

2025-AJE-00002

STATE OF OHIO:

IN THE CANTON MUNICIPAL COURT

§

JOURNAL ENTRY


STARK COUNTY

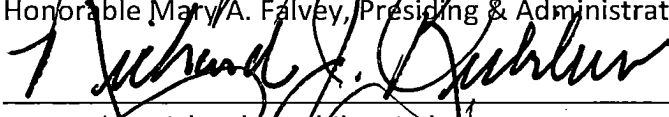
IN RE: LOCAL RULES OF PRACTICE FOR THE  
CANTON MUNICIPAL COURT

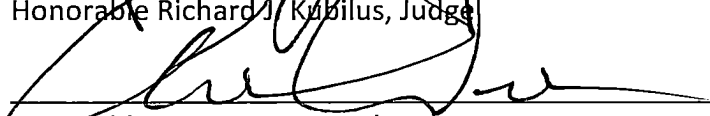
Pursuant to mandate from the Supreme Court of Ohio, set forth in Rules of Superintendence for Ohio Courts, Rule 5, Section (A)(3)(a), the Judges of the Canton Municipal Court hereby include the attached amendments of the Courts existing Local Rules which took effect as of January 1, 2024.


Therefore, attached hereto are the Local Rules, as amended, effective January 1, 2024.

IT IS SO ORDERED.

  
Honorable Mary A. Falvey, Presiding & Administrative Judge

  
Honorable Richard J. Kubitius, Judge

  
Honorable Curt Werren, Judge

  
Honorable Kristen D. Guardado, Judge

Date: 16 January 2025  
cc: Supreme Court of Ohio  
Stark County Bar Association  
Stark County Law Library  
[www.cantontcourt.org](http://www.cantontcourt.org)

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Phil Giavasis  
Canton Municipal Court  
Civil Division  
2025 Jan 17 AM 10:19

PHIL G. GIAVASIS  
CANTON MUNICIPAL COURT  
CIVIL DIVISION

**Canton Municipal Court  
Local Rules of Practice**

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CIVIL COSTS (Revised 12.01.2022)

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BOND SCHEDULE

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## **PART ONE - GENERAL OR ADMINISTRATIVE RULES**

### **Rule No. 1.1 - Citation of Rules**

These Rules shall be known as the Canton Municipal Court Rules of Practice and may be cited as CMCR No. 1.1 through 3.13.

In the event of a conflict between these Rules and the Rules of Superintendence, the Civil Rules, the Criminal Rules or the Traffic Rules, the State Rules shall govern.

### **Rule No. 1.2 - Hours of Session**

The hours for holding regular sessions of the Courts shall be from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, each week, except on those days designated by law or by entry as legal holidays. In addition to the regular Court session, evening Traffic Court shall be held at such times as the Judges may designate.

### **Rule No. 1.3 - Official Notice of Court Proceedings**

Notice to counsel of any assignment of any case shall be by personal delivery of said notification to all attorneys of record or by ordinary U.S. Mail to said attorneys.

Should a party be unrepresented, or the attorney of record have his office outside the county, notice will be mailed by ordinary U.S. Mail to the most recent address appearing in the Court's file.

### **Rule No. 1.4 - Presiding-Administrative Judge**

The Judges of this Court shall, by majority vote, elect one of their members to serve as the Presiding-Administrative Judge and such Judge shall have the powers set out in Rule 2(B) and carry out the duties set forth in Rules 3 and 4 of the Rules of Superintendence.

### **Rule No. 1.4(A) - Acting Presiding-Administrative Judge**

During the temporary absence of the Presiding and Administrative Judge of this Court due to illness, vacation, seminar or other, that Judge may elect, by singular judgment entry, one of their members to serve as the Acting Presiding-Administrative Judge and such Judge shall have the powers set out in Rule 2(B) and carry out duties

set forth in Rule 3 and 4 of the Rules of Superintendence until such time the Presiding and Administrative Judge becomes available.

#### **Rule No. 1.5 - Time**

The time allowed or permitted for the performance or completion of any act in handling matters shall be as established by the Civil Rules and the Criminal Rules, or if a particular matter is not covered by said rules, such time shall be established by Court order.

#### **Rule No. 1.6 - Duties of Trial Counsel** See also Ohio Sup. R. 6

Counsel shall, by individual personal signature, designate their capacity as trial counsel on all pleadings in civil and criminal matters. All such trial counsel shall be responsible to appear at all proceedings in the case, unless a timely Court approved entry or withdrawal is filed.

Counsel shall be allowed to withdraw from trial counsel responsibility only with the consent of the Judge assigned to the case after filing written motion containing certification of service to opposing counsel and the client.

No withdrawal of counsel shall be permitted within five (5) days of any hearing assignment except in extenuating circumstances.

Pursuant to Ohio Sup. R. 6, every attorney practicing in this Court shall include his or her attorney registration number issued by the Ohio Supreme Court on all documents filed with the Court.

#### **Rule No. 1.7 - Assignment of Cases (Civil Cases)**

After any responsive pleading is filed, the Clerk shall assign a case by lot to a Judge pursuant to Ohio Sup. R. 36 (B)(1) and immediately forward the file for such case to the assigned Judge. "Responsive Pleading" shall mean any pleading filed by a party other than the Plaintiff. The assigned Judge shall be responsible for the determination of every issue and proceeding in the case until its termination or re-assignment.

Cases voluntarily dismissed under Civil Rule 41 and subsequently re-filed shall be assigned to the same Judge to whom the case was originally assigned. Each Plaintiff who re-files a case voluntarily dismissed under Civil Rule 41 shall specify that the action is a re-filing by stating the prior case number and assigned Judge in the caption of the re-filed complaint.

Any re-assignment or transfer of a case shall be effected by a judgment entry signed by the Presiding-Administrative Judge, pursuant to authority granted in the Rules of Superintendence 3 and 4.

**Rule No. 1.8 – Costs**

No action or proceeding shall be accepted for filing by the Clerk of Courts unless there first shall be deposited the sum of not less than the amount specified in Appendix A as security for costs, unless otherwise excepted by law or by order of the Court.

The Court may authorize commencement, prosecution or defense of any suit, action or proceeding, civil or criminal or appeal therein, without prepayment of fees and costs or security therefor upon good cause shown and upon the filing with the Clerk of an affidavit by the party making the request together with a statement of counsel that he has received no fees. Such affidavit shall state the nature of the action, defense or appeal, the assets of the affiant, the earnings of the affiant and the affiant's belief that he is unable to pay costs or give security therefore.

Judgment may be rendered for costs at the conclusion of the suit or action as in other cases. Costs shall be as set forth in Appendix A as may from time to time be amended by the Court.

