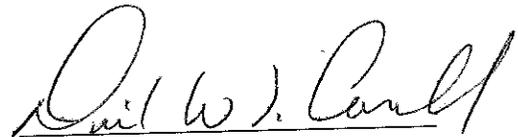


David W. T. Carroll (#0010406)
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ATTORNEY FOR RELATORS

Certificate of Service

I certify that on December 20, 2011, at approximately 10:40 am, I served a copy of the foregoing by email upon Derek DeVine, Seneca County Prosecutor to dwd@senecapros.org and also delivered a copy by facsimile transmission to the Seneca County Prosecutor's office at 419-443-7911.



David W. T. Carroll

JUDGE STEVE C. SHUFF
MAGISTRATE KENNETH C. CLASON
SENECA COUNTY COMMON PLEAS COURT

117 E. Market St., Suite 4204

Tiffin, OH 44883

Phone: (419) 448-1302

FAX: (419) 443-7927

I, the undersigned, Clerk of the Board of County Commissioners
Seneca County, Ohio, do hereby certify that the foregoing is true
and correct copy from the official record of said Board of County

Commissioner as recorded in Journal No. _____ Page _____

Nicole Smith
Recording Clerk, Board of County Commissioners
Seneca County, Ohio

Jean A. Eckelberry
Bailliff/Assignment Commissioner (Civil Cases)

Melissa J. Aldrich
Bailliff/Assignment Commissioner (Criminal Cases)

Lori A. Brickner
Bailliff/Assignment Commissioner (Domestic Relations Cases)

December 19, 2011

The Honorable Board of Commissioners
For Seneca County, Ohio
81 Jefferson Street, Suite 3202
Tiffin, OH 44883

RECEIVED
DEC 19 2011
SENECA COUNTY
COMMISSIONER'S OFFICE

Re: Courthouse

Gentlemen:

On **February 27, 2003** you received a letter from me regarding adequate courtroom facilities for the Seneca County Common Pleas Court, general and domestic relations divisions. A copy is attached.

In February of 2004, at your request, the Common Pleas Court moved to the Courthouse Annex building to wait Courthouse renovation/restoration or demolition and construction issues. As you know, the Courthouse Annex building was designed and built for the Seneca County Common Pleas Court, Juvenile and Probate Divisions. Judge Kelbley and I were not privy to any plans for the annex nor consulted about the design or construction for the annex building. Clearly the annex building was **NOT** to house the General and Domestic Relations Divisions of the Common Pleas Court.

Nearly 8 years have passed since we moved to the Annex building. After hundreds of thousands of dollars in studies, reports, etc., Seneca County remains where it was 8 to 10 years ago regarding Court facilities.

It now appears this Court and the other Common Pleas Courts must wait another 5 or more years to have adequate Court facilities.

To be clear, the current facilities are not in compliance with Standard 14 of the Jury Use and Management Standard and with Court Facility Standards B, C and F, all set forth in the Rules of Superintendence promulgated by the Supreme Court of Ohio.

In particular, the deficiencies are:

- 1) Inadequate square footage and inefficient layout.
- 2) Inadequate seating for litigants and others in the Courtroom.
- 3) The general division courtrooms are small for the general division of a Common Pleas Court and are inadequate to handle multiple party trials or galleries of public observers in trials involving high public interest.
- 4) Tables and chairs used as counsel tables in the courtroom are too close to the jury box so litigants and counsel cannot have private conversations without the jury overhearing. The courtroom space for both the prosecution and defense counsel is inadequate and there is insufficient courtroom space to use larger tables.
- 5) The room used for jury deliberation is too small and not adequately soundproofed requiring surrounding space sometimes to be vacated to prevent jury deliberations from being overheard.

By this letter, this Court reminds the Commissioners of their legal duty to provide a courthouse adequate for the efficient administration of justice in Seneca County. See, R.C. §307.01 and Zangerle v. Court of Common Pleas of Cuyahoga County (1943) 141 Ohio St 70, 46 N.E. 2d 865.

Sincerely,



Judge Steve C. Shuff

jae

Enclosure

cc: File (E/comm-courthouse.let
Judge Michael P. Kelbley
Judge Jay A. Meyer

Revised by 162 O.S. 345 (1957) - Can't kick Recorder out of his space
163 O.S. 149 (1955)

Approved
14 O.S. 2d 235 (1968)
16 O.S. 2d 89 (1969)
52 O.S. 70 (1977)

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Page 70

141 Ohio St. 70 (Ohio 1943)

46 N.E.2d 865

ZANGERLE

v.

COURT OF COMMON PLEAS OF CUYAHOGA COUNTY et al.

No. 29341.

Supreme Court of Ohio

February 10, 1943

Syllabus by the Court.

1. The primary and paramount purpose of a courthouse, as its name implies, is to furnish the rooms and facilities essential for the proper and efficient performance of the functions of the court.

2. Courts of general jurisdiction, whether named in the Constitution or established pursuant to the provisions thereof, possess all powers necessary to secure and safeguard the free and untrammled exercise of their judicial functions and cannot be directed, controlled or impeded therein by other branches of the government.

3. Such courts may pass upon the suitability and sufficiency of quarters and facilities for their occupation and use, and may exercise control over the courthouse to the extent required to assure the provision, equipment and maintenance in the courthouse of rooms and facilities essential for their proper and efficient operation.

