

The emergency rule as adopted states:

Written Not Guilty Plea Prohibited

The Defendant must personally appear before the Court for arraignment if charged with any of the offenses listed below. The Court will not accept a written Not Guilty Plea filed by or on behalf of a Defendant when a victim may be eligible to obtain a Criminal Domestic Violence Temporary Protection Order pursuant to O.R.C. 2919.26 or a Criminal Protection Order pursuant to O.R.C. 2903.213.

The following crimes, when the victim is a family or household member (O.R.C. 2919.26):

- Domestic Violence (R.C. 2919.25)
- Criminal Damaging (R.C. 2909.06)

- Criminal Mischief (R.C. 2909.07)
- Burglary (R.C. 2911.12)
- Aggravated Trespass (R.C. 2911.211)
- Any offense of violence as defined in R.C. 2901(9)(a) through (d), or a violation of a substantially similar municipal ordinance.

Other Criminal offenses (O.R.C. 2903.213):

- Felonious Assault (R.C. 2903.11)
- Aggravated Assault (R.C. 2903.12)
- Assault (R.C. 2903.13)
- Aggravated Menacing (R.C. 2903.21)
- Menacing by Stalking (R.C. 2903.211)
- Menacing (R.C. 2903.22)
- Aggravated Trespass (R.C. 2911.211)
- Any sexually oriented offense as defined in R.C. 2950.01 (A)(1) through (13), or a violation of a substantially similar municipal ordinance.



Judge Nanette DeGarmo VonAllman

CC: Tuscarawas County Bar Association President
Clerk of the Ohio Supreme Court
Tuscarawas County Public Defender
Prosecuting Attorneys
Local Defense Attorneys
Clerk

APR 30 2019

CLERK
JULIE A. STAMETS

IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO

IN THE MATTER OF LOCAL RULE—
AMENDMENT TO VIOLATIONS
BUREAU, SCHEDULE OF
CRIMINAL/TRAFFIC FINES AND
COSTS, AND BOND SCHEDULE

JOURNAL ENTRY

JUDGE

NANETTE DEGARMO VON ALLMAN

Pursuant to Sup. R. 5, the Court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective May 1, 2019. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this emergency rule was distributed to the Tuscarawas County Bar Association, attorneys regularly appearing in criminal and traffic matters before this court, and the Tuscarawas County Public Defender. Copies of this emergency rule are also available from the Clerk of this Court.

The Court invites commentary from the public and bar regarding this emergency rule. Comments may be made in writing to the Clerk of this Court. The comment period shall be from the implementation of this rule until May 30, 2019.

The emergency rule as adopted states:

The Bond Schedule adopted on January 15, 2018 is amended to include:

1. DISTRACTED DRIVING SPECIFICATION – O.R.C. 4511.991

The bondable amount for any traffic citation containing a distracted driving specification issued pursuant to O.R.C. 4511.991 requires payment of an additional \$100.00 fine. In lieu of paying the enhanced court fine, the defendant may complete a distracted driving course created by the Ohio Department of Public Safety. If the defendant elects to complete the distracted driving court on the website of the Ohio Bureau of Motor Vehicles AND files the BMV completion certificate with the Court

BEFORE the appearance date on the citation, the defendant will not be required to pay the additional \$100.00 fine.

2. DISORDERLY CONDUCT; INTOXICATION – NEW PHILADELPHIA CITY
CODIFIED ORDINANCE SECTION 509.03(a)(b)

The bond schedule amount for citations issued under New Philadelphia Municipal Codified Ordinance Section 509.03 (Disorderly Conduct; Intoxication) shall include the mandatory minimum \$50.00 fine required under New Philadelphia Ordinance No. 17-2018 enacted June 11, 2018.



Judge Nanette DeGarmo Von Allman

CC: Tuscarawas County Bar Association President
Clerk of the Ohio Supreme Court
Tuscarawas County Public Defender
Prosecuting Attorneys
Local Defense Attorneys
Clerk

DOCUMENT	RETENTION PERIOD
Blank Juror Questionnaire Form	Retained permanently.
Jury Information for Criminal Cases that go to Trial (Summons, Verdict, Seating Chart, Jury List, Juror Questionnaires).	Scanned and retained in electronic format for 50 years after the final order of the court, just as the case file is maintained.
Jury Information for Civil Cases that go to Trial (Summons, Verdict, Seating Chart, Jury List, Juror Questionnaires).	Scanned and retained in electronic format for 2 years after the issuance of the audit report by the Auditor of State, just as the case file will be maintained.
Jury Information for Traffic Cases that go to Trial (Summons, Verdict, Seating Chart, Jury List, Juror Questionnaires).	Scanned and retained in electronic format for 25 years after the final order of the court, just as the case file will be maintained.
Jury Information for Cases that Never go to Trial (Summons, Jury List, Juror Questionnaire).	Retained for one year from the end of the applicable term of service and thereafter may be destroyed.
Permanent Juror Excusals	Scanned and retained in electronic format for five years.
Juror Excusals for Term	Retained for one year from the end of the applicable term of service and thereafter may be destroyed.
Probation Files/Records/Pre-Sentence Investigations	Retained for 2 years after probation ends.
Probation Referral Resources (Referrals to community agencies)	May be destroyed in the normal course of business as soon as they are considered to be of no value.
Courthouse Surveillance Video	Retained until recorded over by the system.
Competency/NGRI Evaluations	Retained for 50 years (criminal) or 25 years (traffic) just as the case file is maintained.
Case Exhibits, Depositions, and Transcripts	After the conclusion of litigation, retained for 60 days after notice of destruction to tendering party, unless collected earlier by the tendering party.
Substantiated Internal Employee Investigations	Retained for 10 years after separation from employment.



Judge Nanette DeGarmo VonAllman

CC: Tuscarawas County Bar Association President
Clerk of the Ohio Supreme Court

**Tuscarawas County Public Defender
Prosecuting Attorneys
Local Defense Attorneys
Clerk**

NEW PHILADELPHIA
MUNICIPAL COURT
IN THE NEW PHILADELPHIA MUNICIPAL COURT
2018 JUN 29 AM NEW PHILADELPHIA, OHIO

CLERK
JULIE A. STAMETS

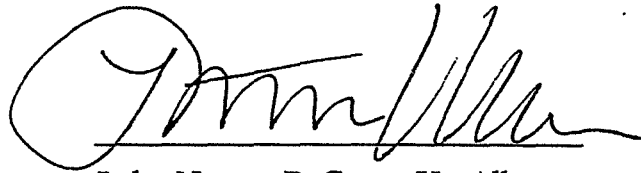
**IN THE MATTER OF ADMINISTRATIVE
FEES ON JUDGMENT ENFORCEMENT**

ADMINISTRATIVE ORDER

**JUDGE NANETTE DEGARMO
VONALLMAN**

Effective July 1, 2018, the Clerk of the New Philadelphia Municipal Court, pursuant to Ohio Revised Code Sections 2303.31 and 2303.20(V), shall charge a commission of two percent (2%) on the first ten thousand dollars (\$10,000.00) and one percent (1%) on all amounts in excess of ten thousand dollars (\$10,000.00) for receiving and disbursing money paid to or deposited with the Clerk of this Court, other than costs and fees, in pursuance of an order of the Court or on judgments, including moneys invested by order of the Court and interest earned on them.

IT IS SO ORDERED.



Judge Nanette DeGarmo VonAllman

CC: Attorneys practicing in the New Philadelphia Municipal Court
Clerk

IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO

NEW PHILADELPHIA
MUNICIPAL COURT
2018 JAN 11 AM 8:50
CLERK
JULIE A. STANETS

IN THE MATTER OF LOCAL RULE—)
VIOLATIONS BUREAU, SCHEDULE OF)
CRIMINAL/TRAFFIC FINES AND)
COSTS, AND BOND SCHEDULE)

JOURNAL ENTRY

JUDGE
NANETTE DEGARMO VON ALLMAN

Pursuant to Sup. R. 5, O.R.C. 2919.25, 2937.23, Ohio Criminal Rule 46, Ohio Traffic Rule 13, and Ohio Criminal Rule 4.1, the Court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective January 15, 2018. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, attorneys regularly appearing in criminal matters before this court, and the Tuscarawas County Public Defender. Copies of this emergency rule are also available from the Clerk of this Court.

The Court invites commentary from the public and bar regarding this emergency rule. Comments may be made in writing to the Clerk of this Court. The comment period shall be from the implementation of this rule until January 30, 2018.

The emergency rule as adopted states:

Violations Bureau

The Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13, with authority to process and dispose of those traffic offenses for which no court appearance is required by law or in the discretion of the arresting officer.

The Minor Misdemeanor violations Bureau is hereby established in accordance with Ohio Criminal Rule 4.1 with authority to process and dispose of minor misdemeanors for which no court appearance is required either at the discretion of the arresting officer or the Court.

The Clerk of Court is hereby appointed as the clerk thereof.

The New Philadelphia Police Department is hereby appointed as a deputy violations bureau clerk to act as the violations clerk when the violations clerk is not on duty.

Schedule of Criminal /Traffic Fines and Costs

The Court hereby establishes and publishes a schedule of fines and costs for all offenses. The schedule is distributed to all law enforcement agencies operating within the jurisdiction of the Court and is prominently displayed at the place in the violations bureau where fines are paid.

Bond Schedule

In lieu of bond set by the Judge or Magistrate, the Clerk and/or arresting police authority is authorized to release a person charged in this Court with a crime based on the Bail Bond Schedule Covering misdemeanors in the New Philadelphia Municipal Court.



Judge Nanette DeGarmo VonAllman

CC: Tuscarawas County Bar Association President
Clerk of the Ohio Supreme Court
Tuscarawas County Public Defender
Prosecuting Attorneys
Local Defense Attorneys
Clerk

NEW PHILADELPHIA MUNICIPAL COURT

SCHEDULE OF FINES/COSTS AND BOND SCHEDULE

Effective 01/15/2018

Judge Nanette DeGarmo Von Allman

Julie A. Stamets, Clerk of Court

166 East High Avenue

New Philadelphia, Ohio 44663

ORC	New Philadelphia	Dover	Ohio Basic Code	Description	Degree	Waiver
4301.62	529.07	525.07	92.07	Open Container	M-M	\$144
4301.63	529.021	525.021	92.08	Underage Purchase	M-1	Must Appear
301.634	529.021	525.021	92.12	False I.D. Card or Driver's License	M-1	Must Appear
301.64	529.04	525.04	92.16	Liquor Consumption in a Motor Vehicle	M-4	Must Appear
4301.69	529.02	525.02	92.13	Underage Consumption	M-1	Must Appear
4503.05	—	—	71.02	Improper use of Non-Commercial M.V.	M-4	Must Appear
4503.11	335.10	335.10	71.01	Failure to Register Vehicles	M-M	\$144
4503.111	335.111	335.111	71.01	Registration within 30 days of residence	M-M	\$144
4503.12	335.11	335.11	—	Failure to Transfer Registration	M-4	\$177
4503.21	335.09	335.09	71.01	Display of License Plates	M-M	\$144
4503.236	333.10	333.10	71.03	Operation in violation of immobilization order	M-2	Must Appear
4503.30	—	—	—	Misuse of Dealer's Plates	M-3	\$177
4505.18	335.08	335.08	71.04	Operation/Sale without certificate of title	U-M	Must Appear
4506.03	341.03	341.03	71.48	No Commercial Driver's License	M-1	Must Appear
4506.04	341.04	341.04	71.47	Prohibitions	M-1	Must Appear
4506.10	—	—	71.49	Physical Qualifications	M-1	Must Appear
4506.15	341.05	341.05	71.50	Alcohol and other prohibitions	M-1	Must Appear
4506.20	341.06	341.06	71.52	Employment of drivers of commercial vehicles	M-1	Must Appear
4507.02	335.02	335.02	71.22	Possession of more than (1) O.L.	M-1	Must Appear
4507.05	335.03	335.03	71.21	No Temp ID	M-M	\$144
4507.071	335.031	335.031	71.21	Driving with probationary license; curfew	M-M	\$144
4507.213	335.021	335.021	—	Ohio driver's license required for in state residents	M-M	\$144
4507.30	335.04	335.04	71.20	Certain acts prohibited	M-1	Must Appear
4507.31	—	—	71.21	Permit Minor to drive w/o License	M-1	Must Appear
4507.35	335.06	335.06	71.26	Display of License	U-M	\$227
				2nd in 3 years	U-M	\$327
				3rd or more in 3 years	M-1	Must Appear
4509.102	335.072	335.072	136.02(G)	Falsification/insurance	M-1	Must Appear
4509.74	—	—	73.33	Failure to report Motor Vehicle Accident	M-M	\$144
4510.037	335.07	335.07	71.28(C)	DUS (12 point suspension)	M-1	Must Appear
10.11	335.07	335.07	71.28(A)	DUS (Violation of a License Restriction)	M-1	Must Appear
4510.111	335.074	335.074	71.28(B)	DUS (license forfeiture/child support)	U-M	\$227
				2nd in 3 years	U-M	\$327
				3rd or more in 3 years	M-4	Must Appear
4510.12	335.01	335.01	71.29	Expired License	M-M	\$144
				Two or more in 3 years	M-1	Must Appear
				No O.L. - Never Licensed	U-M	\$227
				2nd or more offense anytime	M-1	Must Appear
4510.14	335.071	335.071	71.30	DUS (OMVI Suspension)	M-1	Must Appear
4510.16	335.072	335.072	71.31	DUS (FRA Suspension)	U-M	Must Appear
4510.21	335.073	335.073	71.32	DUS (Reinstatement Fee Required)	U-M	Must Appear
4511.03	331.20	331.20	70.03	Emergency vehicles at stop signals	M-M	\$144
4511.051	303.06	303.06	70.06	Freeway use prohibited by pedestrian, bicycles and animals	M-M	\$144
4511.12	313.01	313.01	70.30	Obeying Traffic Control Signals	M-M	\$144
4511.19	333.01	333.01	73.01	DUI (First Offense in Ten Years)	M-1	Must Appear
				DUI (Second Offense in Ten Years)	M-1	Must Appear
				DUI (Third Offense in Ten years)	M-1	Must Appear
				DUI (Fourth Offense or more in 10 years or 6th offense or more in 20 years are governed by the Felony Bond Schedule)		
4511.19B	333.01	333.01	73.01	OVI Underage Consumption	M-4	Must Appear
4511.194	333.01	333.01	73.03	Physical Control While Under Influence	M-1	Must Appear
4511.20	333.02	333.02	73.05	Reckless Operation	M-M	Must Appear
				With previous traffic conviction in one yr	M-4	Must Appear
4511.201	333.02c	333.02c	73.06	Reckless Operation of Vehicles off Streets and Highways	M-M	Must Appear
				With previous traffic conviction in one yr	M-4	Must Appear
—	333.09	333.09	—	Reckless op on street, public or private property	M-M	Must Appear
11.202	333.08	333.08	73.07	Operating w/o Reasonable Control	M-M	\$144