When a jury trial is held, the non-prevailing party shall be responsible for the jury costs, unless the Court provides otherwise.

The Clerk of the Municipal Court may deposit any and all funds received in a non-interest bearing account at the discretion of the Clerk.

The Clerk of the Municipal Court shall refund the overpayment of any and all costs of Five Dollars (\$5.00) or greater to the party that tendered the overpayment.

**Rule No. 1.9 – Digital Court Recordings, Copies of Digital Recordings**

The Canton Municipal Court shall record all proceedings electronically via a digital recording system. The digital recording shall serve as the effective original of the official record. The effective original recording shall be maintained for a period of not less than three (3) years from the date of the proceedings. Any interested party, or non-party desiring to preserve the record beyond that period shall file a motion with the Court to have the proceeding transcribed at the expense of the party requesting the motion or have the proceeding designated for permanent storage.

The Court shall make available digital copies of the effective original recording of proceedings upon proper request to the Court. Requests shall be submitted to the Judge's Office which presided over the case being requested. Digital copies which are requested to be electronically mailed to the requesting party will be emailed without charge. Digital copies requested on a compact disc shall be charged Ten Dollars (\$10.00) per compact disc.

**Rule No. 1.10 – Magistrate**

The Court shall appoint one or more Magistrates to hear the actions authorized by Superintendence Rule No. 19. In addition, any Judge with the consent of the Presiding-Administrative Judge may refer other appropriate matters to a Magistrate.

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

**Rule No. 1.10(A) – Magistrate Order of Reference**

Duly appointed Magistrates are empowered to execute the duties as outlined by Civil Rule 53, Criminal Rule 19, and Traffic Rule 14 as currently amended and as may be amended from time to time, and hereby referred matters that they are empowered to hear under these rules as necessary.

In addition to the matters cited above in this Rule of the Canton Municipal Court, pursuant to Civil Rule 53(C)(1)(a) and (b), the Magistrates are hereby referred the following categories of cases from the Judges of the Municipal Court as necessary:

- A. Determine any motion on any case referred;
- B. Conduct the trial of any case that will not be tried to a jury;
- C. Upon unanimous written consent of the parties, preside over the trial of any case that will be tried to a jury;
- D. Conduct proceedings upon application for the issuance of a temporary protection order as authorized by law;
- E. Exercise any other authority specifically vested in magistrates by statute and consistent with this rule.

This Order of Reference shall serve as a General Order of Reference over matters as outlined in Civil Rule 53, Criminal Rule 19, and Traffic Rule 14 as stated and to incorporate the authority of these rules as amended in the future.

**Rule No. 1.11 - Rent Deposits**

All rent deposits made with the Clerk of Courts pursuant to Chapters 1923 and 5321 of the Ohio Revised Code shall be in cash, or by certified check or money order. In order to deposit rent with the Court, the tenant must be current in rent payments due under the rental agreement, and must abide by the time requirements for remedy as required by R.C. 5321.07(B). Upon filing, the tenant must provide proof of notice to remedy the conditions to the landlord by means of certified mail. Rent Deposits shall be



accompanied by a completed "Application by Tenant to Deposit Rent with the Clerk of the Canton Municipal Court," available through the Clerk of Courts.

**Rule No. 1.12 - Court Files**

No persons (other than a Judge, authorized Bailiff or deputy Bailiff) shall remove any Court papers or files or parts thereof from the custody of the Clerk, except with leave of Court.

**Rule No. 1.13 - Filing of Judgment Entries**

The judgment entry specified in Civil Rule 58 and Criminal Rule 32 shall be journalized within fourteen (14) days of judgment. If such entry is not prepared and presented for journalization by counsel, it shall be prepared by the Court and filed with the Clerk for journalization. In civil matters, the Clerk shall serve the parties with notice of the judgment by 1st Class U.S. Mail unless otherwise directed, within three (3) days of entry of judgment upon the journal.

**Rule No. 1.14 - Juries**

Jurors who shall serve in civil or criminal cases tried in this Court shall be chosen by the Stark County Jury Commission and shall be summoned by an officer of this Court.

When a jury of six (6) or less is demanded, not less than twelve (12) qualified electors of the Court district shall be requested as a venire; when a jury of more than six (6) is demanded, not less than twenty (20) such qualified electors shall be requested as a venire, unless ordered by the Court.

**Rule No. 1.14(A) - Jury Management Plan**

I. Opportunity for Service

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

II. Jury Source List

- A. The names of all potential jurors will be drawn from a jury source list compiled from one or more regularly maintained list of persons residing in the Canton Municipal Court jurisdiction.

- B. The jury source list should be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
- C. The Court will periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.
- D. Should the Court determine that improvement is needed in the representativeness or the inclusiveness of the jury source list, appropriate corrective action will be taken.

### III. Random Selection Procedures

- A. Random selection procedures shall be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods will be documented.
- B. Random selection procedures should be employed in:
  - 1. Selecting person to be summoned for jury service;
  - 2. Assigning prospective jurors to panels;
  - 3. Calling prospective jurors for voir dire.
- C. Departures from the principal of random selection are appropriate:
  - 1. To exclude persons ineligible for service in accordance with IV;
  - 2. To excuse or defer prospective jurors in accordance with VI;
  - 3. To remove prospective jurors for cause or if challenged peremptorily in accordance with VIII and IX;
  - 4. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with XIII.

### IV. Eligibility for Jury Service

All persons should be eligible for jury service except those who:

- A. Are less than eighteen (18) years of age;
- B. Are not citizens of the United States;
- C. Are not citizens of the Canton Municipal Court jurisdiction;
- D. Are not able to communicate in the English language;
- E. Have been convicted of a felony and have not had their civil rights restored;
- F. Any other statutory exception not listed above.

### V. Term of an Availability of Jury Service

- A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
- B. A term of one (1) week or the completion of one (1) trial, whichever is longer, will be the standard used by the Canton Municipal Court.
- C. Jurors will not be required to maintain a status availability for jury service for more than one (1) week unless the provisions of Subparagraph (B) above apply.

VI. Exemption, Excuse and Deferral

- A. All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service are eliminated.
- B. Eligible persons who are summoned may be excused from jury service only if:
  - 1. Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by a Judge;
  - 2. They request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused by a Judge or a specifically authorized Court official.
- C. Deferrals for jury service for reasonably short periods of time may be permitted by a Judge or a specifically authorized Court official.
- D. Requests for excuses and deferrals and their dispositions should be written or otherwise made or recorded. Specific uniform guidelines for determining such requests should be adopted by the Court.