In Prohibition.

This is an action in prohibition instituted in this court by John A. Zangerle as auditor of Cuyahoga county against the Court of Common Pleas of the same county and the judges composing that court.

Issue is made by demurrer to the petition, which is as follows:

[46 N.E.2d 866] Plaintiff alleges that as such auditor of said county he is now and for many years past has been continuously in occupation of rooms in a county building of said county, known as rooms Nos. 139, 139A and 141, on the first floor of the said building and that such rooms are occupied by him for the purpose of performing

his duties as such auditor with respect to the administration of his functions in the matter of personal property tax assessments, inheritance tax assessments, corporation tax assessments and various other duties with respect to taxation, and that for said purposes said premises are used and occupied by twenty-three deputies and clerks, together with a large amount of office furniture and equipment and a great volume of tax records and tax returns.

Plaintiff further says that the said rooms so occupied by him in said building are close to other space on the same floor occupied by him for the performance of other duties imposed upon him by law in his capacity as county auditor, and are close to other space in the said building occupied by the county treasurer of said county.

Plaintiff further says that the public county building housing the said offices was planned and constructed under the authority and direction of a building commission appointed in pursuance and under the authority of the provisions of General Code, Section 2333 and with moneys derived from the sale of bonds issued by said county in pursuance of the authority vested in them so to do by the electors of said county at an election duly called and held on the 5th day of November, 1901, which election was held in pursuance of a resolution duly adopted by the Board of County Commissioners of Cuyahoga county requesting the approval of the electors of said county of the issuance of bonds in a sum not in excess of \$10,000,000, the proceeds of which were to be expended for the purpose of purchasing sites for county public buildings and to erect county public buildings.

Plaintiff further says that the said building commission so provided by law and in accordance with the authority vested in it so to do, caused plans to be prepared for said building and contracts to be let for

Page 72

its construction and in said plans and by resolution of its members of said board allocated, set apart and designated the space in said county public building for the use of the respective public authorities to be therein housed and specifically set forth and provided space therein for the several courts, including the Court of Common Pleas, the Court of Appeals and the Probate Court, and specifically designated and set apart space therein for the use of the several county offices of said county.

Plaintiff alleges that the space presently occupied and used by him, including the rooms so above designated by number, in said public county building was by said commission designated and set apart for the use of county offices of said county and was thereafter duly

COPY

JUDGE STEVE C. SHUFF
SENECA COUNTY COMMON PLEAS COURT
103 S. Washington Street - Second Floor
P. O. Box 667
Tiffin, OH 44883-0667
Phone: (419) 448-1302
FAX: (419) 443-7927

Susan J. Phillips, Magistrate

Jean A. Eckelberry PLS
Bailiff/Assignment Commissioner (Civil)

Michele I. Willman
Bailiff/Assignment Commissioner (Criminal)

Lori A. Brickner
Bailiff/Assignment Commissioner (Domestic)

February 27, 2003

The Honorable Board of Seneca County Commissioners
81 Jefferson Street
Tiffin, OH 44883

Dear Commissioners:

Thank you for the opportunity to meet with you on this date to discuss my concerns regarding adequate courtroom facilities for my Court. As indicated at the meeting, I have been promised by various Boards of County Commissioners that I would have proper and adequate courtroom facilities. As you know, I have requested funding for proper and adequate courtroom facilities in my 1999, 2000, 2001 and 2002 budgets.

As you probably know, the Courthouse Planning Committee determined that "one of the two existing Common Pleas Courts is forced to operate in **woefully inadequate** conditions, and the other does not meet state standards." My present courtroom facilities do not meet any of the state standards. Currently, my courtroom facilities lack:

- 1) proper heating and air conditioning;
- 2) proper security;
- 3) proper space;
- 4) sufficient seating capacity;
- 5) proper juror facilities;
- 6) proper witness facilities;
- 7) proper consultation rooms;
- 8) proper personnel facilities

The present conditions could even be considered unhealthy. As you also know, my Court has the most inadequate courtroom facilities in Seneca County and most likely in the whole state of Ohio.

I have worked extensively with previous Boards of County Commissioners to seek renovation and to seek creation of proper courtroom facilities. As I advised you at our meeting this day, while it is unimportant to me **where** these proper and adequate courtroom facilities are located, it is **extremely important** to me that this issue of proper courtroom facilities be immediately addressed by the County Commissioners. I believe that it is extremely important that Judge Kelbley's offices and courtroom, my offices and courtroom and the Clerk of Courts offices and records be located together.

You indicated to me at our meeting today that it was your intention and plan to move Judge Kelbley's offices and courtroom, my offices and courtroom and the Clerk of Court's offices to the Courthouse Annex Building immediately after completion of that building. It is my understanding from our meeting that all these offices would remain in the annex building until the courthouse renovation/restoration/demolition and construction issues are resolved.

The purpose of this letter is to verify my understanding of your plans and intentions regarding my courtroom facilities needs. If this letter is incorrect regarding our meeting of this date, please advise me in writing.

Sincerely,



Judge Steve C. Shuff

jae

cc: The Honorable Mary Ward, Clerk of Courts
The Honorable Judge Michael P. Kelbley
The Honorable Judge Paul F. Kutscher, Jr.
File (E/COMM-ANNEX.LET)