ORC	New Philadelphia	Dover	Ohio Basic Code	Description	Degree	Waiver
4511.203	335.05	335.05	71.24	Wrongful Entrustment of Motor Vehicle 2nd in 3 years	U-M M-1	\$227 Must Appear
4511.204	333.11	333.11	72.131	Texting while driving	M-M	\$144
4511.205	335.032	335.032	72.132	Use of electronic wireless communication device prohibited while driving with temporary permit	M-M	\$144
4511.21 (A)	333.03(A)	333.03(A)	73.10(A)	Assured Clear Distance Ahead	M-M	\$144
4511.21 (B)(C)(D)(E)	333.03	333.03	73.10	Speeding		
				1-15 MPH over the limit	M-M	\$144
				2nd within one year (ticket must be marked)	M-M	\$164
				16-29 MPH over the limit	M-M	\$164
				2nd within one year (ticket must be marked)	M-M	\$179
				30+ MPG over the limit	M-M	\$204
				2nd within one year (ticket must be marked)	M-M	\$224
				3 or more speeds in a 12 month period (ticket must be marked)	M-4	Must Appear
Construction Zone (Ticket must be marked)				1-15 MPH over the limit	M-M	\$161
				2nd within one year (ticket must be marked)	M-M	\$201
				16-29 MPH over the limit	M-M	\$201
				2nd within one year (ticket must be marked)	M-M	\$231
				30+ MPG over the limit	M-M	\$281
				2nd within one year (ticket must be marked)	M-M	\$321
				3 or more speeds in a 12 month period (ticket must be marked)	M-4	Must Appear
School Zone (Ticket must be marked)				Faster than 35 MPH with children present	M-4	Must Appear
4511.213	333.031	333.031	72.120	Right of way, Public Safety Vehicles (Stationary)	M-M	\$144
4511.22	333.04	333.04	73.11	Slow Speed	M-M	\$144
4511.23	333.05	333.05	73.13	Speed on Bridges	M-M	\$144
4511.25	331.01	331.01	72.001	Lanes of Travel upon Roadways	M-M	\$144
4511.251	333.07	333.07	73.09	Drag Racing	M-1	Must Appear
4511.26	331.02	331.02	72.003	Vehicles Traveling in Opposite Directions	M-M	\$144
4511.27	331.03	331.03	72.004	Improper Passing	M-M	\$144
4511.28	331.04	331.04	72.005	Permission to Pass on the Right	M-M	\$144
4511.29	331.05	331.05	72.006	Driving Left of Center in Passing	M-M	\$144
4511.30	331.06	331.06	72.007	General Prohibitions Left of Center	M-M	\$144
4511.31	331.07	331.07	72.008	Crossing Double Yellow Lines	M-M	\$144
4511.32	331.30	331.32	72.009	One way Highway	M-M	\$144
4511.33	331.08	331.08	72.010	Driving in marked lanes	M-M	\$144
4511.34	331.09	331.09	72.011	Space between moving vehicles	M-M	\$144
4511.35	331.31	331.33	72.012	Divided Roadways	M-M	\$144
4511.36	331.10	331.10	72.013	Turns at Intersections	M-M	\$144
—	331.11	331.11	—	Turning into private drive	M-M	\$144
4511.37	331.12	331.12	72.014	U-turns	M-M	\$144
4511.38	331.13	331.13	72.015	Backing and Starting Unsafely	M-M	\$144
4511.39	331.14	331.14	72.016	Turn and Stop Signals	M-M	\$144
4511.40	331.15	331.15	72.017	Hand and Arm Signals	M-M	\$144
4511.41	331.16	331.16	72.030	Right of Way, Intersection	M-M	\$144
4511.42	331.17	331.17	72.031	Right of Way, Left Turn	M-M	\$144
4511.43	331.19	—	72.032	Right of Way, Stop Sign	M-M	\$144
4511.43(B)	331.18	331.18	72.032	Right of Way, Yield Sign	M-M	\$144
—	—	331.19	—	Emerging from alley, building, private road or driveway; driving upon private property to avoid traffic control devices	M-M	\$144
—	—	331.191	—	Right of way at intersecting alleys	M-M	\$144
4511.431	331.23	—	72.033	Driving onto roadway from place other than a roadway; stopping at sidewalk	M-M	\$144
4511.44	331.22	331.22	72.034	Right of Way, Public Highway	M-M	\$144
4511.441	371.07	331.23	72.035	Right of way on sidewalk	M-M	\$144
4511.45	331.21	331.21	72.036	Right of Way, Public Safety or Coroner Vehicles	M-4	Must Appear

ORC	New Philadelphia	Dover	Ohio Basic Code	Description	Degree	Waiver
4511.451	331.24	331.24	72.037	Right of Way, Funeral Procession	M-M	\$144
4511.452	371.08	371.08	72.038	FTY Emergency Vehicle	M-M	\$144
4511.454	331.211	331.211	72.036	Report of vehicle failing to yield emergency vehicle	M-M	\$277
4511.46	371.01	371.01	70.039	Right of Way, Pedestrians	M-M	\$144
4511.47	371.02	371.02	72.040	Right of Way, Blind Person	M-M	\$144
4511.48	371.03	371.03	72.041	Right of Way, Yielded by Pedestrian	M-M	\$144
4511.481	371.09	371.09	72.060	Intoxicated or drugged pedestrian	M-M	\$144
4511.49	371.04	371.04	72.055	Moving upon right half of crosswalk	M-M	\$144
4511.50	371.05	371.05	72.056	Pedestrian walking along highway	M-M	\$144
4511.51	371.06	371.06	72.057	Prohibited solicitations by pedestrians; riding on outside or in open cargo storage area/tailgate	M-M	\$144
4511.511	371.10	371.10	72.058	Pedestrian on bridge or railroad crossing	M-M	\$144
4511.521	374.03	373.12	75.02	Rules governing Motorized Bicycles	M-M	\$144
4511.53	373.02	373.02	75.03	Rules for Bicycles/M.C./Snowmobiles	M-M	\$144
4511.54	373.03	373.03	75.04	Attaching bicycles and sleds to vehicles	M-M	\$144
4511.55	373.04	373.04	75.05	Riding bicycles, motorcycles abreast	M-M	\$144
4511.56	373.05	373.05	75.06	Signal device on bicycle	M-M	\$144
4511.60	331.29	331.31	72.002	Driving through safety zone	M-M	\$144
—	331.32	331.34	—	Entering/exiting controlled-access highway	M-M	\$144
4511.61	331.40	331.26	72.075	Stopping at grade crossing	M-M	\$144
4511.62	331.39	331.25	72.076	Driving vehicle across R.R. crossing	M-4	Must Appear
4511.63	331.40	—	72.077	Vehicles required to stop at crossing	M-M	\$144
—	331.41	—	—	Moving vehicle without driver's consent	M-M	\$144
4511.66	—	351.12	76.01	Parking on Highways	M-M	\$144
4511.661	—	—	76.02	Condition when motor veh. left unattend.	M-M	\$144
4511.70(A,B,D)	331.25	331.27	72.115	Obstruction & Interference of view	M-M	\$144
4511.701	331.35	—	72.116	Occupying a moving trailer	M-M	\$144
4511.71	331.26	331.28	72.117	Driving on Closed highway	M-M	\$144
—	331.36	331.37	—	Squealing tires:cracking exhaust	M-M	\$144
4511.711	331.37	331.38	72.118	Driving on Sidewalks, curbs, lawns	M-M	\$144
4511.712	331.33	331.35	72.119	Obstructing Intersection, crosswalk, grade crossing	M-M	\$144
4511.714	331.44	331.42	72.117	Vehicular operation on street closed due to rise in water level	M-M	Must Appear
—	331.34	331.36	—	Failure to control	M-M	\$144
4511.72	331.27	331.29	72.120	Following emergency vehicle	M-M	\$144
4511.73	331.28	331.30	72.121	Driving over unprotected fire hose	M-M	\$144
4511.74	331.01	331.01	72.122	Placing injurious material or obstruction in street	M-M	\$144
4511.75	331.38	331.39	72.090	Stopping for School Bus	M-M	Must Appear
4511.79	—	—	73.04	Driving with impaired alertness	M-M	\$144
4511.81	337.26(A)	337.26(A)	72.123	Child restraint system required	M-M	\$164
—	—	—	—	2nd offense or more	M-4	Must Appear
4511.82	331.42	331.40	72.122	Littering from Motor Vehicle	M-M	\$144
4511.84	331.43	331.41	72.126	Wearing earplugs or earphones prohibited	M-M	\$144
4513.02	337.01	337.01	74.01	Unsafe vehicle	M-M	\$144
4513.021	337.29	337.29	74.02	Maximum bumper height	M-M	\$144
4513.03	337.02	337.02	74.03	Lighted lights required	M-M	\$144
4513.04	337.03	337.03	74.04	Headlights required	M-M	\$144
4513.05	337.04	337.04	74.05	Tail lights and illumination of real plate	M-M	\$144
4513.06	337.05	337.05	74.06	Rear red reflectors required	M-M	\$144
4513.07	337.06	337.06	74.07	Safety lighting of commercial vehicles	M-M	\$144
4513.071	337.24	337.24	74.08	Brake light required	M-M	\$144
4513.08	337.07	337.07	74.09	Obscured lights on vehicles	M-M	\$144
4513.09	337.08	337.08	74.10	Red light or flag required	M-M	\$144
4513.10	337.09	337.09	74.11	Lights on parked vehicles	M-M	\$144
4513.11	337.10	337.10	74.12	Lights, reflectors, and SMV emblem	M-M	\$144
4513.12	337.11	337.11	74.13	Spotlight and auxiliary lights	M-M	\$144

ORC	New Philadelphia	Dover	Ohio Basic Code	Description	Degree	Waiver
4513.13	337.12	337.12	74.14	Back-up lights	M-M	\$144
4513.14	337.13	337.13	74.15	Two lights displayed	M-M	\$144
4513.15	337.14	337.14	74.16	Dim lights	M-M	\$144
4513.16	337.15	337.15	74.17	Lights of less intensity	M-M	\$144
4513.17	337.16	337.16	74.18	Number of lights permitted; red/flashing	M-M	\$144
4513.19	337.17	337.17	74.22	Focus and aim of headlights	M-M	\$144
4513.20	337.18	337.18	74.23	Brake equipment specifications	M-M	\$144
4513.21	337.19	337.19	74.26	Horns, sirens, and warning devices	M-M	\$144
4513.22	337.20	337.20	74.27	Mufflers, excessive smoke or gas	M-M	\$144
4513.23	337.21	337.21	74.28	Rear view mirrors	M-M	\$144
4513.24	337.22	337.22	74.29	Windshields and wipers	M-M	\$144
4513.241	337.28	337.28	74.31	Restrictions on use of tinted glass and other vision obscuring materials	M-M	\$144
4513.261	337.30	337.30	74.32	Directional Signals	M-M	\$144
4513.263	337.27b(1)	337.27b(1)	72.124b(1)	Occupant restraining devices - Driver	M-M	\$109
	337.27b(2)	337.27b(2)	72.124b(2)	Passenger	M-M	\$99
4513.28	—	339.12	74.35	Display of warning devices on disabled vehicles	M-M	\$144
—	—	339.04	—	Restrictions on hazardous cargos	M-M	\$144
4513.29	339.06	339.06	74.36	Vehicles transporting explosives	M-M	\$144
4513.30	337.23	337.23	74.51	Load extension on left side of vehicle	M-M	\$144
—	337.25	337.25	—	Air Cleaner required	M-M	\$144
—	339.02	339.02	—	Use of local streets; use of commercial access routes	M-M	\$144
4513.31	339.08	339.08	74.52	All loads shall be properly secured	M-M	\$144
—	339.09	339.09	—	Shifting load; loose loads	M-M	\$144
4513.32	339.07	339.07	74.53	Towing requirements	M-M	\$144
4513.33	339.11	339.11	74.54	Removal of excess load	M-M	\$144
4513.34	339.01	339.01	74.50	Issuance of special permits oversize vehicles	M-M	\$144
4513.36	—	—	73.15	Prohibitions against resisting officer	M-4	Must Appear
4513.361	303.11	303.09	73.14	Provide False Info	M-1	Must Appear
—	303.02	303.02	—	Traffic direction in emergencies; obedience to school guard	M-M	\$144
4519.40	375.03	375.03	75.27	Operation of all purpose vehicle on streets	U-M	\$144
4549.02	335.12	335.12	73.30	Leaving the scene of a accident	M-1	Must Appear
4549.021	335.13	335.13	73.31	Leaving the scene - private property	M-1	Must Appear
4549.03	335.14	335.14	73.32	Leaving the scene of a accident/damage to realty	M-1	Must Appear
4549.08	335.11	335.11	71.06	Fictitious plates, registration	M-4	\$177
4549.11	335.10	335.10	71.01(C)	Operating with number of former owner	M-M	\$144
4549.12	335.10	335.10	71.01(D)	Resident operating with number issued/foreign state	M-M	\$144
4549.18	—	—	71.05	Display of certificate of registration	M-M	\$144
5577.04	—	—	74.56	Overload	M-M	Check Bond Schedule
5577.05	339.03	339.03	74.57	Maximum width, height, and length	M-M	\$144
5577.11	339.05	339.05	74.59	Mud flaps required	M-M	\$144
5589.081	339.11	339.10	74.37	Studded tires; prohibitions	M-M	\$144
5728.04(A)(1)	—	—	—	Highway Use Tax	M-4	\$427

Misdemeanor Traffic Citations Not Listed In Bond Schedule

Minor Misdemeanor	M-M	\$144
4th Degree Misdemeanor	M-4	Must Appear
3rd Degree Misdemeanor	M-3	Must Appear
2nd Degree Misdemeanor	M-2	Must Appear
1st Degree Misdemeanor	M-1	Must Appear

Bond Schedule for Overloaded Vehicles

2000 LBS over weight		\$207
2,001 to 5,000 (\$100 plus \$1.00 per 100 lbs overload plus \$127.00 costs)		
5,100 – 10,000 LBS over weight (\$130 plus \$2.00 per 100 lbs overload plus \$127.00 costs)		
10,100 and over weight (\$160 plus \$3.00 per 100 lbs overload plus \$127.00 costs)		

Possession of Marijuana/Marijuana Paraphernalia

ORC	New Philadelphia	Dover	Ohio Basic Code	Description	Degree	Waiver
2925.11	513.03	513.03	138.03	Possession of Marijuana	M-M	Must Appear
2925.141	513.121	513.121	138.13(H)	Possession of Marijuana Paraphernalia	M-M	Must Appear

Misdemeanor Criminal Citations Not Listed In Bond Schedule

	Minor Misdemeanor	M-M	\$144
	4th Degree Misdemeanor	M-4	Must Appear
	3rd Degree Misdemeanor	M-3	Must Appear
	2nd Degree Misdemeanor	M-2	Must Appear
	1st Degree Misdemeanor	M-1	Must Appear

Village Specific Codes

All village/city specific zoning, building code, or soliciting citations require a court appearance.