VII. Voir Dire

- A. Voir dire examinations should be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.
- B. To reduce the time required for voir dire, basic background information regarding panel members will be made available to counsel in writing for each party on the day on which jury selection is to begin.
- C. The trial Judge will conduct a preliminary voir dire examination. Counsel should then be permitted to question panel members for a reasonable period of time.

- D. The Judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- E. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

#### VIII. Removal from the Jury Panel for Cause

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

#### IX. Peremptory Challenges

- A. Peremptory challenges are limited in the Canton Municipal Court to a number no larger than necessary to provide reasonable assurance of obtaining an unbiased jury.
- B. In civil cases, the number of peremptory challenges should not exceed three (3) for each side. If the Court finds that there is a conflict of interest between parties on the same side, the Court may allow each conflicting party up to three (3) peremptory challenges.
- C. In criminal cases, the number of peremptory challenges should not exceed three (3) for each side in all misdemeanor prosecutions. At least one (1) additional peremptory challenge should be allowed for each Defendant in a multi-Defendant misdemeanor criminal proceeding.
- D. In criminal and civil proceedings, each side should be allowed one (1) peremptory challenge, if one (1) or two (2) alternate jurors are impaneled, two (2) peremptory challenges, if three (3) or four (4) alternates are impaneled, and three (3) peremptory challenges, if five (5) or six (6) alternates are impaneled. These additional peremptory challenges shall be used against an alternate juror only and the other peremptory challenges allowed by law shall not be used against an alternate juror.

#### X. Administration of the Jury System

- A. The responsibility for administration of the jury system is vested exclusively in the four (4) Judges of the Canton Municipal Court.
- B. All procedures concerning jury selection are governed by Ohio Rules of Court.

- C. The responsibility for administering the jury system will be vested in a single administrator acting under the supervision of the Administrative Judge of the Canton Municipal Court.

#### XI. Notification and Summoning Procedures

- A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that prospective juror should be:
  - 1. Combined in a single document;
  - 2. Phrased so as to be readily understood by an individual familiar with the legal and jury systems;
  - 3. Delivered by ordinary mail.
- B. The summons will clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- C. The questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
  - 1. Determining whether a person meets the criteria for eligibility;
  - 2. Providing basic background information ordinarily sought during voir dire examinations;
  - 3. Efficiently managing the jury system.
- D. The four (4) Judges of the Canton Municipal Court shall monitor failure of a prospective juror to respond to a summons and enforce the summons to report for jury service.

#### XII. Monitoring the Jury System

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

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

#### XIII. Juror Use

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

XIV. Jury Facilities

- A. The Canton Municipal Court shall provide an adequate and suitable environment for jurors.
- B. The entrance and registration area will be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the Canton Municipal Court.
- C. The four (4) Judges of the Canton Municipal Court have created a separate jury waiting room suitable for the accommodation of jurors.
- D. The jury deliberation rooms of the Canton Municipal Court have been created to include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms have been ensured.

XV. Juror Compensation

- A. Persons called for jury service will receive a reasonable fee for their service and expenses.
- B. Such fees shall be paid promptly by the Clerk of Courts.

XVI. Juror Orientation and Instruction

- A. The four (4) Judges of the Canton Municipal Court shall make their best efforts to:
  - 1. Increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors;

2. Present in a uniform and efficient manner a combination of written, oral and audio visual materials.
- B. The Canton Municipal Court will make its best efforts to provide some form of orientation or instructions to persons called for jury service:
1. Upon initial contact prior to service;
  2. Upon first appearance at the Court;
  3. Upon reporting to a courtroom for voir dire.
- C. The trial Judge shall:
1. Give preliminary instructions to all prospective jurors;
  2. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed and the basic relevant legal principals;
  3. Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;
  4. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system;
  5. Recognize utilization of written instructions if possible;
  6. Before dismissing a jury at the conclusion of a case:
    - a. Release the jurors from their duty of confidentiality;
    - b. Explain their rights regarding inquiries from counsel or for the press;
    - c. Either advise them that they are discharged from service or specify where they must report;
    - d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.
- D. All communications between the Judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open Court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.
- E. Upon lawful public records request for a juror response to any legal and pertinent question put to the juror by the Court, the Court shall notify the juror of the request and advise the juror of their right to an in-camera hearing as to the disclosure of the response. The Court shall further advise the juror of their right to have an attorney present during the in-camera hearing.

XVII. Jury Size and Unanimity of Verdict

- A. Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law in the Canton Municipal Court.

XVIII. Jury Deliberations

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

XIX. Sequestration of Jurors

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



### **Rule No. 1.15 - Pleading Requirements**

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

Pursuant to Civil Rule 5(E), effective July 1, 1991, pleadings and other papers may be filed electronically by facsimile transmission to the Clerk's office [(330) 489-3075 Civil Division] [(330) 489-3372 Criminal Division], providing the transmitting equipment sends a neat, clearly legible facsimile of the original. Any document filed electronically which is subject to a filing fee of Ten Dollars (\$10.00) or more is subject to rejection by the Clerk if fees are not received within five (5) business days.

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

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

It shall be the duty of the Plaintiff or his or her attorney to file with the complaint as many copies thereof as there are Defendants to be served with the summons in said action. Copies may be legible carbon copies or clear photostatic copies. Pleadings which do not conform to this rule may be ordered stricken from the file by the Court.

### **Rule No. 1.15(A) - Facsimile Filing**

The Canton Municipal Court provides for the filing of all pleadings and other documents by facsimile transmission, through the Clerk of Court's Office. All pleadings, motions, exhibits and other documents may be filed with the Court, twenty-four hours per day, seven days a week by facsimile transmission to **(330) 489-3075**, subject to the following provisions:

#### **I. APPLICABILITY**

These Rules apply to Civil, Criminal and Small Claims proceedings in the Canton Municipal Court.

#### **II. COVER PAGE**

The person filing the document by facsimile shall provide a cover page containing the following information:

- A. Name of court
- B. Caption of case
- C. Case number
- D. Assigned Judge, if assigned
- E. Title of document being filed  
(e.g. Defendant Jones Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss; Plaintiff Smith's Notice of Filing Exhibit "G")
- F. Date of facsimile transmission
- G. Transmitting facsimile number
- H. Method of Payment
- I. Indication of the number of pages included in the transmission, including the cover page

If a document is sent via facsimile to the Clerk of Court without the cover page information as cited above, it may be deposited in the case jacket, but need not be entered into the case docket and may be considered to be a nullity, thereby stricken from the record.

### III. ORIGINAL FILING

- A. The document filed by facsimile shall be accepted as the effective original filing. The person making a filing by facsimile need not file any source document with the Clerk of Court but must, however, maintain in their records and have available for production on request by the Court the source document filed via facsimile, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover page used for the subject filing.
- B. Documents shall be filed with a signature or notation "/s/" followed by the person signing the source document. The person transmitting the document represents that the signed source document is in his/her possession.
- C. A fax document will be accepted as original and the signature accepted as that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken. The original pleading need not be filed.
- D. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.
- E. A transmitted document shall not exceed ten (10) pages, not including the cover page and must pertain to only one case.
- F. The Clerk of Courts shall notify the attorney or other party if the transmitted document cannot be filed for any reason. The filing date for any facsimile

transmitted document shall be the date and time the document was received as evidenced by the file stamp of the Clerk of Court. The time and date so noted will serve as file stamp for the document. Any filings sent via facsimile and received by the Clerk of Court after 4:30 p.m. Eastern Time will be file stamped the following business day.

- G. The Clerk of Court may, but need not acknowledge receipt of a facsimile transmission.
- H. The burden of confirming receipt of any filing shall be assigned to the sending party.

#### IV. EXHIBITS

Exhibits in any medium that are unable to be transmitted accurately via facsimile may be replaced by inserting a page describing the exhibit. The original of said exhibit shall be filed within five (5) business days subsequent to the facsimile filing. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and/or exhibit.

#### V. FILING FEES

Any document filed via facsimile must utilize a Clerk of Court pre-paid account or provide a credit card account, including expiration date, on the cover letter.

#### **Rule No. 1.16 - Motions**

Upon filing any written motion with the Clerk, the party or attorney filing the motion must: (1) serve a copy of the motion, memorandum or brief and supporting affidavit, if any, either in person or by depositing it in the mail; and (2) include a "Proof of Service" indicating the attorney or party(s) served, the date and method of service and the address at which the party or attorney was served. The only exception to this rule is when the motion is to be served with the summons, it may be deposited with the Clerk of Courts for such service. Failure to comply with this rule shall be sufficient cause to strike the motion from the file.

#### **Rule No. 1.17 - Authentication of Court Records**

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

**Rule No. 1.18 - Marriage Ceremony Procedure**

During Court sessions, Tuesday through Friday, marriage ceremonies may be performed by the Arraignment Judge at a designated place in City Hall, upon presentation of a valid marriage license together with evidence of payment to the Clerk of the Canton Municipal Court (Civil Division) of a fee of Seventy-Five Dollars (\$75.00). Marriage ceremonies will be performed by appointment only. The Clerk shall provide the applicants with a receipt showing the names appearing on the marriage license. The marriage certificate and receipt must be presented to the Judge performing the ceremony prior to the performance of the marriage. The Clerk shall keep a record of the fees received.

**Rule No. 1.19 - Effective Date, Repeal, Amendments**

All former rules of this Court are repealed as of the effective date hereof with respect only to the subject matter of those topics herein contained.

Amendments and additions hereto may be made from time to time upon the majority affirmative vote of all of the Judges in office of all of the divisions of this Court, but such amendments shall not be effective until filed with the Supreme Court of Ohio in accordance with Civil Rule 83, Criminal Rule 57, Traffic Rule 19 and the Ohio Sup. R. 5.

**Rule No. 1.20 - Court Records Management & Retention Rules for the Office of the Clerk of Courts****I. Maintenance of Indexes, Dockets and Journals**

The Court adopts the combined indexes, dockets and journals as defined in Ohio Sup. R. 26.01 through 26.05. The indexes, dockets and journals shall be maintained permanently in an electronic medium. All existing paper bound books shall be retained permanently.

**II. Retention of Administrative Records:**

The following retention schedule shall apply to administrative records of the Clerk of Courts.

- |    |                           |   |
|----|---------------------------|---|
| A. | Bank Transaction Records: | Shall be retained for three (3) years after audit (paper or electronic).                        |
| B. | Cash Books:               | Shall be retained for three (3) years after audit (including receipt and disbursement records). |
| C. | Communication Records:    | May be destroyed in the normal course of  |

business as soon as they are considered of no value by the person holding the record (including routine telephone messages on any medium where official action will be recorded elsewhere).

- D. Correspondence and General Office Records: May be destroyed in the normal course of business (including all sent and received correspondence in any medium).
  - F. Drafts and Informal Notes: May be destroyed in the normal course of business as soon as they are considered of no value by the person holding the record (consisting of transitory information used to prepare the official record in any form).
  - G. Fiscal Records: Shall be retained three (3) years after audit (including, but not limited to, copies of the transactional budgeting, unclaimed funds, records, payment of jurors and witnesses).
  - H. Grant Records: Shall be retained for three (3) years after audit.
  - I. Payroll Records: Shall be retained for three (3) years after Audit.
  - J. Publications: May be destroyed in the normal course of business as soon as they are considered of no value by the person holding the record.
  - K. Receipt and Balancing Records: Shall be retained for three (3) years after audit.
  - L. Audit Reports: Shall be retained permanently.
  - M. Yearly Reports: Shall be retained permanently.
- III. Retention of Civil, Criminal case files, Traffic, and Waiver cases
- A. Civil cases: Shall be retained for ten (10) years.

- B. Criminal cases: Shall be retained for fifty (50) years.
- C. Traffic Cases: Shall be retained for twenty five (25) years.
- D. Minor Misdemeanor Violations Waiver Cases:  
Shall be retained for five (5) years.
- E. Search Warrants: Shall be retained for five (5) years after date of service or last attempt.
- F. Expungements/Sealing: Shall have same retention period as case files.
- G. Rent Escrow Accounts: Shall be retained for ten (10) years.

#### IV. Destruction of Records

The Clerk of Courts shall notify, in writing, the Ohio Historical Society, sixty (60) days prior to the destruction of the records and offer the original records for safekeeping to them. The priority of the offer shall be in the order listed above. These records may be transferred to the possession of said entity as long as they maintain the records as public records.

#### V. Disposal of Court Exhibits/Evidence

- A. **Exhibits.** Pursuant to Sup.R.26(F), At the conclusion of litigation, including times for direct appeal, the Deputy Court Administrator or designee may commence with the destruction of exhibits, depositions, and transcripts if all of the following conditions are satisfied:
  - 1. The court notifies the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve the exhibits, depositions, or transcripts within sixty (60) days from the date of the written notification;
  - 2. The written notification required in division (A)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts that the exhibits, depositions, or transcripts will be destroyed if not retrieved within sixty days of the notification;
  - 3. The written notification required in division (A)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts of the location for retrieval of the exhibits, depositions, or transcripts;

4. The party that tendered the exhibits, depositions, or transcripts does not retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification required in division (A)(1) of this rule.