Wildlife and Watercraft Offenses

IF ANY OFFENSE INVOLVES THE TAKING OR POSSESSING AN ANIMAL, FISH, OR FOWL
THE OFFICER SHALL MARK THE TICKET AS "MUST APPEAR IN COURT".

ORC	New Philadelphia	Dover	Ohio Basic Code	Description	Degree	Waiver
				1st Degree Misdemeanor	M-1	Must Appear
				2nd Degree Misdemeanor	M-2	Must Appear
1533.17	---	---	---	Hunting without permission	M-3	Must Appear
1533.66	---	---	---	Trespassing on fishponds	M-3	Must Appear
1547.07	---	---	96.08	Reckless Operation (M3 with injury)	M-3	Must Appear
1547.12	---	---	96.14	Incapacitated Operation (M3 with injury)	M-3	Must Appear

Except as stated above, the following wildlife & watercraft offenses are waivable:

	Minor Misdemeanor	M-M	\$177
	4th Degree Misdemeanor	M-4	\$227
	3rd Degree Misdemeanor	M-3	\$277

Dogs and Animals

ORC	New Philadelphia	Dover	Ohio Basic Code	Description	Degree	Waiver
951.02	505.01	505.01	90.01	Animals at large	M-4	Must Appear
955.21	505.03	505.03	90.29	Failure to register dog	M-M, U-M	\$154
				2nd or more offense	M-2, M-3, M-4	Must Appear
955.22	505.01	505.01	90.01	Failure to leash/confine/control	M-M, U-M	\$154
				2nd or more more offense	M-2, M-3, M-4	Must Appear

Misdemeanor Bond Schedule

Misdemeanors	First Degree	\$1,000
	Second Degree	\$750
	Third Degree	\$500
	Fourth Degree	\$250

DUI Offenses	First Offense within 10 years	\$1,000
	Second Offense within 10 years	\$2,500
	Third Offense within 10 years	\$5,000

Bonds may be posted at the New Philadelphia Municipal Court Monday - Friday from 8:00am to 4:00pm.
Bonds may be posted at the New Philadelphia Police Department if the Court is closed.

Felony Bond Schedule

Bond will be set when the defendant has his/her initial appearance before the court.

Certain Offenses of Violence

O.R.C. 2919.251(A) Subject to division (d) of this section, a person who is charged with the commission of any offense of violence shall appear before the court for the setting of bail if the alleged victim of the offense charged was a family or household member at the time of the offense, and if any of the following applies:

1. The person charged, at the time of the alleged offense, was subject to the terms of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code or previously was convicted of or plead guilty to a violation of section 2919.25 of the Revised Code or a violation of section 2919.27 of the Revised Code involving a protection order or consent agreement of that type, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to either section, a violation of section 2909.06, 2909.07, 2911.12 or 2911.211 of the Revised Code if the victim was a family or household member at the time of the violation a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence of the victim of the offense was a family or household member at the time of the offense.

2. The arresting officer indicates in a police report or other document accompanying the complaint any of the following:

- a. That the arresting officer observed on the alleged victim objective manifestations of physical harm that the arresting officer reasonably believes are a result of the alleged offense.
- b. That the arresting officer reasonably believes that the person had on the person's person at the time of the alleged offense a deadly weapon or dangerous ordnance.
- c. That the arresting officer reasonably believes that the person presents a credible threat of serious physical harm to the alleged victim or to any other person if released on bail before trial.

NEW PHILADELPHIA
IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO

) CLERK
) OLGA A. STANETS

**IN THE MATTER OF ADOPTION OF)
EMERGENCY AMENDMENT TO)
LOCAL RULE—SCHEDULE OF COSTS)
FOR REGULAR CIVIL, SMALL)
CLAIMS, TRAFFIC AND CRIMINAL)
CASES)**

JOURNAL ENTRY

JUDGE

NANETTE DEGARMO VON ALLMAN

Pursuant to Sup. R. 5 the court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective January 15, 2018. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, the offices of Southeastern Ohio Legal Services, the Tuscarawas County Public Defender, and to all attorneys regularly appearing on civil and criminal matters before this court. Copies of this emergency rule are also available from the Clerk of this court.

**LOCAL RULE—SCHEDULE OF COSTS FOR REGULAR CIVIL, SMALL
CLAIMS, TRAFFIC, AND CRIMINAL CASES**

The Court invites commentary from the public and bar regarding this emergency rule which is attached hereto and incorporated by reference. Comment may be made in writing to the Clerk of this court. The comment period shall be from the implementation of this rule until January 30, 2018.

**LOCAL RULE – SCHEDULE OF COSTS FOR REGULAR CIVIL, SMALL
CLAIMS, TRAFFIC AND CRIMINAL CASES -
01/15/2018**

Pursuant to Ohio Revised Code Section 1901.26(A) the New Philadelphia Municipal Court hereby establishes the following revised schedule of costs for matters coming before this court:

CIVIL	COST
Complaint (Includes One Certified Mail Service)	\$156.00
Non Resident Party	\$156.00
Each Additional Defendant	\$25.00
 <u>Additional Service per Defendant</u>	
Certified Mail	\$12.00
Personal Service—Bailiff	\$20.00
Regular Mail/Certificate of Mail	\$4.00
Restricted Delivery with Certified Mail	\$15.00
Registered Mail	\$15.00
Subpoenas	\$10.00
Subpoenas— Service and Return	\$10.00
 Judgment by Confession—Cognovit	 \$156.00
 Counterclaim/Crossclaim	 \$50.00
 Third Party Complaint	 \$50.00
 Amended Complaint	 \$70.00
 Jury Demand (Payable Ten Days Prior to Jury Trial)	 \$350.00
 Garnishments—Bank Attachments/Wage Attachments	 \$125.00
Bank Attachments (Bank Handling Fee)	\$1.00
 Debtor's Examination	
With Praecipe for Certified Mail	\$75.00
With Praecipe for Personal Service (Bailiff)	\$95.00

Motion to Show Cause	
With Praecipe for Certified Mail	\$50.00
With Praecipe for Personal Service (Bailiff)	\$70.00
Motion to Vacate, Revivor, Modify Judgment	\$150.00
Executions	
(If Pre-Judgment, \$156.00 Filing Fee Applies)	
Household Goods	\$200.00
Vehicles	\$200.00
Bailiff Fee for Executions (R.C. §311.17(A)(1)(c))	\$50.00
Publication Fees	\$400.00
Writ of Restitution Bailiff Fee—Includes Writ of Restitution for Residential Premises, Mobile Homes (R.C. § 311.17(A)(7)) (Applies if Bailiff Must Execute Writ—Payable in Advance of Execution of Writ)	\$60.00
Making Certificate of Judgment	\$25.00
Certificate of Judgment Transfer Out of Our Court	\$15.00
Certificate of Judgment Transfer Into Our Court	\$40.00
Release of Lien	\$25.00
Trusteeship	\$61.00
Replevin	\$200.00
Bailiff Fee for Writ of Replevin	\$40.00
Driving Privileges	
ALS Appeal	\$126.00
Privileges Only	\$40.00
12 Point Appeal	\$126.00
Non Compliance	\$40.00
Amended Driving Privileges	\$25.00

SMALL CLAIMS	COST
Small Claims (Includes One Certified Mail Service)	
Complaint	\$50.00
Each Additional Defendant	\$10.00
Counterclaim/Crossclaim	\$25.00
 <u>Additional Service per Defendant</u>	
Certified Mail	\$12.00
Personal Service	\$20.00
Regular Mail/Certificate of Mail	\$4.00
Restricted Delivery with Certified Mail	\$15.00
Subpoenas	\$10.00
Subpoenas—Service and Return	\$10.00
 Transfer From Small Claims to Regular Docket	 \$50.00
 Amended Complaint	 \$20.00
 Third Party Complaint	 \$25.00
 Garnishments—Bank Attachments	 \$125.00
Bank Attachments (Bank Handling Fee)	\$1.00
 Debtor's Examination	
With Praecipe for Certified Mail	\$75.00
With Praecipe for Personal Service	\$95.00
 Motion to Show Cause	
With Praecipe for Certified Mail	\$50.00
With Praecipe for Personal Service	\$70.00
 Motion to Vacate, Revivor, Modify Judgment	 \$150.00
 Asset and Liability Form with Certified Mail Service	 \$15.00
Asset and Liability Form with Personal Service	\$35.00

Making Certificate of Judgment	\$25.00
Certificate of Judgment Transfer Out of Our Court	\$15.00
Certificate of Judgment Transfer Into Our Court	\$40.00
Release of Lien	\$25.00

TRAFFIC AND CRIMINAL COSTS

Traffic/Criminal

Subpoenas	\$10.00
Subpoena - Service and Return	\$10.00

Expungement of Conviction	\$50.00
Expungement of Dismissal or Bind Over	\$0.00

Driving Privileges

Post Conviction Driving Privileges	\$25.00
Amendment of Driving Privileges	\$25.00

Additional Service

Certified Mail	\$12.00
Personal Service—Bailiff	\$20.00
Regular Mail/Certificate of Mail	\$4.00
Restricted Delivery with Certified Mail	\$15.00
Registered Mail	\$15.00

Post Conviction Motion to Modify	\$25.00
Domestic Violence Fee	\$50.00
Payment Plan Fee	\$25.00
Public Defender Fee	\$25.00
Criminal Diversion Program Fee	\$200.00

MISCELLANEOUS ALL DIVISIONS

Issuance of Bench Warrant	\$50.00
License Forfeiture Fee	\$20.00
Warrant Block Fee	\$20.00
Registration Block	\$20.00

Photocopies	\$0.25
Certified Copies	\$3.00
Exemplified Copies	\$5.00
Appeal to Fifth District Court of Appeals	\$120.00
Return Check Fee	\$30.00
Fraudulent Credit Card payment online	\$50.00

COMMUNITY CONTROL SANCTIONS

Supervision	\$30.00/month
Pretrial Supervision Fee	\$100.00
Electronic Monitoring Set up Fee	\$25.00
Interlock Monitoring	\$50.00
Inmate Work Program Monitoring	\$50.00
Pre-Sentence Investigation	\$100.00

IT IS SO ORDERED.



Judge Nanette DeGarmo VonAllman

cc: Ohio Supreme Court Clerk
Tuscarawas County Bar Association
Tuscarawas County Public Defender
Southeastern Legal Services

possibility of a jail sentence shall be served by residence service, certified mail or other means inconsistent with this local rule.

Upon the filing of any private complaint under this local rule the Clerk of Court shall issue the summons pursuant to Ohio Criminal Rule 4(C)(2). As to any misdemeanor offense covered under this rule the Clerk shall place the summons with the attached complaint in the prosecuting attorney's designated box at the Clerk's office and shall notify the prosecuting attorney that the summons and complaint are available for pick-up by, or delivery by the prosecuting attorney to, any authorized law enforcement officer of the charging jurisdiction for personal service upon the defendant.

Return of personal service shall be made by the serving officer pursuant to Ohio Criminal Rule 4(D)(4).

This rule shall not apply to the issuance, and return, of summons and private complaint in any minor misdemeanor or non-jailable unclassified misdemeanor criminal cases.

IT IS SO ORDERED.



Judge Nanette DeGarmo VonAllman

CC: Tuscarawas County Bar Association President
Clerk of the Ohio Supreme Court
Tuscarawas County Public Defender
Prosecuting Attorneys
Local Defense Attorneys
Clerk

**IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO**

2017 APR 11 A 11:57

**IN THE MATTER OF ADOPTION OF
SCHEDULE OF COSTS FOR
AND COMMUNITY CONTROL
SUPERVISION SERVICES**

) CLERK
) JULIE A. A. ADMINISTRATIVE ORDER
)
) JUDGE NANETTE DEGARMO
) VONALLMAN
)
)
)
)
)

This Administrative Order supersedes and amends certain Community Control Supervision Fees in Local Rule adopted on May 1, 2013.

**ADMINISTRATIVE ORDER—SCHEDULE OF COSTS COMMUNITY
CONTROL SUPERVISION SERVICES
COMMUNITY CONTROL SUPERVISION SERVICES**

Service	Fee
Monthly Supervision Fee	\$30.00 per month
GPS/SCRAM/Interlock Set-up Fee	\$25.00
Interlock Monitoring	\$50.00
Inmate Work Program Monitoring	\$50.00
Pre-trial Supervision	\$100.00
Pre-Sentence Investigation	\$100.00

Effective April 17, 2017

IT IS SO ORDERED.


 Judge Nanette DeGarmo VonAllman

CC: Tuscarawas County Public Defender
Prosecuting Attorneys
Local Defense Attorneys
Clerk

IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO

2017 APR 3 PM 1 30

IN THE MATTER OF ADOPTION OF
LOCAL RULE—
BONDS SECURED BY REAL ESTATE

JOURNAL ENTRY
JULIE A. STAMETS

JUDGE
NANETTE DEGARMO VON ALLMAN

Pursuant to Sup. R. 5, the Court determines that there is an need for this rule and therefore adopts this rule effective April 3, 2017. A copy of this rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, prosecutors who practice in this court, the Tuscarawas County Public Defender, and to other attorneys regularly appearing on criminal matters before this Court. Copies of this rule are also available from the Clerk of this Court.

The Court invites commentary from the public and bar regarding this rule. Comments may be made in writing to the Clerk of this Court. The comment period shall be from the implementation of this rule until May 3, 2017.

The rule as adopted states:

Bond Secured by Real Estate

Procedure:

1. The real estate must be titled in the name of the defendant or surety and must be located in Tuscarawas County, Ohio. In order to be used as security, real estate must be titled in the name of an individual. Property owned by a trust, trustee, corporation, limited liability corporation, partnership or other such entity shall not be accepted as security under this rule.

2. The defendant or surety must file an **Affidavit for a Real Estate Bond** which includes all of the following:

A. A Certificate of Title issued by a licensed real estate title company showing all owners of the real estate, and spouse(s), if any, and showing all lien holders and the amount claimed in each encumbrance;

B. A current appraisal from the county auditor or a licensed real estate appraiser, showing the fair market value of the real estate;

C. For each encumbrance identified in the Certificate of Title, satisfactory evidence of the current balance of each encumbrance, including any unpaid mortgages, taxes, or other liens;

D. A statement of equity showing the difference in the fair market value of the real estate less the unpaid balances of each lien, equaling a balance of at least twice the amount of the bond;

E. A certified copy of the property deed from the County Recorder's Office;

F. The Affidavit must be signed by the defendant or surety, and their spouse in the presence of a Notary Public.

3. The Judge will review the Affidavit, Certificate of Title, and supporting documents. If the Judge finds that the Affidavit, Certificate of Title, and supporting documents comply with this rule, the clerk will file the bond in the Tuscarawas County Recorder's Office as a lien on the real estate. A filing fee of \$100.00 and the bond surcharge fee shall be charged. A release of lien shall be conveyed to the defendant or surety for filing after the bond is released.

4. Should the defendant fail to appear, the lien on the real estate can be foreclosed pursuant to the Ohio Revised Code, the real estate sold, and the proceeds applied to the bail amount.



Judge Nanette DeGarmo VonAllman

CC: Tuscarawas County Bar Association President
Clerk of the Ohio Supreme Court
Tuscarawas County Public Defender
Prosecuting Attorneys
Local Defense Attorneys
Clerk

IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO

State of Ohio,)

vs.)

Defendant)

Affidavit for Real Estate Bond

Case No.: _____

State of Ohio, Tuscarawas County, ss:

I, _____, the defendant or surety, being first duly sworn, says that:

1. I am the owner of certain real estate that is located in Tuscarawas County, Ohio and the real estate is not owned by a trust, trustee, corporation, limited liability corporation, or partnership.

2. I desire to pledge said real estate in the above referenced case as security for bond in the amount of \$ _____, and attach all of the following:

___ A Certificate of Title issued by a licensed real estate title company showing all owners of the real estate, and spouse(s), if any, and showing all lien holders and the amount claimed in each encumbrance;

___ A current appraisal form from the county auditor or a licensed real estate appraiser, showing the fair market value of the real estate;

___ For each encumbrance identified in the Certificate of Title, satisfactory evidence of the current balance of each encumbrance, including any unpaid mortgages, taxes or other liens;

___ A statement of equity showing the difference in the fair market value of the real estate less the unpaid balances of each lien, equaling a balance of at least twice the amount of the bond;

___ A certified copy of the property deed from the Tuscarawas County Recorder's Office.

The subject real estate is not currently pledged as bond in any other matter.

Further affiant saith not.

Affiant Defendant or Surety

Spouse of Defendant or Surety

This Affidavit for Real Estate Bond subscribed and duly sworn before me according to law, by the above named affiant, this _____ day of _____, 20____, at _____, County of Tuscarawas and State of Ohio.

Notary Public

Pledge of Real Property
(Recognizance Bond)

To whom it may concern:

Take notice that the hereinafter attached described real property, located in the County of Tuscarawas, has been pledged for the sum of \$ _____, to the State of Ohio, by _____,

surety upon the recognizance of _____ in a certain cause pending in the New Philadelphia Municipal Court, Tuscarawas County, Ohio to

wit: State of Ohio, plaintiff, vs. _____, defendant, known and identified in such court as Case No. _____.

Date: _____

Julie A. Stamets
Clerk of Court

By: _____

Cancellation of Pledge of Real Property

To whom it may concern:

Take notice that by order of the New Philadelphia Municipal Court, Tuscarawas County, Ohio, the recognizance of _____ (defendant), as principal, and _____ as surety(s), given in the Case of State of Ohio, plaintiff, vs. _____, defendant, known and identified as Case No. _____, is canceled, discharged, and set aside, and the lien of the State of Ohio on the real property therein pledged as security, is hereby waived, discharged and set aside.

Date: _____

Julie A. Stamets
Clerk of Court

By: _____

B. Process for Inclusion on Appointed Counsel List:

Attorneys who desire to be on the appointed counsel list shall complete the Application for Appointed Counsel Program attached to this rule and otherwise available online at www.npmunicipalcourt.org or the Clerk of Court's Office. The form shall be submitted to the Court Administrator. Attorneys desiring to be removed from the appointed counsel list shall notify the Court Administrator in writing. Attorneys on the appointed counsel list are required to notify the Court of any changes in contact information or attorney status.

C. Affidavit of Indigency:

Appointed counsel shall obtain from each alleged indigent defendant an affidavit of indigency setting forth the facts in support. Ohio Public Defender form OPD-206R shall be utilized.

D. Compensation and Expenses:

All requests for compensation for payment shall be made by accurately completing the prescribed Ohio Public Defender forms and submitting them to the Court within 30 days after withdrawal by counsel or termination of the case, whichever is sooner.

The rate of compensation shall be commensurate with the applicable Ohio Public Defender Guidelines.



Judge Nanette DeGarmo VonAllman

CC: Tuscarawas County Bar Association President
Clerk of the Ohio Supreme Court
Tuscarawas County Public Defender
Prosecuting Attorneys
Local Defense Attorneys
Clerk

**APPLICATION FOR APPOINTED COUNSEL PROGRAM
NEW PHILADELPHIA MUNICIPAL COURT**

Application Status: New Applicant Change in Applicant Status

Name:	Attorney Registration Number:
Firm Name and Address:	Telephone Number: Fax: Email: Cell:
Law School Attended:	CLE Compliant? <input type="checkbox"/> Yes <input type="checkbox"/> No Any Disciplinary Actions filed against you? Yes <input type="checkbox"/> No <input type="checkbox"/>
Date Graduated:	Misdemeanor Qualifications: 6 hours CLE in criminal practice/procedure? <input type="checkbox"/> Yes <input type="checkbox"/> No OR: Completed clinical education program focused on criminal defense? <input type="checkbox"/> Yes <input type="checkbox"/> No OR: One year experience as an attorney? Yes <input type="checkbox"/> No <input type="checkbox"/>
Date Admitted to Ohio Practice:	Misdemeanor OVI Qualifications: 6 hours CLE in OVI practice/procedure? Yes <input type="checkbox"/> No <input type="checkbox"/>

I have reviewed the qualifications, regulations and standards of the Ohio Public Defender's Commission and O.A.C. 120-1-10 and certify that I meet the minimum requirements to be appointed to represent indigent defendants in the New Philadelphia Municipal Court. I am willing to serve as counsel in accordance with and subject to all applicable rules, guidelines, and statutes that govern this process. I agree to notify the Court, in writing, of any changes in personal or professional status that would affect my ability or qualification to serve as appointed counsel for indigent defendants. I understand that the Motion and Certification for payment must be submitted within thirty (30) days after withdrawal or conclusion of the case, whichever is sooner, and must include a completed Affidavit of Indigency executed by the defendant.

<hr style="border: none; border-top: 1px solid black;"/>	<hr style="border: none; border-top: 1px solid black;"/>
Attorney Signature	Date

**IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO**

2016 NOV 21 PM 2 43

**IN THE MATTER OF ADOPTION OF
AMENDMENT TO LOCAL RULE—
CRIMINAL DIVERSION PROGRAM**

JOURNAL ENTRY

**JUDGE
NANETTE DEGARMO VON ALLMAN**

Pursuant to Sup. R. 5 the Court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective November 23, 2016. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, prosecutors who practice in this court, the Tuscarawas County Public Defender, and to other attorneys regularly appearing on criminal matters before this Court. Copies of this emergency rule are also available from the Clerk of this Court.

The New Philadelphia Municipal Court created the Criminal Diversion Program on July 1, 2010 pursuant to local rule. The Local Rule was amended in 2012 to include possession of marijuana drug paraphernalia, a minor misdemeanor under R.C. § 2925.141, minor misdemeanor possession of “Spice” or “K2” and, fourth degree misdemeanor possession of drug paraphernalia under R.C. § 2925.14(C)(1) and to provide consistency in achieving the Program goals. The Local Rule is now amended to include all first-time offenders (persons who have not already participated in the Diversion Program and who have not been convicted as an adult in this or any other court for other criminal activity or any alcohol or drug related offenses), and to exclude K2/Spice offenses and jailable drug paraphernalia offenses.

The Court invites commentary from the public and bar regarding this emergency rule. Comments may be made in writing to the Clerk of this Court. The comment period shall be from the implementation of this rule until December 23, 2016.

The emergency rule as adopted states:

LOCAL RULE—CRIMINAL DIVERSION PROGRAM

The Criminal Diversion Program is applicable for the following misdemeanors:

1. Underage Consumption/Possession of Alcohol.
2. Minor Misdemeanor Possession of Marijuana Paraphernalia.
3. Minor Misdemeanor Possession of Marijuana.

The purpose of the Criminal Diversion Program is to encourage early education and, intervention in cases involving eligible offenses and to provide a period of supervision and education to those offenders who are willing to accept responsibility for their misconduct. The Program holds the offenders accountable for their actions and assists them in learning new ways to deal with the issues that led to their offense, while keeping them from the stigma of a criminal conviction. The Program is for first-time offenders only. The goal of the Program is to encourage first-time offenders to learn from their mistakes, and to discourage them from further misconduct in the community.

The Diversion Program is not available for cases involving the use or possession of K2/Spice, cocaine, methamphetamines, heroin or other harmful intoxicants or controlled substances or paraphernalia related to their use.

Eligibility for the Criminal Diversion Program

The program is open to persons who have not already participated in the Diversion Program and who have not been convicted as an adult in this or any other court for other criminal activity or any alcohol or drug related offense, and whose pending charge(s) are limited to any or all of the following with or without a minor traffic offense:

1. Misdemeanor violations of R.C. § 4301 regulating the possession or consumption of alcohol by minors or comparable municipal/village ordinances.
2. Minor misdemeanor violations of R.C. § 2925.141(C) barring the use or possession of marijuana paraphernalia or comparable municipal/village ordinances.
3. Minor Misdemeanor violations of R.C. § 2925.11(A) barring the use or possession of less than one hundred (100) grams of marijuana or comparable municipal/village ordinances.

The Diversion Program shall not be utilized for any offense which resulted in personal injury or involved another criminal or excluded drug or alcohol related offense. In addition, those offenders otherwise eligible under the above criteria may be rejected from consideration for the program if the prosecuting attorney objects prior to arraignment.

Elements of the Criminal Diversion Program:

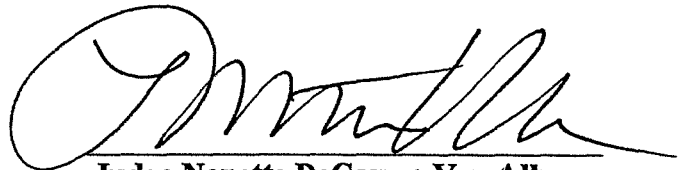
First-time offenders cited into Court on an eligible offense will be informed of their rights. The offender will not enter a plea initially, but must agree to waive, in writing the statutory and constitutional right to a speedy trial. The offender will be provided with information about the Criminal Diversion Program. If the offender elects to participate, the offender will sign a contract agreeing to participate in the Program. Participation in the Program will include payment of a diversion fee, an educational component, and an agreement to abide by the law and remain alcohol/drug free. Participation in the Program is voluntary.

Successful completion of the Program will result in dismissal of the eligible charge(s). If an offender is unsuccessful in completing the Program, he or she will be required to enter a plea and the case will proceed pursuant to such plea.

Fees:

Pursuant to R.C. § 1901.26(B)(1), the Court has designated this Program as a “special program or service in cases of a specific type” and the Court will charge a fee of \$200.00, in addition to all other court costs, in cases accepted into the Criminal Diversion Program. Fees collected will continue to be paid to the City Treasurer for deposit into a special program fund designated as the Criminal Diversion Fund.

IT IS SO ORDERED.



Judge Nanette DeGarmo Von Allman

CC: Tuscarawas County Bar Association—President
Clerk of the Ohio Supreme Court
Tuscarawas County Public Defender
Prosecuting Attorneys
Local Defense Attorneys
Bookkeeper
Clerk

NEW PHILADELPHIA
MUNICIPAL COURT
IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO

2015 MAY 12 P 1:10

CLERK
JULIE A. STAMETS

IN THE MATTER OF ADOPTION OF)
LOCAL RULE—)
SPECIALIZED DOCKET FOR NEW)
PHILADELPHIA MUNICIPAL)
RECOVERY COURT)

JOURNAL ENTRY

JUDGE
NANETTE DEGARMO VON ALLMAN

Pursuant to Sup.R. 5 the Court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective May 12, 2015. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, prosecutors who practice in this court, the Tuscarawas County Public Defender, and to other attorneys regularly appearing on criminal matters before this Court. Copies of this emergency rule are also available from the Clerk of this Court.

The Court invites commentary from the public and bar regarding this emergency rule. Comments may be made in writing to the Clerk of this Court. The comment period shall be from the implementation of this rule until June 12, 2015.

The emergency rule as adopted states:

**LOCAL RULE
SPECIALIZED DOCKET
FOR THE
NEW PHILADELPHIA MUNICIPAL RECOVERY COURT**

(A) Establishment of Recovery Court Specialized Docket. The Court hereby establishes the New Philadelphia Municipal Recovery Court (NPMRC). This docket is created pursuant to the authority and requirements under Sup.R. 36.20 through 36.29 of the Rules of Superintendence for the Courts of Ohio. The goal of NPMRC is to provide a court managed drug intervention treatment and monitoring program to assist participants with a diagnosis of opioid dependence to develop sober lifestyles through evidenced based intervention and treatment and to reduce recidivism among participants.

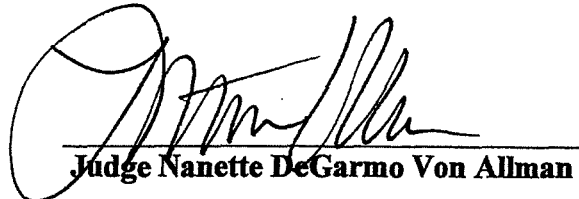
(B) Placement in NPMRC Program. To be accepted into the program, the individual must plead guilty to, or be currently on probation for, a misdemeanor offense (except a minor misdemeanor); be diagnosed as opioid dependent; and, voluntarily petition to enter the program. The individual will be referred for a drug/alcohol and mental health assessment and other appropriate medical assessments prior to entry into the program. Meeting the legal and clinical criteria for the program does not create a right to participate because the Judge has the discretion to approve or deny entry into the program. Individuals accepted must comply with the program requirements as set forth in the written program description and participant handbook.