**B. Destruction of Exhibits.** Subject to the notification and transfer requirements of divisions (B)(1) and (2) of this rule, a record and any back-up copy of a record produced in accordance with division (B)(2) of this rule may be destroyed after the record and its back-up copy have been retained for the applicable retention period set forth in Sup. R.26.01 to 26.05.

1. If Sup.R.26.01 to 26.05 set forth a retention period greater than ten years for a record, or if a record was created prior to 1960, the court shall notify the OHS in writing of the court's intention to destroy the record at least sixty days prior to the destruction of the record.
2. After submitting a written notice in accordance with division (B)(1) of this rule, the court shall, upon request of the OHS, cause the record described in the notice to be transferred to the OHS, or to an institution or agency that meets the criteria of the OHS, in the media and format designated by the OHS.

**C.** Litigants shall be provided the opportunity to authorize the destruction of exhibits tendered as set forth above in Section A and B as opposed to being notified upon the exhaustion of the appeal period by completing the Exhibit/Evidence Disposal Release Form upon the conclusion of the applicable hearing.

**D.** A copy of the letter to the litigant advising to retrieve exhibit/evidence or the Exhibit/Evidence Disposal Release Form shall be maintained in the official court file.

#### **Rule No. 1.20(A) – Electronic Signatures**

- I. Pursuant to Ohio Sup. R. 27 as set by the Electronic Signatures Work Group of the Standards Subcommittee of the Supreme Court of Ohio Commission on Technology and Courts, and for the purpose of this rule, the following terms shall have the following meanings:
  - A. "Authentication" is defined as the process of assuring that an electronic signature is that of the person purporting to sign a record or otherwise conducting an electronic transaction.

- B. "Electronic" has the same meaning as used in Section 1306.01 of the Revised Code and is defined as relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities. For the purpose of this rule, "Electronic" is not meant to encompass activities involving facsimile transmission.
  - C. "Electronic record" has the same meaning as used in Section 1306.01 of the Revised Code and is defined as a record created, generated, sent, communicated, received, or stored by electronic means.
  - D. "Electronic signature" has the same meaning as used in Section 1306.01 of the Revised Code and is defined as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- II. The following categories of electronic documents may be exchanged subject to subsection (III) of this rule:
- Custodial Probable Cause Determinations shall be accepted on electronic records filed with the Clerk of Court by Judges, Magistrates and authorized law enforcement.
- III. The Court shall ensure the integrity and authentication of an electronic signature in an electronic record by the following means:
- A. Electronic records filed with the Clerk of Court by Court personnel and law enforcement shall be transmitted to the Clerk through the secure web services protocol within Stark CJIS.
  - B. Authenticity of the electronic signature shall be validated via a two-step process by which a user must first login into the Stark CJIS network with a unique user profile and password; and validate the electronic signature with a separate user personal identification number.
- IV. Electronic records filed with the Court in accordance to this Rule are presumed to be authentic.
- V. If a document is submitted to the Clerk electronically, the document will receive an electronic time stamp. This stamp will include the date and time that the document is transmitted to the Clerk's electronic systems. Documents may be submitted to the Clerk twenty-four hours per day, seven days per week. Documents may be deemed filed, however, twenty-four hours per day, five days per week. If a document is submitted for filing after 11:59 PM on a Friday or after 11:59 PM on a business day before a court holiday, the document will be deemed filed on the following business day.



- VI. The Clerk's case management system shall indicate that a record was filed electronically and identify by name the person who electronically signed the electronic record.

**Rule No. 1.21 - Court Security Measures**

The Canton Municipal Court is charged with the administration of justice, resolving disputes and protecting the rights of those who appears before the Court. In fulfilling this obligation to the public, the Court shall designate the appropriate level of security necessary in and around the Court facility in order to provide the safety and security of those who visit and work at the Court and Canton City Hall. The Court Security measures contained herein are consistent with and adhere to Rule 9 of the Rules of Superintendence for Ohio Courts, as promulgated by the Supreme Court of Ohio.

Photographing or recording, by any means, of the security features of the Canton Municipal Court is expressly prohibited. This includes, but is not limited to videoing or photographing: building entrance and exits; the Court Security Post; security equipment; security cameras; security monitors; door locks; fire alarm system; fire suppression system; and, first aid equipment.

I. Security Police and Procedures Manual

The Court hereby establishes a written Security Policy and Procedures Manual governing security of the Court and its facilities to ensure consistent, appropriate and adequate security procedures. The manual includes a physical security plan, routine security operations, a special operations plan, a hostage situation response plan, a high risk trial plan and emergency procedures (fire, bomb, disaster). A copy of said plan is incorporated herein by reference.

II. Security Police and Procedures Manual

The Court hereby establishes a written Security Policy and Procedures Manual governing security of the Court and its facilities to ensure consistent, appropriate and adequate security procedures. The manual includes a physical security plan, routine security operations, a special operations plan, a hostage situation response plan, a high risk trial plan and emergency procedures (fire, bomb, disaster). A copy of said plan is incorporated herein by reference.

III. Canton Municipal Court Security Advisory Committee

A Local Court Security Advisory Committee, appointed by the Judges of this Court, shall direct the implementation of the Security Policy and Procedures.

III. Security Screening

All persons entering the Court facility are subject to security screening. Only those with valid Court or City of Canton identification cards may bypass security screening. Court Security Bailiffs retain the right to search any person entering the Court facility. All screening shall occur for each visit to the Court facility regardless of the purpose or the hour.

#### IV. Security Officers

Court Security Bailiffs and Canton City Police Officers, where appropriate, shall enforce the Court security measures to ensure the security of the Court and its facilities.

All Court staff and/or Canton City Police Officers assigned to Court security shall be certified through the Ohio Peace Officers Training Council at the discretion of the Court. These officers shall receive specific training on Court security and weapons instruction specific to the Court setting.

#### V. Weapons

A. The Court prohibits the possession or use of firearms or other dangerous ordnance as defined in Section 2923.11 of the Ohio Revised Code within the Court facility. **The only exception to this policy extends to Court Staff who have been trained, certified, approved and issued security equipment by the Court, as well as those Ohio Peace Officers and law enforcement officers of the State of Ohio and United States who are required to carry their firearm while in their official capacity and appearing in court.**

1. No person shall have on their person or in their possession any weapon or dangerous ordnance as defined in Section 2923.11 of the Ohio Revised Code while within the court facility or on court grounds.
  - a. Any person in violation of this policy is subject to criminal prosecution pursuant to R.C. 2923.123.
2. Ohio Peace Officers, State and Federal law enforcement officers requesting entrance into the Court facility must present official identification indicating their department or organization.
  - a. Display of a badge is not sufficient identification unless the officer is known to the Court Security Officer or Bailiff.
  - b. In order to enter the Court facility, all law enforcement officers will register with the Court Security Officer or Bailiff as well as sign out upon departing the court facility.