(C) Case Assignment. The New Philadelphia Municipal Court Judge will be responsible to oversee the NPMRC program.

(D) Case Management. Individuals accepted into the program participate in drug and alcohol counseling and mental health counseling as indicated in their respective treatment plans, which may include detoxification in a medical facility or the Tuscarawas County Jail, medication assisted treatment, inpatient or outpatient individual/ group, and/or family counseling sessions. The participants must abide by all court orders and complete all treatment plan requirements include obtaining sober, stable housing, obtaining reliable transportation, completing high school or earning a GED, participating in other vocational opportunities, and/or obtaining and maintaining full or part-time employment. Full program requirements as set forth in the Program Description, Participant Handbook, and the Participation Agreement, are incorporated by reference into the Rule.

(E) Termination from Program. If the participant is unsuccessful in completing the program, a probation violation will be filed and proceed to hearing. The participant may also be neutrally discharged if no longer capable of meeting the program requirements of the program. Upon neutral discharge the participant will be assigned for standard probation supervision for the remaining probation term.

IT IS SO ORDERED.


Judge Nanette DeGarmo Von Allman

CC: Tuscarawas County Bar Association—President
Clerk of the Ohio Supreme Court
Tuscarawas County Public Defender
Prosecuting Attorneys
Local Defense Attorneys
Clerk

NEW PHILADELPHIA
IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO

2014 SEP 17 AM 11 46

)
CLERK

JULIE A) STAMETS

IN THE MATTER OF ADOPTION OF
AMENDMENT TO LOCAL RULE—
USE OF ELECTRONICALLY
PRODUCED TICKETS

)
JOURNAL ENTRY

)
JUDGE
NANETTE DEGARMO VON ALLMAN

Pursuant to Sup. R. 5 the Court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective Sept. 17, 2014. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, prosecutors who practice in this court, the Tuscarawas County Public Defender, and to other attorneys regularly appearing on criminal matters before this Court. Copies of this emergency rule are also available from the Clerk of this Court.

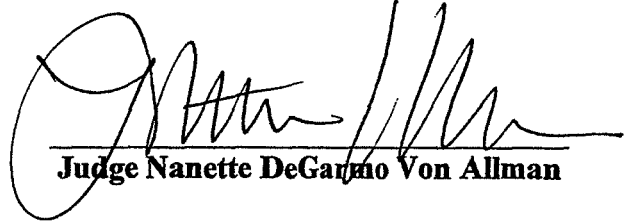
The Court invites commentary from the public and bar regarding this emergency rule. Comments may be made in writing to the Clerk of this Court. The comment period shall be from the implementation of this rule until October 17, 2014.

The emergency rule as adopted states:

LOCAL RULE—USE OF ELECTRONICALLY PRODUCED
TRAFFIC TICKETS

The use and filing of tickets produced by computer or other electronic means, which conform to the requirements of Ohio Traffic Rule 3 as amended and adopted on July 1, 2014, are hereby authorized in the New Philadelphia Municipal Court.

IT IS SO ORDERED.



Judge Nanette DeGarmo Von Allman

CC: Tuscarawas County Bar Association—President
Clerk of the Ohio Supreme Court
New Philadelphia City Auditor
Tuscarawas County Public Defender
Prosecuting Attorneys
Local Defense Attorneys
Bookkeeper
Clerk

IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO NEW PHILADELPHIA
MUNICIPAL COURT

**IN THE MATTER OF ADOPTION OF
EMERGENCY AMENDMENT TO
LOCAL RULE—BOND SCHEDULE**

2014 MAY 8 AM 8 50

JOURNAL ENTRY

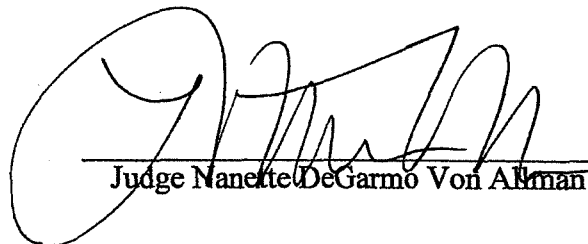
JULIE A. STAMETS

**JUDGE NANETTE DEGARMO
VON ALLMAN**

Pursuant to Sup. R. 5, the court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective May 12, 2014. A copy of this emergency rule was file with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, attorneys regularly appearing on criminal matters before this court, and all law enforcement agencies within the jurisdiction of the court. Copies of this emergency rule are available from the Clerk of the court.

The court invites commentary from the public and bar regarding this emergency rule which is attached hereto and incorporated by reference. Comment may be made in writing to the Clerk of this court. The comment period shall be from the implementation of this rule until June 12, 2014.

IT IS SO ORDERED.


Judge Nanette DeGarmo Von Allman

**NEW PHILADELPHIA MUNICIPAL COURT SCHEDULE OF FINES AND COSTS
EFFECTIVE MAY 12, 2014**

WILDLIFE & WATERCRAFT OFFENSES

The following offenses will not be waivable under any circumstance:

1. All M1 1st Degree Misdemeanor Offenses
2. All M2 2nd Degree Misdemeanor Offenses
3. 1533.17 Hunting without permission
4. 1533.66 Trespassing on fishponds
5. 1547.07 Reckless Operation (M3 with injury)
6. 1547.12 Incapacitated Operation (M3 with injury)

IF ANY OFFENSE INVOLVES THE TAKING OR POSSESSING OF AN ANIMAL, THE OFFICER SHALL MARK THE TICKET AS "MUST APPEAR IN COURT".

Except for the above listed offenses, the following offenses are waivable:

ALL WILDLIFE AND WATERCRAFT:

OFFENSE	FINE	COURT COSTS	TOTAL
MM – Minor Misdemeanor	\$50.00	\$97.00	\$147.00
M4 – 4 th Degree Misdemeanor	\$100.00	\$97.00	\$197.00
M3 – 3 rd Degree Misdemeanor	\$150.00	\$97.00	\$247.00

IN THE NEW PHILADELPHIA MUNICIPAL COURT

NEW PHILADELPHIA, OHIO

2013 APR 30 P 5:09

CLERK)
JULIE A. STAMETS)
IN THE MATTER OF ADOPTION OF)
AMENDMENT TO LOCAL RULE—)
METHOD OF ASSIGNING PAYMENTS)
PURSUANT TO R.C. 2949.111(C))

JOURNAL ENTRY
JUDGE NANETTE DEGARMO
VONALLMAN

Pursuant to Sup. R. 5 this Court adopts this Local Rule effective May 1, 2013. A copy of this rule was filed with the Clerk of the Ohio Supreme Court and is provided to the President of the Tuscarawas County Bar Association. Copies of this rule are also available from the Clerk of this Court by request.

LOCAL RULE—METHOD OF ASSIGNING PAYMENTS PURSUANT TO R.C. 2949.111(C)

Pursuant to R.C. 2949.111(C), the Clerk of the Court shall assign payments as defined in R.C. 2949.111 as follows:

(1) If the court ordered the offender to pay any court costs, the offender's payment shall be assigned toward the satisfaction of those court costs until they have been entirely paid.

(2) If the court ordered the offender to pay any reimbursement and if all of the court costs that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the reimbursements until they have been entirely paid.

(3) If the court ordered the offender to pay any restitution and if all of the court costs and reimbursements that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the restitution until it has been entirely paid.

(4) If the court ordered the offender to pay any fine and if all of the court costs and reimbursements, and restitution that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the fine until it has been entirely paid.

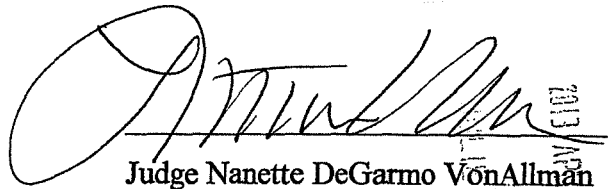
(5) If the Court ordered the offender to pay any state fines or costs and if all of the court costs, reimbursements, restitution, and any fine that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned on a pro rata basis toward the satisfaction of the state fines or costs until they have been entirely paid.

If a person who is charged with a misdemeanor is convicted of or pleads guilty to the offense and if the court orders the offender to pay any combination of court costs, reimbursements, restitution, fines and state fines or costs, the court, at the time it orders the offender to make those payments, may prescribe an order of payments that differs from the order set forth in sections 1 through 5 of this Rule by entering in the record of the case the order so prescribed. If a different order is entered in the record, on receipt of any payment, the Clerk of the Court shall assign the payment in the manner prescribed by the court.

This Rule applies to payments received and receipted on or after May 1, 2013.

Comment may be made in writing to the Clerk of this Court until May 15, 2013.

IT IS SO ORDERED.



Judge Nanette DeGarmo VonAllman

2013 APR 30 P 5:09
CLERK
A. STAMETS
NEW PHILADELPHIA
COUNTY COURT

Cc: Ohio Supreme Court Clerk
Tuscarawas County Bar President

**IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO**

NEW PHILADELPHIA
MUNICIPAL COURT

2013 FEB 15 A 9:44

IN THE MATTER OF ADOPTION OF
EMERGENCY LOCAL RULE—
COMMUNITY SERVICE CREDIT RATE

CLERK
JULIE A. STAMETS
JOURNAL ENTRY

JUDGE NANETTE DEGARMO
VONALLMAN

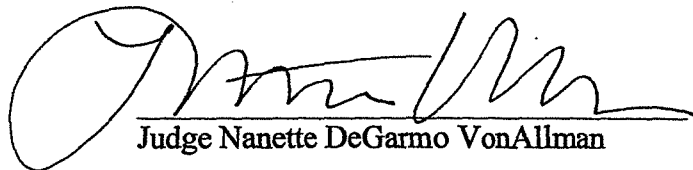
Pursuant to Sup. R. 5 the court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective February 15, 2013. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association. Copies of this emergency rule are also available from the Clerk of this court.

LOCAL RULE— COMMUNITY SERVICE CREDIT RATE

The Court invites commentary from the public and bar regarding this emergency rule. Comment may be made in writing to the Clerk of this court. The comment period shall be from the implementation of this rule until March 15, 2013.

The emergency rule as adopted states, defendants who are assigned community service for credit toward their fines and/or costs shall be credited at the rate of \$10.00 per hour.

IT IS SO ORDERED.


Judge Nanette DeGarmo VonAllman

Cc: Clerk of Supreme Court of Ohio
Clerk of Court
Tuscarawas County Bar Association
Probation Department
Bookkeeper

IN THE NEW PHILADELPHIA MUNICIPAL COURT

NEW PHILADELPHIA, OHIO

CLERK
JULIE A. STAMETS

In the Matter of Municipal Court
Special Projects Fund 245-2450


LOCAL RULE

Pursuant to R.C. 1901.26 and by Rule of Court dated June 23, 1994,
the Court has established the above encaptioned fund.

Effective September 22, 2008, the special projects fee will increase by
\$10.00 in all criminal violation and non-moving violation cases.

The clerk is hereby directed to increase the special projects fee in all
such cases.

It is so ordered.


Judge Mary Wade Space

Cc: Clerk
New Philadelphia City Auditor
Administrative Docket
Court Administrator

NEW PHILADELPHIA MUNICIPAL COURT
IN THE NEW PHILADELPHIA MUNICIPAL COURT

2006 DEC 29 P 3: 20

NEW PHILADELPHIA, OHIO

CLERK
JULIE A. STAMETS

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In the Matter of Adoption of Emergency)

Amendment to Local Rule –)

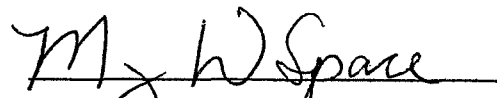
Case Management – Mediation)
)
)
)

JOURNAL ENTRY

JUDGE MARY WADE SPACE

Pursuant to Ohio Revised Code Sections 1901.262 and 1925.03, and Rule 5 of the Rules of Superintendence for the Courts of Ohio, the court determines that there is an immediate need for this rule and therefore adopts the attached emergency rule effective January 1, 2007 without prior notice and opportunity for comment. A copy of this rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, and to other attorneys regularly appearing in civil matters before this court. Copies of this emergency rule are also available from the Clerk of this court.

The Court invites commentary from the public and the bar regarding this emergency rule. Comment may be made in writing to the Clerk of this court. The comment period shall be from the implementation of this rule until February 1, 2007.



Judge Mary Wade Space

NEW PHILADELPHIA
MUNICIPAL COURT

2006 DEC 29 P 3: 20

IN THE NEW PHILADELPHIA MUNICIPAL COURT

CLERK
JULIE A. STAMETS

NEW PHILADELPHIA, OHIO

Amendment to Local Rule – Case Management

Mediation

(A) Pursuant to Ohio Revised Code Sections 1901.262 and 1925.03, and Rules 5 and 16 of the Rules of Superintendence for the Courts of Ohio, this rule modifies and amends the local rule dated October 7, 2003 implementing the Dispute Settlement Program (DSP) which provides people within the jurisdiction with an alternative means of solving interpersonal disputes. Mediation is a non-binding process involving a neutral mediator who acts as a facilitator to assist the parties to craft a mutually acceptable resolution for themselves.

(B) This rule does not modify or amend the provisions of the local rule dated October 7, 2003 regarding the Tax Resolution Service and the Check Resolution Service insofar as they are criminal cases.

(C) **Case Selection/Referral:**

Civil cases and small claims cases may be referred for mediation by judicial order, motion of any party, or by agreement of the parties. Mediation shall not be used:

1. as an alternative to the prosecution or adjudication of domestic violence;
2. in determining whether to grant, modify or terminate a protection order;
3. in determining the terms and conditions of a protection order; and
4. in determining the penalty for a violation of a protection order.

The court mediator shall promptly notify parties and counsel of a case referral. This notification shall include the date and time of mediation and a description of the mediation process.

In referring parties to mediation, the Court shall effectively screen and assess the parties relating to problems involving domestic violence convictions or allegations of domestic violence. If the case proceeds to mediation, the screening shall continue throughout the mediation process. The parties and counsel shall cooperate with all portions of the domestic violence screening protocol.

The Court encourages appropriate referrals to legal counsel and other support services for all parties, including victims and suspected victims of domestic violence.

(D) Scheduling/Continuances:

Cases referred to mediation shall be scheduled for mediation within thirty (30) days of referral. If necessary discovery is not completed, a case may be continued to a future mediation date with the judge's consent. If a party or attorney objects to the referral of his/her case to mediation, that person shall proffer a written objection for consideration by the judge. A referral to mediation shall be reversed only under compelling circumstances. Other continuances shall be granted only for good cause shown.

(E) Parties/Representatives:

Parties and or parties' representative with authority to settle a claim, and parties' counsel shall attend and participate in mediation. If counsel or any necessary party fails to attend and/or does not meaningfully participate in the process, the court may order sanctions including, but not limited to, attorney fees, other costs, contempt, dismissal, or default judgment.

(F) Mediation Privilege:

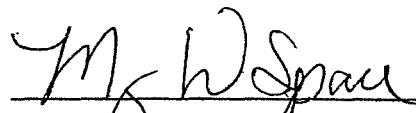
Mediation communications are privileged as described in Ohio Revised Code Sections 2710.03 – 2710.05.

(G) Client Defined Confidentiality:

If the parties wish mediation communication to be confidential, they will effect a written confidentiality agreement prior to mediation.

(H) Agreements:

If any agreement is reached through the mediation process, a corresponding settlement/dismissal entry shall be submitted within thirty (30) days for court approval. If an agreement is not reached or a necessary party did not appear, the court mediator shall advise the court within twenty-four (24) hours of the scheduled mediation. No other information shall be communicated to the court. Unresolved cases will be placed on the assigned judge's docket or referred to the assignment commissioner for assignment.


Judge Mary Wade Space

IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO

NEW PHILADELPHIA
MUNICIPAL COURT

IN THE MATTER OF ADOPTION OF
EMERGENCY AMENDMENT TO
LOCAL RULE—CASE MANAGEMENT

JOURNAL ENTRY JUN 19 P 1:41

CLERK
JUDGE MARY WADE SPACEZGER

Pursuant to Sup. R. 5 the court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective July 1, 2006. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, the offices of Southeastern Ohio Legal Services, the Tuscarawas County Public Defender, and to other attorneys regularly appearing on civil and criminal matters before this court. Copies of this emergency rule are also available from the Clerk of this Court.

AMENDMENT TO LOCAL RULE—CASE MANAGEMENT

The Court invites commentary from the public and bar regarding this emergency rule which is attached hereto and incorporated by reference. Comment may be made in writing to the Clerk of this Court. The comment period shall be from the implementation of this rule until July 15, 2006.

IT IS SO ORDERED.

Mary W. Space
Judge Mary Wade Space

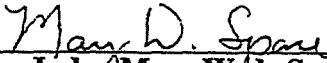
**LOCAL RULE—CASE MANAGEMENT
(Dispute Resolution Fee)**

On October 7, 2003, by Local Rule, the Court created a Dispute Settlement Program (DSP) for the purpose of providing the people, within the jurisdiction of the court an alternative means of solving inter-personal disputes other than by going through the judicial court system, i.e. resolutions through mediation. The court costs of \$62.42 only partially cover the costs of setting up the file, certified and regular postage, personal service (if necessary) and other personnel costs of creating and processing the case.

Ohio Revised Code Section 1901.262 provides as follows: "If the court establishes any procedures under this division, the court may include in the court's schedule of fees and costs ... a reasonable fee, that is to be collected on the filing of each civil or criminal action or proceeding, and that is to be used to implement the procedures..."

Therefore, by this rule, the Clerk of the New Philadelphia Municipal Court, and her deputies, in her stead, shall charge a Dispute Resolution Fee of four dollars (\$4.00) on the filing of each civil or criminal action or proceeding. All fees collected under this rule shall be paid to the city treasurer. The city treasurer shall place the funds in a separate "Dispute Resolution Fund" to be disbursed upon order of the Court, in accordance with Ohio law.

Pursuant to Ohio Revised Code 1901.262, if the court determines that the amount of moneys in the fund is more than the amount sufficient to satisfy the purpose for which the additional fee was imposed, the court may declare a surplus in the fund and expend the surplus moneys for other appropriate expenses of the court.


Judge Mary Wade Space

CC: Tuscarawas County Bar Association—President
Southeastern Ohio Legal Services
Clerk of the Ohio Supreme Court
New Philadelphia City Auditor
Tuscarawas County Public Defender

NEW PHILADELPHIA
MUNICIPAL COURT
1 2006 JUN 19 P 11 41
CLERK
GLORYA J. METZGER

**IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO**

NEW PHILADELPHIA
MUNICIPAL COURT

IN THE MATTER OF ADOPTION OF
EMERGENCY AMENDMENT TO
LOCAL RULE—AMENDMENT OF
SPECIAL PROJECT RULE,
EXEMPTION OF SMALL CLAIMS
CASES

JOURNAL ENTRY 2006 JUN 19 P 1:42

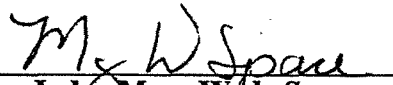
JUDGE MARY WADE SPACE CLERK
GLORYA J. METZGER

Pursuant to Sup. R. 5 the court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective July 1, 2006. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association, the offices of Southeastern Ohio Legal Services, and to all attorneys regularly appearing on civil matters before this court. Copies of this emergency rule are also available from the Clerk of this court.

**LOCAL RULE— AMENDMENT OF SPECIAL PROJECT RULE, EXEMPTION
OF SMALL CLAIMS CASES**

The Court invites commentary from the public and bar regarding this emergency rule which is attached hereto and incorporated by reference. Comment may be made in writing to the Clerk of this court. The comment period shall be from the implementation of this rule until July 15, 2006.

IT IS SO ORDERED.



Judge Mary Wade Space

**LOCAL RULE: AMENDMENT OF SPECIAL PROJECT RULE, EXEMPTION OF
SMALL CLAIMS CASES**

The Special Project Rule adopted pursuant to R.C. § 1901.26 is hereby amended to exempt Small Claims cases from assessment of the fee.


Judge Mary Wade Space

cc: Ohio Supreme Court Clerk
Tuscarawas County Bar Association
Southeastern Ohio Legal Services

NEW PHILADELPHIA
MUNICIPAL COURT
2006 JUN 19 P 1:42
CLERK
GLORYA J. METZGER

CLERK
GLORYA J. METZGER

IN THE NEW PHILADELPHIA MUNICIPAL COURT

NEW PHILADELPHIA, OHIO

2006 FEB -6 A 10:34

**In the Matter of Adoption of Emergency
Amendment to Local Rule—Case
Management**

JOURNAL ENTRY

NEW PHILADELPHIA
MUNICIPAL COURT

JUDGE MARY WADE SPACE

Pursuant to Sup. R. 5 the court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective February 6, 2006. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to Sup. R. 5. A copy of this rule was distributed to the Tuscarawas County Bar Association the offices of Southeastern Ohio Legal Services, and to other attorneys regularly appearing on civil matters before this court. Copies of this emergency rule are also available from the Clerk of this court.

The emergency rule as adopted revises a rule adopted October 7, 2003 which referred all small claims cases to the civil mediation program. Small claims cases will no longer be referred for mediation.

**AMENDMENT TO LOCAL RULE—CASE MANAGEMENT IN CIVIL CASES
ASSIGNMENT OF SMALL CLAIMS CASES**

The Court invites commentary from the public and bar regarding this emergency rule. Comment may be made in writing to the Clerk of this court. The comment period shall be from the implementation of this rule until March 10, 2006.

The emergency rule as adopted states,
Small claims cases are hereby no longer referred to the civil mediation program.

Commencement of Small Claims Case

A small claims action is commenced by filing a small claims petition, pursuant to Ohio Revised Code Section 1925.04.

Summons—Small Claims Cases

All cases shall be summoned into court for a small claims trial. No defendant is required to file an answer or statement of defense. All pleadings will be construed to accomplish substantial justice. If an answer is filed or a case is disputed, the case will be heard by the Magistrate on the day the case is summoned into court. A case may be continued if time does not permit all the contested cases to be heard on the day on which they were summoned into court, however, a party should assume that the case will go forward on the originally scheduled day. The Magistrate shall place all parties who plan to offer evidence under oath, and then allow the plaintiff and defendant to state their case. The plaintiff and defendant may subpoena and call witnesses if they so desire. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure will not be strictly adhered to in Small Claims Court. If a defendant fails to appear, default judgment will be rendered against the defendant.

Motion/Request for Continuance of Hearing Date—Small Claims Cases

If a party desires a continuance of a hearing date in a small claims case the party shall file a written motion or request for a continuance with the court. The motion or request must be served on the opposing party pursuant to Ohio Civil Rule of Procedure 5, with the proof of service evidenced on the motion or request. The Magistrate or Judge will then rule on the motion or request.

Objection to Magistrate's Decisions—Small Claims Cases

The Magistrate shall, at the conclusion of each case, serve a copy of his/her decision upon the plaintiff and defendant and inform the parties that they may file written objections to the Magistrate's Decision within fourteen (14) days. The fourteen (14) days begins to run upon the journalization of the Magistrate's Decision. An objection to a Magistrate's Decision should state, with specificity, the grounds for the objection to the Magistrate's Decision. If a party is objecting to a finding of fact, a copy of the transcript must be provided to the court prior to consideration of the objections.

Approval of Magistrate's Decision—Small Claims Cases

Pursuant to Ohio Civil Rule of Procedure 53, the court will conduct an independent review of the records and approve and adopt Magistrate's Decisions each week. The timely filing of written objections to the Magistrate's Decision shall operate as an automatic stay of the

execution of a judgment until the court disposes of the objection and thereby either vacates, modifies or affirms the judgment previously entered.

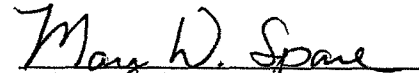
Collection of Judgments—Small Claims Cases

The employees of the court shall assist the prevailing party in collecting their judgment pursuant to Ohio Revised Code Section 1925.13.

Transfer to Regular Civil Docket

Upon filing a motion and affidavit, as required by Ohio Revised Code Section 1925.10, and upon payment of the required cost, a small claims case will be transferred to the regular civil docket. No transfer will be granted until the filing costs are paid.

IT IS SO ORDERED.



Judge Mary Wade Space

cc: Tuscarawas County Bar Association
Southeastern Ohio Legal Services
Clerk of the Ohio Supreme Court

IN THE NEW PHILADELPHIA MUNICIPAL COURT

NEW PHILADELPHIA, OHIO OCT -7 P 3: 05

NEW PHILADELPHIA
MUNICIPAL COURT

**In the Matter of Adoption of Emergency
Amendment to Local Rule—Case
Management**

JOURNAL ENTRY

JUDGE MARY WADE SPACE

Pursuant to O.R.C. § 1901.262 and 1925.03, and M.C.Sup.R. 18(A), the court determines that there is an immediate need for this rule and therefore adopts this emergency rule without prior notice and opportunity for comment effective October 10, 2003. A copy of this emergency rule was filed with the Clerk of the Ohio Supreme Court pursuant to M.C.Sup.R. 18(D). A copy of this rule was distributed to the Tuscarawas County Bar Association the offices of Southeastern Ohio Legal Services, and to other attorneys regularly appearing on civil matters before this court. Copies of this emergency rule are also available from the Clerk of this court.

The Court invites commentary from the public and bar regarding this emergency rule. Comment may be made in writing to the Clerk of this court. The comment period shall be from the implementation of this rule until November 10, 2003.

The emergency rule as adopted states,

**AMENDMENT TO LOCAL RULE—CASE MANAGEMENT IN CIVIL CASES
DISPUTE SETTLEMENT PROGRAM**

(A) Pursuant to Ohio Revised Code Sections 1901.262 and 1925.03 and Rule 5 of the Rules of Superintendence for the Courts of Ohio wherein referrals to appropriate and available alternatives dispute resolution programs shall be set forth in the local rules, the Dispute Settlement Program (DSP) is recognized as providing the people within the jurisdiction of this court an alternative means of solving interpersonal disputes other than by going through the judicial court system, i.e., resolutions through mediation. "Mediation" is a non-binding process involving a neutral mediator who acts as a facilitator to assist the parties to craft a mutually acceptable resolution for themselves. Cases considered appropriate for the program are those involving disputes with people having ongoing relationships such as family members, friends, neighbors, and civil cases identified for the Dispute Settlement Program. Sources of referrals to this program include the city prosecutor's office, the judges, the magistrates, the police departments, community agencies, attorneys, and individuals.

(B) Agreements reached by the parties are written and signed. The case is disposed after payment of costs and a Judgment Entry reflecting the parties' written agreement is signed by the judge.

(C) **The Tax Resolution Service** is offered by the New Philadelphia Municipal Court to promote successful resolution of criminal charges of failing to file and/or pay income taxes through mediation thereby providing a diversion from the criminal process.

The Judge, a magistrate, or a prosecutor, may refer income tax cases to the Dispute Settlement Program's Tax Resolution Service. However, the prosecutor shall have the right to object to said referral so long as the objection is filed with the court prior to the scheduled arraignment session so that the judge or magistrate is able to proceed in arraignment court to either accept a plea from the defendant or to refer the case to mediation.

The Income Tax administrator, law director, solicitor, or prosecutor for the city/village shall appear at the scheduled mediation session and shall provide proof to the mediator of the defendant's charge(s). The Tax Resolution Service shall require the defendant to pay court costs

of \$62.42 before the case can be considered resolved and a dismissal entered upon the record. A case is defined for purposes of this Rule as no more than four (4) counts against one individual. Individuals who are charged with more than four (4) counts, or who have a prior conviction of an income tax code or ordinance, or who have been permitted to utilize the DSP Tax Resolution Service within the past three years, shall not be referred to the DSP, unless the referral is made by the prosecutor, in the interest of justice, and upon approval of Judge Space.

Mediations will be held in the New Philadelphia Municipal Court. If an agreement is reached between the two parties, the defendant may pay the monies owed directly to the complainant or the parties may set forth the terms of repayment in writing. The Income Tax Resolution Service shall not collect any monies for disbursement to the complainant. If the mediation is unsuccessful or if it is determined that the offender is ineligible to participate in the Program, the Tax Resolution Service shall refer the defendant back to the Court for arraignment upon the criminal complaint.

If there is a successful mediation, the Tax Resolution Service shall recommend dismissal to the prosecutor who shall recommend dismissal to the court.

(D) **The Check Resolution Service** is offered by the New Philadelphia Municipal Court to promote successful resolution of passing bad check complaints through mediation thereby providing a diversion from the criminal process.

The Judge, a magistrate, or a prosecutor, may refer cases of passing bad checks to the Dispute Settlement Program's Check Resolution Service. However, the prosecutor shall have the right to object to said referral so long as the objection is filed with the court prior to the scheduled arraignment session so that the judge or magistrate is able to proceed in arraignment court to either accept a plea from the defendant or to refer the case to mediation.