- c. All officers shall be required to explain the nature of their official business to the satisfaction of the Court Security Officer or Bailiff.
  - d. Should the Court Security Officer feel at any time that under the particular circumstances involved, that the law enforcement officer should not be permitted to bring a weapon into the Court facility, the Court security officer may require the law enforcement officer to check the weapon in the locked weapon lockers or in their cruiser/vehicle.
- 3. In all cases, Ohio Peace Officers, State and Federal law enforcement officers who are parties to a judicial proceeding outside of the scope of their official duties shall not be permitted to carry weapons into the court facility.
  - a. This shall apply, in particular, to any officer who is involved as a litigant in a case or as an interested party to a case.
  - b. The Court security officer shall require the officer to check the weapon in the locked weapon lockers or in their cruiser/vehicle.
- 4. Any weapons brought into the Court facility for use as an exhibit in a judicial matter shall be secured with appropriate gun locks and or other safety devices.
- 5. Any weapon or dangerous ordnance found within the Court facility or any violations of this policy shall be documented in full detail on the Court Critical Incident Report pursuant to established court policy.

#### VI. Prisoner Transport

Prisoners shall be transported into the Court facility and within the Court facility through areas which are not accessible to the public. When a separate entrance is not available and public hallways must be utilized, prisoners shall be handcuffed behind the back and, when appropriate, secured by leg restraints.

Prisoners shall be held in a secure holding area equipped with video monitoring - where practicable - while awaiting Court hearings, and during any recess.

#### VII. Duress Alarms

All courtrooms and hearing rooms shall be equipped with a duress alarm connected to a central security station. Duress alarms shall be located on the Judges', and Magistrates' bench(es) and at the work station of the Bailiff, the receptionist, the secretary and other

officers. The duress alarm system shall be a system with enunciation capability. The duress alarm system shall be tested at least monthly under the direction of the Chief Bailiff.

VIII. Closed-Circuit Video Surveillance

When practicable, closed-circuit video surveillance shall include the Court facility parking area, entrance to the Court facility, Court lobby, courtrooms and all other public areas of the Court facility.

IX. Restricted Access to Judicial Offices

An effective secondary screening process at the entrance to the Judges' office space shall be utilized to ensure safe and secure work areas, and to protect against inappropriate interaction between Judicial Officers and Magistrates, and participants in the judicial process. The general public shall not be permitted in the area that houses office space for Judges and Court personnel, without prior Court approval.

X. After Hour Security

The Court, in conjunction with law enforcement officers, shall adopt procedures for the security of Judges and Court personnel for periods of time other than the normal working hours.

XI. New Courtroom Design

New construction or remodeling of Court facilities shall include circulation patterns that govern the movement of people in the courtroom. Judges, Court personnel and prisoners shall have separate routes to and from the courtroom. Waiting areas shall be available to allow separation of parties, victims and witnesses.

XII. Incident Reporting

Every violation of law that occurs within a Court facility shall be reported to the law enforcement agency having jurisdiction. The policy of the Court for reporting security incidents shall be included with the Court's Security Policy and Procedures Manual. All security incidents shall be reported annually to the Supreme Court of Ohio.

**RULE No. 1.22 - MEDIA COVERAGE IN THE COURTROOM**

The Canton Municipal Court is committed to providing equal access to the Court for the media and the general public. However, circumstances may arise where physical space constraints may prevent access to court proceedings.

- I. In accordance with Ohio Sup. R. 12 for Ohio Courts, the following procedures shall be adhered to when there is broadcasting or photographing of Court proceedings in the Canton Municipal Court.
- II. Media representatives must request permission of the Court Administrator, in writing, for televising, recording, radio broadcasting, or photograph taking in a courtroom, before the Court session. Media request forms will be made available from the Court Information Office or website at [www.cantonscourt.org](http://www.cantonscourt.org). The Court Administrator will serve as a liaison between the Court and the media to implement this Rule.
- III. All media requests shall be made on the appropriate form. Such application should be made as far in advance as is reasonably possible, but in no event later than 30 minutes prior to the courtroom session to be recorded. The Judge hearing the case may waive the advance notice provision for good cause.
- IV. Arrangements between or among media for “pooling” shall be the responsibility of the media representatives authorized to cover the proceeding without involving the Court in any way, except to notify it of pooling arrangements. Television networks/stations and radio stations must decide which of them shall cover the proceedings, and only one of each may then cover any one proceeding. The newsprint media must decide which of them shall cover the proceedings for photographic coverage, and only one photographer may then be allowed in the courtroom at any one time. If a dispute arises among or between the media representatives during the proceeding, the Judge shall exclude contesting representatives from the remaining case proceedings.
- V. Media representatives must be in designated areas before Court convenes and may leave only during a recess, lunch break, or afternoon adjournment. Media representatives are responsible for providing their own equipment. Designated locations for the media are at the discretion of the assigned judge or Court Administrator. Media representatives must wear appropriate attire in Court.
- VI. The use of electronic or photographic equipment that produces distracting sounds or lights shall be prohibited. No artificial lighting other than that normally used in the courtroom shall be employed, provided that, if the normal lighting in the courtroom can be improved without being obtrusive, may be permitted by the Judge hearing the case.
- VII. Limitations
  - A. The Judge shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.
  - B. Jurors shall not be filmed, videotaped, recorded, or photographed without permission of the judge.
  - C. Media representatives shall not be permitted to transmit or record anything other than the Court proceedings from the courtroom while the Court is in session.
  - D. This Rule shall not be construed to grant media representatives any greater rights than permitted by law.

- E. There shall be no audio pick-up or broadcast of conferences conducted at the bench or between counsel and client.
- G. Upon the failure of any media representative to comply with the conditions prescribed by this Rule or the Judge, the Judge may revoke the permission to broadcast or photograph the trial or hearing.

### **Rule No. 1.23 – Specialized Dockets**

The Canton Municipal Court, Specialized Docket Programs are intended to provide a mechanism to promote effective treatment as an alternative to incarceration, including enhanced collaborative treatment and court involvement. The Specialized Docket Programs require judicial, probation and community provider involvement in treatment planning and compliance which should result in more effective utilization of other court resources.

The Specialized Docket Programs will provide a comprehensive, coordinated approach to the misdemeanor cases of selected defendants in order to decrease criminal recidivism, improve public safety and improve the defendant's quality of life by stabilizing the defendant in the least restrictive environment.