The prosecutor for the appropriate jurisdiction shall appear at the scheduled mediation session and shall provide proof to the mediator of the defendant's charge(s). The Check Resolution Service shall require the defendant to pay court costs of \$62.42 before the case can be considered resolved and a dismissal entered upon the record. A case is defined for purposes of this Rule as no more than three (3) counts against one individual. Individuals who are charged with more than three (3) counts, or who have a prior conviction of passing a bad check,

or who have been permitted to utilize the DSP Check Resolution Service within the past three years, shall not be referred to the DSP, unless the referral is made by the prosecutor, in the interest of justice, and upon approval of Judge Space. Cases that could be filed as felonies shall not be referred to the DSP Check Resolution Service.

Mediations will be held in the New Philadelphia Municipal Court. If an agreement is reached between the two parties, the defendant shall pay the monies owed directly to the complainant or the parties may set forth the terms of repayment in writing. The Check Resolution Service shall not collect any monies for disbursement to the complainant. If the mediation is unsuccessful or if it is determined that the offender is ineligible to participate in the Program, the Check Resolution Service shall refer the defendant back to the Court for arraignment upon the criminal complaint. If there is a successful mediation, the Check Resolution Service shall recommend dismissal to the prosecutor who shall recommend dismissal to the court.

If the defendant shows proof of full payment to the court at the arraignment and prior to a referral to the Check Resolution Service, the case may be directly referred to the prosecutor's office for a recommendation. If the prosecutor recommends dismissal, the defendant shall pay \$62.42 in court costs prior to the court dismissing the case in its entirety.

(E) Mediation—Regular Civil Docket

Civil cases may be referred to the civil mediation program by sua sponte judicial order, motion of any party or by agreement of the parties. Cases referred to mediation shall be scheduled for mediation within thirty (30) days of referral. If necessary discovery is not completed, a case may be continued to a future mediation date with the judge's consent. If a party or attorney objects to the referral of his or her case to mediation, that person shall proffer a written objection for consideration of the judge. A referral to mediation shall be reversed only under compelling circumstances.

Parties and/or parties' representatives with authority to settle a claim, and parties' counsel shall attend the mediation. If counsel or any necessary party fails to attend or attends and does not meaningfully participate in the process, the court may order sanctions including, but not limited to, attorney fees, other costs, contempt, dismissal or default judgment.

The court mediator shall promptly notify parties and counsel of a case referral. This notification shall include the date and time of mediation and a description of the mediation process.

In accordance with Ohio Revised Code, Section 2317.023, all written and oral communications made in connection with the mediation of a case shall be treated by the court as confidential. Said communication shall not be used for any purpose, including impeachment of a witness. No mediator may be subpoenaed to testify in any legal proceeding regarding the communications made in connection with the mediation.

If an agreement is reached through the mediation process, a corresponding settlement/dismissal judgment entry shall be submitted within thirty (30) days for court approval.

If an agreement is not reached or a necessary party did not appear, the court mediator shall advise the court within twenty-four (24) hours of the scheduled mediation. No other information shall be communicated to the court. Unresolved cases will be placed on the assigned judge's docket or referred to the assignment commissioner for assignment.

(F) Mediation—Small Claims Docket

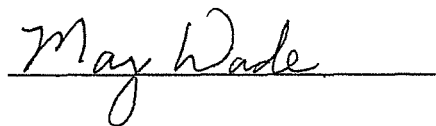
All Small Claims cases are hereby referred to the civil mediation program. All cases shall be summoned for small claims trial pursuant to prior procedure, however, a notice shall be included with the summons (and also sent to the plaintiff with his/her notice of the date of trial) explaining the mediation process, and informing the parties they will first meet with the mediator. If mediation fails to produce a resolution, the case will be immediately referred back to the court. At that time Judge Space or one of her magistrates will be available to commence a small claims trial. However, that trial may be continued to a later date upon motion of either party for good cause shown. Also, because it is impossible to predict how many small claims defendant will appear upon summons to contest the complaint, the Court may continue a contested case due to a crowded docket.

If a party or attorney objects to the referral of his or her case to mediation, that person shall proffer a written objection for consideration of the judge. A referral to mediation shall be reversed only under compelling circumstances.

In accordance with Ohio Revised Code, Section 2317.023, all written and oral communications made in connection with the mediation of a case shall be treated by the court as confidential. Said communication shall not be used for any purpose, including impeachment of a witness. No mediator may be subpoenaed to testify in any legal proceeding regarding the communications made in connection with the mediation.

If an agreement is reached through the mediation process, a corresponding settlement/dismissal judgment entry shall be submitted to Judge Space within thirty (30) days for court approval.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Mary Wade". The signature is written in black ink and is positioned above a solid horizontal line.

Judge Mary Wade Space

cc: Tuscarawas County Bar Association
Southeastern Ohio Legal Services
Clerk of the Ohio Supreme Court

NEW PHILADELPHIA
MUNICIPAL COURT

00 JAN 21 PM 1 32

LISA G. ZIMMERMAN
CLERK

New Philadelphia Municipal Court

166 East High Avenue

Suite 5

New Philadelphia, OH 44663

Local Rules
in the
New Philadelphia
Municipal Court

Submitted by:

New Philadelphia Municipal Court
Mary Wade Space, Presiding Judge

Submitted to:

The Ohio Supreme Court

Local Rules

IN THE NEW PHILADELPHIA MUNICIPAL COURT

NEW PHILADELPHIA, OHIO

GENERAL PURPOSE :

- A. To eliminate an overcrowded Criminal and Traffic Docket, and to provide for the efficient and compliant operation of the court.

Comment

On January 2, 1991, the date the undersigned Judge assumed the bench, all contested cases on the Criminal and Traffic Docket had been set for trial beyond the time required by Ohio Revised Code 2945.71. The purpose of these rules is to eliminate the tremendous backlog of cases on the Criminal and Traffic Docket while, at the same time, assuring that Civil matters also be heard in a timely manner as required by the Rules of Superintendence.

- B. To comply with Sup. R. 5.
C. To comply with Sup. R. 39 (B).

CONTINUANCES OF TRIALS: No party shall be granted a continuance of a trial without filing a written motion stating the reason for the continuance and appearing in person (or through his Attorney) before the judge. Continuances will be granted for good cause and rarely will circumstances justify such a postponement.

- A. Vacations of Attorneys- Attorneys are to notify the Assignment Commissioner, in advance of any scheduled trial, of any planned vacations.
- B. Vacations of Parties and/or Law Enforcement Officers - Prosecutors- The assignment commissioner of this court will not be expected to juggle the vacation schedule of all law enforcement and parties. Therefore, the appropriate prosecuting attorney shall file a "Notice of Unavailability of Witness" in each case where an officer or witness is expected to be unavailable. Said Notice shall set forth the period of unavailability, and said Notice shall be filed prior to the matter being set for trial.
- C. Vacations of Witnesses or Party-Defendant- Counsel for the defendant, or the defendant if he is unrepresented, shall file a "Notice of Unavailability" of a party or witness in each case where either the defendant or a defense witness is expected to be unavailable. The form and time of filing said notice are set out above in subsection B.
- D. Scheduling Conflicts- When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial shall have priority over civil cases assigned for trial. The granting of any other request for continuance of scheduled trial is a matter within the discretion of the trial court.

Due to the increased caseload in New Philadelphia Municipal Court, the Court will no longer be able to accommodate

attorneys' request to not schedule cases upon certain days. The defendant's case will be continued if the attorney has a previously scheduled hearing in another court, but not because of general unavailability upon a particular day.

If a designated attorney has such a number of cases assigned for trial in courts of this state so as to cause undue delay in the disposition of such cases, the judge may require the trial attorney to provide a substitute trial attorney. If the trial attorney was appointed by the court, the court shall appoint a substitute attorney.

COURT APPOINTMENTS

- A. The purpose of this rule is to establish, pursuant to Sup. R. 8, a system governing appointments made by the court. For the purpose of this rule the definition of "appointment(s)" is the same as that in Sup. R. 8 (A) (1).
- B. The court will keep and maintain a list of eligible appointees who have expressed their interest, either verbally or in writing, to be considered for appointment by the court. The definition of "appointee(s)" is the same as that in Sup. R. 8 (A) (2).
- C. To be considered eligible the appointees must meet the following requirements:
 - 1. Expertise and skill must be established, either in this Court or another Ohio Court, to the satisfaction of this Court;

2. The appointees schedule shall be as such that he/she will be available to perform any and all duties required of his/her appointment;
 3. The appointee shall not have a conflict of interest pertaining to any aspect of his/her duties concerning a particular appointment.
- D. Attorneys who have, in the past, or are currently representing persons before the court will be given preference when appointments are being made concerning said persons. All other appointments will be made subject to a fair distribution of appointments and availability.
- E. The court will conduct a quarterly review of its lists of appointments to insure an equitable distribution of appointments among all eligible and interested appointees.
- F. Appointees of this Court will be compensated, for services provided, in accordance with a fee schedule to be established at the time of their appointment. If any party or other person is required to pay all or a portion of the fees payable to an appointee, the appointee shall notify that party or person of the appointment and the applicable fee schedule.

CASE MANAGEMENT IN CRIMINAL CASES

- A. The purpose of this rule is to establish, pursuant to Sup. R. 5, a system for criminal case management; which will provide for the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the court justice system.

B. Scheduling of Events: The scheduling begins after arraignment. Thereafter, the case is managed in (4) judicial steps.

1. Pretrial: Due to a dramatic increase in new case filings in 1991 (a 188.9% increase in felonies, a 23.2% increase in misdemeanors, a 67.7% increase in O.M.V.I., and a 50.1% increase in other traffic cases) in New Philadelphia Municipal Court, the court will no longer automatically schedule pretrials. Not Guilty Pleas shall result in the scheduling of a trial.

It is within the judge's discretion to order any case set for a pretrial. Unless a pretrial is ordered, all cases will be set for trial.

The pretrial shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon should be filed in said case. Any attorney, or unrepresented defendant, who fail to appear for pretrial without just cause being shown may be punished for contempt of court.

All attorneys who appear at a pretrial shall have prior knowledge of the case.

All proposed dismissals and amendments of charges, and agreements as to sentencings, shall have prior approval of the citing officer, any alleged victim(s), and /or the complainant. Any citing officer, alleged victim, and/or complainant shall be permitted to attend pretrials, however, their attendance shall not be mandatory.

Any citing officer who desires to be notified of the date of a pretrial shall make a notation of said desire, and shall affix said notation to the complaint at the time of filing.

Time shall be reserved on the court's calendar for change of plea hearings for resolved cases on the same day as the pretrial is conducted. All agreements made pursuant of Criminal Rule 11 (F) shall also contain an agreement as to which party's counsel shall provide the Court with a proposed judgment entry, approved by the opposing party. In all cases where the defendant is unrepresented by counsel it shall be the obligation of the appropriate prosecuting attorney to prepare and present a proposed judgment entry to the Court.

If the parties cannot resolve the case, then the case shall be set for trial to court unless a jury is demanded.

2. Motions: All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure. All motions shall be set for oral hearing.
3. Trials: Each case not resolved at pretrial shall be set for trial to the court. If a jury demand is timely filed, then the case will be moved to the jury trial schedule. All attorneys shall notify the court by 2:00 P.M. of the day preceding the trial of any change of plea or jury, costs will be assessed to their case.
4. Sentencing: Sentencing hearings shall be set within fourteen (14) days from the trial if no presentence report is requested. After the court receives the probation report, the court will set the hearing for sentencing within fourteen (14) days.

AMENDED RULE - CASE MANAGEMENT IN CIVIL CASES

- A. Purpose: The purpose of this rule is to establish, pursuant of Sup. R. 5, a system for civil case management which will achieve the prompt and fair disposal of civil cases.
- B. Scheduling of Events: The scheduling of a case begins when a civil case is filed. Thereafter, the case is managed in five (5) judicial steps.
- C. Clerical Steps:
1. Summons shall be served in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, a deputy clerk shall notify counsel immediately. If counsel fails to obtain service of summons within six (6) months from the date the cause of action has been filed, then the deputy clerk shall notify counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.
 2. Upon perfection of service, the deputy clerk shall notify counsel of the default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed.
 3. After any responsive pleading is filed, the Assignment Commissioner for the Civil Division shall immediately forward said pleading and file to the judge so the matter may be set for a hearing.
 4. If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.

5. When a file has been marked "settlement entry to come" and the entry has not been received within thirty (30) days, then the clerk shall notify the party that his case will be dismissed unless the entry is received within ten (10) days.

D. Judicial Steps:

1. Motions: All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. Opposing counsel shall answer, in like manner, within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period unless time is extended by the court.

There will be no oral hearings granted in said motions unless the parties request an oral hearing in writing and the court deems it necessary

2. Pretrial: For the purpose of this rule, "pretrial" shall mean a court supervised conference chiefly designed to produce an amicable settlement. The term "party" or "parties" used herein after shall mean the party or parties to the action, and/or his, her, or their attorney of record.

Any attorney for a party to the action who fails to attend at a scheduled pretrial conference, without just cause being shown, may be punished as for contempt of this court.

Notice of pretrial conference shall be given to all counsel of record by mail and/or by telephone from the Assignment Commissioner not less than seven (7) days prior to the conference. Any application for continuance of the conference shall be addressed to the judge.

Counsel attending the pretrial conference must have complete authority to stipulate on items of evidence and must have full settlement authority.

The primary purpose of the pretrial conference shall be to achieve an amicable settlement of the controversy in suit.

The court shall attempt to narrow legal issues, to reach stipulations as to facts in controversy, and, in general, to shorten the time and expenses of trial. The court will file a pretrial statement to become part of the record and the case embracing all stipulations, admissions, and other matters which have come before it in the pretrial. The court shall, at that time, determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed.

The judge shall have the authority to dismiss the action for want of prosecution on motion of defendant upon failure of plaintiff, and/or his counsel to appear in person at any pretrial conference or trial; to order the plaintiff to proceed with the case and to decide and determine all matters ex parte upon failure of the defendant to appear in person or by counsel at any pretrial conference or trial as required: to make such other orders as the court may deem appropriate under all the circumstances.

If the case cannot be settled at pretrial, then the case will be set for trial at a time agreeable to all parties.

3. Judgment Entries: Counsel for the party in whose favor an order entry shall be submitted to opposing counsel within five (5) days of the decision. Opposing counsel shall approve or reject the entry within five (5) days. Within fifteen (15) days of the decision, the

journal entry shall be submitted to the judge, or, thereafter, the court will prepare the journal entry.

Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of an entry, but such entry shall be filed within thirty (30) days or the case will be dismissed for want of prosecution.

The journal entry shall state which party will pay the court costs.