#### **I. Unassigned Case(s)**

Upon execution of a "Request for Assignment to the Specialized Docket Programs" form by a Judge in arraignment Court, the case shall be continued to the next Specialized Docket date. Upon defendant's acceptance into the Specialized Docket Program, the case(s) shall be assigned to the Judge elected to preside over the prescribed Specialized Docket Program. If the defendant is not accepted into the program, the case shall be retained by the Specialized Docket Programs Judge on their regular criminal docket.

#### **II. Assigned Case(s)**

Upon the execution of a "Request for Assignment to the Specialized Docket Programs" form by the assigned Judge, pursuant to Ohio Sup. R. 4(B)(1), the Assignment Commissioner shall transfer the case from the assigned Judge to the prescribed Specialized Docket Program. In the absence of the assigned Judge, the Administrative Judge may authorize the transfer and sign the preliminary acceptance entry pursuant to Loc. R. 1.4

If the defendant is accepted into the Program, the transfer shall be permanently assigned to the Judge who has been elected to oversee the Specialized Docket Program. If the defendant is not accepted into the Program, the case shall be transferred back to the Judge to whom the case was originally assigned.

#### **III. Acceptance to the Specialized Docket Programs**

Acceptance into the Specialized Docket Programs shall be determined by the guidelines and procedures set forth in the Administrative Order adopted to govern the operation of said program.

#### **IV. Rule No. 1.23(d) – Election of Judge(s) to Preside over the Specialized Docket Programs**

The Judge(s) assigned to oversee the Specialized Docket Programs shall be elected by a vote of a majority of the Judges at the first Judges' meeting after the adoption of this Rule. Thereafter, the Judge(s) elected to preside over the Docket shall be elected each year at the meeting during which the Administrative Judge is elected. If the Judge elected to oversee the Program is unable or unwilling to serve, a new Judge shall be elected at the next Judges' meeting.

### **Rule No. 1.24 - Transcripts**

The Canton Municipal Court shall appoint Official Court Transcriptionists by Administrative Order of the Court, to transcribe verbatim, the record of proceedings from the effective original digital recording. Transcripts shall be completed upon request or Order of the Court.

- I. The format of the transcript of proceedings prepared by the Official Court Transcriptionist shall be as follows:
  - A. 25 lines to a page; not less than 12 point font;
  - B. Printed on transcription paper, bound in a clear-front jacket, to include a title page and Journal Entry;
  - C. Q & A to be 15 spaces from the left hand margin and identification of the speaker should be in upper case letters;
  - D. The indentation for the body of the Q & A should be 21 spaces from the left hand margin and paragraph indentation should be 30 spaces from the left hand margin;
  - E. The right hand margin is to be 5 spaces from the right hand edge;
  - F. An index to the proceedings and exhibits is to be included in all transcripts;
  - G. Transcriptionist statement of accuracy;
- II. All supplies requisite for the preparation of an official transcript, to include transcription paper and transcription jackets, shall be furnished by the Canton Municipal Court.
- III. Transcript fees for all Divisions of the Canton Municipal Court are set *at ~~three dollars and seventy-five cents (\$3.75)~~ \$4.25 per page for the original pages and \$2.12 ~~one dollar and fifty cents (\$1.50)~~ for copies.*
  - A. All fees for transcripts due the Official Court Transcriptionist shall be borne by the requesting party and paid in full prior to the release of the transcript. Requests for Transcript made by an indigent party to the case shall be invoiced to the Stark County Commissioners. Invoices to the Commissioners shall be accompanied by Affidavit of Indigency and Appointment Entry.

Ohio law establishes the Court as the owner of the record made by the Court Transcriptionist in all Courts of Record. All notes, steno pads, paper and discs are the property of the Canton Municipal Court. The Court shall retain one (1) copy of each transcript produced and shall be retained pursuant to the Court Records Retention Schedule.

### **Rule No. 1.25, Remote/Virtual Hearings:**

The Canton Municipal Court adopts the ZOOM videoconferencing platform for remote appearances in limited civil and criminal hearings.

When filing a Small Claims complaint, or upon receipt of a hearing notice/subpoena for a Small Claims case, the parties to the case may elect to either appear in person or attend/participate remotely via ZOOM. If represented by an attorney, make sure to discuss and agree on whether you and your attorney intend to appear in person or participate remotely. Represented party and attorney must appear in the same format.

When electing to attend/participate remotely via ZOOM, part(ies) shall register their remote appearance at [www.cantontcourt.org](http://www.cantontcourt.org) no less than five (5) business days in advance of the scheduled hearing.

If part(ies) intend on introducing evidence/exhibits during the ZOOM hearing, a party must submit the exhibit/evidence via email 72 hours prior to hearing. Exhibits/Evidence must be emailed to [courtexhibits@cantontohio.gov](mailto:courtexhibits@cantontohio.gov). The email submission of exhibits/evidence must include the party's name and case number to be accepted.

**PLEASE NOTE the [courtexhibits@cantontohio.gov](mailto:courtexhibits@cantontohio.gov) email only accepts exhibits/evidence for scheduled remote/virtual cases. All Motions and Responsive Pleadings must be filed through the Clerk of Courts Office.**

Upon electing to participate in the hearing remotely, parties will need to download and install the ZOOM app to your smartphone, tablet, laptop or computer that you will be using to participate remotely.

Prior to the scheduled hearing, the Court will email a link to join the ZOOM video hearing. On the day of the hearing, please log on to the link that was provided by the Court at least 10 minutes prior to your scheduled hearing. Upon your case being called, remote parties will be brought from the virtual waiting room to the virtual courtroom along with the other parties involved in your case.

All parties electing to attend/participate remotely via ZOOM shall ensure they have adequate bandwidth to sustain a video call and are responsible for any and all costs associated with data usage/wifi costs incurred.

The Magistrate/Judge reserves the discretion to continue any ZOOM video hearing due to inadequate reception or unsafe practice, i.e., participating in video hearing while operating a vehicle.

The Canton Municipal Court shall provide additional instruction and information on ZOOM hearings on their website at [www.cantontcourt.org](http://www.cantontcourt.org).

## **Rule No. 1.26 Language Access Plan**

### **I. LEGAL BASIS AND PURPOSE**

This document serves as the Language Access Plan (LAP) for the Canton Municipal Court to provide services to limited English proficient (LEP) individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et Seq.; and 28 C.F.R. § 42 et seq.; Ohio Revised Code, Section 2311.14; and Superintendence Rule 80- 89. The purpose of this plan is to provide the framework for the provision of timely and reasonable assistance to LEP persons who come into contact with the Canton Municipal Court.