CASE MANAGEMENT IN SPECIAL PROCEEDINGS

- A. Purpose: The purpose of this rule is to establish, pursuant to Sup. R. 5, a case management system for special proceedings to achieve a prompt and fair disposition of these matters. ~~The following civil matters are~~ considered special proceedings and may be heard by a judge or magistrate, to wit: small claims, forcible entry and detainer, default hearings, rent escrow, replevin, contempt citations, garnishment hearings, debtor's exams. The following criminal matters are considered special proceedings and they are to be heard by a judge or magistrate, to wit: preliminary hearings, extradition hearings, BMV and ALS appeals.
- B. Scheduling of Events: Cases that have time limits established by the Ohio Revised Code shall be set within those time limits for hearing. In all other special proceedings, the case shall be set for hearing within a reasonable time not to exceed ninety (90) days.
- C. Clerical Steps: In all new cases, if counsel fails to obtain service of summons within six (6) months, the clerk shall notify the counsel that the case will be dismissed in ten (10) days unless good cause is shown to the contrary.

- D. Upon perfection of service, the clerk shall notify counsel of said default and that a failure to submit an entry within fifteen (15) days may result in the case being dismissed:
 - E. After any responsive pleading is filed, the Assignment Commissioner of ~~the~~ appropriate division shall immediately forward said pleading and file to the judge so the matter may be set for hearing.
 - F. If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the clerk shall notify the party that the matter will be dismissed within one (1) week unless good cause is shown.
 - G. When a file has been marked "settlement to come" and the entry has not been received within thirty (30) days, then the clerk shall notify the party that his case will be dismissed unless the entry is received within ten (10) days.
-

FORCIBLE ENTRY & DETAINER HEARINGS

- A. Hearings: All forcible entry and detainer cases shall be set before the magistrate, pursuant to the time limits set forth in the Ohio Revised Code. At that hearing, the Ohio Rules of Evidence and the applicable Ohio Rules of Civil Procedures will be applied. The magistrate shall, at the conclusion of the hearing, file his written decision within seven (7) days and cause a copy to be served on the plaintiff and defendant.
- B. Judgment Entries: The court shall review the decision of the magistrate weekly and enter the appropriate judgment entry.
- C. Objections to Magistrate's Findings: The magistrate shall, at the conclusion of each case, serve a copy of his findings upon the plaintiff and defendant and inform the parties that they may file objections to the

magistrates decision, on the second claim (back rent and damages), within fourteen (14) days, in writing.

The objections to the magistrate's decision, on the second claim, should state, with specificity, the reason a new hearing is requested. No oral hearing will be granted on said motion. The court shall, after consideration of the reasons in the objections to the magistrate's decision, rule on said objections to magistrate's findings within fourteen (14) days of the filing of the objections.

- D. If an answer or jury demand is filed in a forcible entry and detainer case, then the clerk shall forward the case to a judge so the case can be scheduled for the appropriate hearing.

SMALL CLAIMS COURT

- A. Small claim action is commenced by filing a small claims petition, pursuant to Ohio Revised Code Section 1925.04. No defendant is required to file an answer or statement of defense. However, should the defendant fail to appear for the hearing, after being duly served, then a default judgment will be entered against said defendant. All pleadings will be construed to accomplish substantial justice.
- B. Upon filing a motion and affidavit, as required by Ohio Revised Section, 1925.10, and upon payment of the required cost, the small claim will be transferred to the regular docket. No transfer will be granted until the filing costs are paid.
- C. Hearings: The hearing, in a small claims court, shall be conducted by the magistrate. The magistrate shall place all parties who plan to offer evidence under oath, and then allow the plaintiff and defendant state their case. The plaintiff and defendant may subpoena and call witnesses if

they desire to do so. The Ohio Rules of Evidence and the Ohio Rules of Civil Procedure will not be strictly adhered to in a hearing in small claims court.

- D. Appeal from Hearing: The magistrate shall, at the conclusion of each case, serve a copy of his decision upon the plaintiff and defendant and inform the parties that they may file objections to the magistrate's decision within fourteen (14) days, in writing.

The objections to the magistrate's decision should state, with specificity, the reason(s) a new hearing is requested. No oral hearing will be granted on said motion. The court shall, after consideration of the reason(s) in the objections to the magistrate's decision, rule on said objections to the magistrate's findings within fourteen (14) days of the filing of the objections.

- E. The judge shall review the decision of the magistrate, each week, and enter the appropriate judgment.
- F. Collections of Judgments: The employees of the court shall assist the prevailing parties in collecting their judgments pursuant to Ohio Revised Code Section 1925.13.

MAGISTRATES

- A. Pursuant to Civil Rule 53, Traffic Rule 14, and the Ohio Rules of Superintendence, the magistrates of this court are empowered to hear and decide on the following cases:

1. Default proceedings under Civil Rule 55;
2. Forcible entry and detainer proceedings under Chapter 1923. of the Revised Code in which the right to trial by jury is waived or not demanded;

3. Small claims proceedings under Chapter 1925 of the Revised Code;
4. Traffic proceedings in which there is a guilty plea or written waiver by the defendant of the right to a trial by a judge;
5. Judgment Debtor Proceedings;
6. Rent Escrow Hearings;
7. Such other matters as may properly be referred by a judge.

- B. Objections to Magistrate's Decision: In all cases, other than forcible entry and detainer and small claims court, the party objecting to the magistrate's decision shall file their objections within fourteen (14) days of the service of the magistrate's decision on said party. The objecting party must state, with specificity, their objections to said decision and the relief requested. It will be the duty of the attorney filing said objections to obtain a hearing date from the Assignment Commissioner and notify opposing counsel of said date within three (3) days. If objecting counsel should fail to obtain a hearing date, no oral hearing will be granted.
- C. If no objections are filed to said decision, the judge shall review the findings of fact and issue the appropriate order in said case.

ARBITRATION

Civil cases, excepting those involving title to real estate, equitable relief, and appeals, at least three (3) months old, in which the amount actually in controversy, exclusive of interest and costs, has been determined at pretrial by

the judge to be at least \$5,000.00 dollars, may be submitted to compulsory arbitration pursuant to this rule.

Without limitations to the amount, counsel in any civil action which is at issue, may stipulate, in writing, before or after pretrial, that it may be submitted for compulsory arbitration in accordance with this rule. Upon the filing of such stipulation, together with pretrial statements of the party, the action shall be submitted to compulsory arbitration.

In all cases subject to compulsory arbitration, members of the Board of Arbitration shall be appointed by the court from a list of the Bar of Tuscarawas County.

Rule 15 of the Rules of the Court of Common Pleas shall be followed in all cases assigned for arbitration in this court.

COURT SECURITY

- A. The purpose of the following rule is to enable the New Philadelphia Municipal Court to fulfill its responsibility to dispense justice, resolve disputes, and protect the constitutional rights of those who appear before the Court.

Accordingly, appropriate levels of security should exist in the Court to protect the integrity of Court procedures, protect the rights of individuals before it, deter those who would take violent action against the Court or litigants, sustain the proper decorum and dignity of the Court, and assure that the Court facilities are secure for all those who visit and work there.

- B. Pursuant to the Sup. R. 9, and the Supreme Court/Judicial Conference Committee on Court Security, Court Security Standards effective October 17, 1994 this Court establishes the following:

1. The Court shall appoint a Local Security Advisory Committee consisting of one representative of each of the following groups: judges, law enforcement responsible for Court security, a city council member, and other Bar and community groups as deemed appropriate by the Court.
2. The Court shall implement a local Security Policy and Procedure Plan by November 1, 1995. Said plan shall address the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.
3. The Local Court Security Advisory Committee shall adopt a Security Operations Manual. Said manual shall establish written directives for the purpose of ensuring security within the Court while maintaining accessibility to the community.
4. This Rule shall become effective July 1, 1995.

JURY MANAGEMENT PLAN

By local rule, the Court adopts the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio on August 16, 1993. These local rules shall be read in conjunction with said standards and should not be interpreted to be inconsistent with any rules promulgated by the Supreme Court of Ohio.

JURY TRIAL DATES

The Clerk of the New Philadelphia Municipal Court shall set aside time upon the Judge's calendar in which to conduct one day jury trials on each Tuesday and Friday, unless said day is a legal holiday or falls immediately after

a legal holiday. The Clerk shall schedule up to five primary jury trials on each of the jury dates available.

SCHEDULING AND PRECEDENCE

If a jury demand has been made, but a time waiver has not been filed, then the Clerk shall give that case precedence. If the dates set aside for jury trial, within the applicable time frames, are already filled, then the Clerk shall schedule said case for jury trial on a Saturday morning as the Court shall so direct. Nothing in this rule is meant to supersede the Ohio Revised Code or the Rules of Superintendence. The Court may extend the time for trial, as it becomes necessary, in accordance with the Ohio Revised Code.

All parties shall be prepared to proceed to trial, and appear, on the date the matter is scheduled for jury trial. If more than one case is prepared to proceed to jury trial, then the Judge, on that morning, shall decide which case shall take precedence and proceed to jury trial on that date.

If all parties making jury demands, in all cases scheduled for jury trial on a particular morning, elect to waive the jury, the judge shall decide in what order the bench trials shall proceed on that day.

TERM AND AVAILABILITY OF JURY SERVICE

Ohio law provides that jurors may be served, personally or by mail, a notice requiring him to attend court at a specified time, not less than five days after service of the notice, for the purpose of testifying concerning his own qualifications or disability, or those of any other person, to serve as a juror. A person so notified must attend and testify accordingly.

The clerk of the court shall cause jurors to be summoned, personally or by mail, to appear on three of the jury dates maintained by the Clerk. Said dates

shall be in consecutive order so that prospective jurors should not be required to maintain a status of availability for jury service for longer than three weeks.

ELIGIBILITY, EXCUSAL, AND DEFERRAL

The Judge shall consider any statutory eligibility factors and shall further consider if an eligible person's ability to receive and evaluate information is so impaired that they are unable to perform their duty duties as a juror.

All requests for excusal and deferral shall be made by affidavit and filed with the Court. Such written requests shall be considered only by the Judge or her representative. The Judge or her representative may excuse a prospective juror if it can be determined that their service would be a continuing hardship to them or to members of the public. Said finding must also be made in writing by the Judge or her representative. Deferrals for jury service for other reasons may be made for reasonable short periods of time if authorized by the Judge or her representative. The Judge or her representative may defer an individual's service to a date within a two week period following the original date upon which the juror was summoned into the Court.

NOTIFICATION AND SUMONING PROCEDURES

- A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person 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; and
 3. delivered by ordinary mail.

- B. A summons should clearly explain how and when the recipient must respond and that failure to respond will result in a citation for contempt of Court.
- C. The questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request the following information:
1. Name
 2. Age
 3. Residence Mailing Address (street name & #, city, zip)
 4. Phone
 5. Marital Status
 6. Spouse's Name
 7. Number of Children and Their Ages
 8. Occupation
 9. Employer
 10. Felony conviction record and the nature of the conviction.
 11. The nature and extent of any physical disability or health problem which would prevent service as a juror, verified by a doctor's statement .
 12. Residence established outside the jurisdiction of the Court. .
- D. Individuals failing to return questionnaires to the Court shall be issued citations for Contempt of Court, to be delivered by certified mail. Individuals failing to appear for jury service without having been excused, in writing, by the Judge or her representative, shall be issued citations for Contempt of Court, to be delivered by certified mail.

JUROR USE

The Clerk shall summon thirty (30) prospective jurors for each date upon which a jury trial is scheduled in the New Philadelphia Municipal Court.

BOND SCHEDULE INCREASE

The Court determines that for the efficient operation of the Court additional funds are necessary to acquire and pay for special projects of the Court including, but not limited to, the acquisition of facilities or the rehabilitation of existing facilities, the hiring and training of staff, the employment of magistrates, and other related services.

Therefore, pursuant to Ohio Revised Code Section 1901.26, the Court shall charge a fee of \$20.00 dollars in addition to all other court costs. Said fee will be collected on the filing of each criminal cause, civil action or proceeding, or judgment by confession. "Criminal cause" and "civil action or proceeding" shall have the same meaning as defined in Section 1901.26 (B) (2) (a) and (b), respectively.

FEE INCREASE -DOMESTIC VIOLENCE CASES

The Court determines that for the efficient operation of the Court, additional funds are necessary to provide for services unique to Domestic Violence cases.

Therefore, pursuant to Ohio Revised Code Section 1901.26 (B)(1), the Court shall charge a fee of \$50.00, in addition to all other court costs, on the filing of each new Domestic Violence cause.

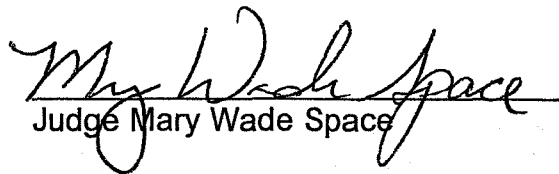
COURT COSTS-COLLECTIONS

The Court determines that for the efficient operation of the Court, the Court Costs for all Aids in Execution including, but not limited to Attachments, Garnishments and Debtor's Exams shall be \$39.00. The allocation of which shall be in accordance with previous orders of this Court.

RECORD RETENTION

The Court determines that for the efficient operation of the Court, a reasonable period of time to retain the hard copy back-up of the Journal (the verbatim record of every order or judgment of the Court) is six months from the date of filing. The original and non-hard copy of the Journal shall continue to be retained pursuant to Ohio Sup. Rule 26.05(E).

I hereby sign into effect the aforementioned Local Rules for the New Philadelphia Municipal Court.


Judge Mary Wade Space

In the New Philadelphia Municipal Court

New Philadelphia, Ohio

NEW PHILADELPHIA
MUNICIPAL COURT

'98 MAY 18 PM 4 27

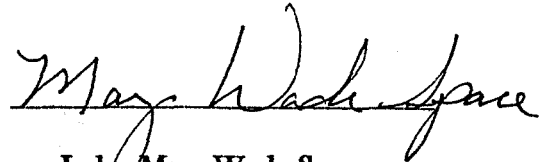
LOCAL RULE

LISA G. ZILMERMAN
CLERK

Effective:

The Court finds that, for the efficient operation of the Court, additional funds are necessary to provide for services unique to Domestic Violence cases.

Therefore, pursuant to Ohio Revised Code Section 1901.26(B)(1), the Court shall charge a fee of \$ 50.00, in addition to all other court costs, on the filing of each new Domestic Violence cause. Fees collected will be paid to the city treasurer for deposit in a special project fund.


Judge Mary Wade Space

cc:
Clerk, Supreme Court of Ohio ^{BU}
New Phila Auditor ✓
Post ^{BU}
Clerk ^{BU}
Chief Deputy Clerks ^{BU}
Deputy Clerks ^{BU}
Bookkeeper ^{BU}