In order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited



English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients' Title VI obligations. For more information, please refer to Guidance from the U.S. Department of Justice to state court justices and administrators' Letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002).

This LAP is developed to ensure equal access to court services for LEP persons and persons who are deaf or hard of hearing. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to our policy of access to justice and equal protection under the law. Protections for individuals with qualifying disabilities includes the following:

- Title II of the Americans with Disabilities Act (ADA) requires public entities, including state and local courts, to provide equal access to their programs and services. 42 U.S.C. §§ 12131–12134.
- Public entities are required to “take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.” 28 C.F.R. § 35.160(a).
- Public entities must “furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.” 28 C.F.R. § 35.160(b)(1).
- These auxiliary aids and services include the provision of “qualified interpreters, notetakers, computer-aided transcription services, written materials,... or other effective methods of making aurally delivered materials available to individuals with hearing impairments.” 28 C.F.R. § 35.104.
- To determine “what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.” 28 C.F.R. § 35.160(b)(2).
- Deaf and hard of hearing people may not be charged for the costs of such auxiliary aids or services. 28 C.F.R. § 35.130(f).

## **II. NEEDS ASSESSMENT**

The Canton Municipal Court will collect LEP data and exchange with the Supreme Court of Ohio, Office of Language Services in order to remain prepared to deliver LEP access to those appearing before the Court and involved in ancillary services with the Court.

### **A. Local Needs-Canton Municipal Court Community**

The Canton Municipal Court complies with Sup. R. 80-89 and will make every effort to provide services to all LEP and deaf or hard-of-hearing persons in its jurisdiction. The most commonly used languages in Canton Municipal Court are the following:

Language	2018-2022 Annual Avg.
1. Spanish	88
2. ASL	8
3. Nepali	4
4. Chinese (Mandarin)	2
5. Arabic	2

### III. LANGUAGE ASSISTANCE RESOURCES

#### A. Language Access Coordinator

The Canton Municipal Court will designate a Language Access Coordinator. The Language Access Coordinator should report to the administrative judge since high level support is essential to successful implementation. The Language Access Coordinator, along with the Court Administrator (as applicable) and the Administrative Judge, will assist in ensuring that language services are delivered by the court in accordance with this plan and in accordance with this plan and the Rules of Superintendence for the Courts of Ohio, Rules 80–89.

Canton Municipal Court's Language Access Coordinator is Michael Kochera, Court Administrator. He can be reached at 330.438.4231 or michael.kochera@cantonohio.gov. Complaints submitted under Section VIII of this Language Access Plan will be addressed by the Language Access Coordinator within five (5) business days. In addition to the responsibilities already outlined in this plan, the Language Access Coordinator also has the following responsibilities:

- \*Identify qualified interpreters and translators to be included in an interpreter database or list as maintained by the court;
- \*Track and collect data regarding the use of interpreters, the languages needed, etc.;
- \*Outline measures to ensure quality control of interpreters and translators; and
- \*Assign qualified interpreters, translators and bilingual employees to perform language assistance functions.
- \*Train and education court staff on assessing the need and appropriate referrals for assignment of a qualified interpreter.

#### B. Interpreters Used in the Courts

Under Ohio Revised Code, Section 2311.14 and Rules of Superintendence Rules 80 through 89, of the Supreme Court of Ohio, there are two different instances in which a court must provide an interpreter: in a case or court function (Sup.R. 80) and in connection with ancillary services (Sup.R. 89). This distinction is important because the type of interpreter to be provided and the court's responsibilities differ depending on the specific situation.

By statute, Ohio courts must appoint qualified interpreters. Specifically, section 2311.14 of the Ohio Revised Code provides that courts shall provide interpreters due to hearing, speech, or other impairments of a party or a witness to a case.

Additionally, pursuant to R.C. 2930.041 (Marsy's Law), the court will provide a Supreme Court certified foreign language interpreter, Supreme Court registered, Supreme Court provisionally qualified, or language-skilled interpreter in all legal proceedings for a limited English proficient victim at no cost to the victim.

Similarly, the court will provide a Supreme Court certified sign language interpreter, a Supreme Court registered sign language interpreter, a Supreme Court Sup.R. 88(E)(3) eligible sign language interpreter, or a certified American Sign Language interpreter from the Registry for Interpreters of the Deaf, in all legal proceedings for a deaf or hard of hearing victim at no cost to the victim.

Additionally, Rule 88 of the Rules of Superintendence for the Courts of Ohio, requires that the Canton Municipal Court appoint an interpreter in a case or court function when a LEP or deaf or hard-of-hearing individual requests an interpreter or when the court determines the services of an interpreter are necessary for the meaningful participation of the party or witness.

Under Ohio law, foreign language interpreters will be provided at court expense if the party is found to be indigent. However, in order to comply with the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et. seq., the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3789d(c), and 28 C.F.R. Part 42, Subparts C and D, recipients of federal funds must provide meaningful access to limited English proficient (LEP) individuals. *Lau v. Nichols*, 414 U.S. 563 (1974). The U.S. Department of Justice advises that practices, such as charging for interpretation and translation services or seeking recoupment for those costs, significantly impair, restrict, or preclude the participation of LEP individuals in the judicial system and are inconsistent with recipients' Title VI obligations. For more information, please refer to Guidance from the U.S. Department of Justice to state court justices and administrators' letter from Assistant Attorney of the Civil Rights Division to Chief Justices and State Court Administrators (Aug. 16, 2010); Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455 (June 18, 2002).

In the Canton Municipal Court, sign language interpreters and LEP interpreters will be provided at court expense for all deaf or hard-of-hearing and LEP court parties, witnesses, or jurors in compliance with the ADA.

#### **IV. USE OF INTERPRETERS**

##### **A. Determining the Need for an Interpreter**

The Canton Municipal Court will determine whether an LEP or deaf or hard-of-hearing person needs the services of a court interpreter. In determining these needs, the Court will first accept a request of the LEP or deaf or hard-of-hearing person requesting an interpreter. Second, court personnel and judges may determine that an interpreter is necessary for the meaningful participation of a party or witness. Many people who need an interpreter will not request one because they do not realize that interpreters are available, they mistakenly think they will have to pay for the interpreter, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court staff, judge, or magistrate must provide an interpreter to ensure full access to the court. See Sup.R. 88(A)(2), (B)(1)(b). In legal proceedings, judges and magistrates must decide, on the record, whether an interpreter is needed. In court functions and ancillary services, designated staff may decide whether an interpreter is needed. Finally, once a party or a witness has been identified as an LEP or deaf or hard-of-hearing individual, the court will exercise every effort to appoint interpreters in all future related proceedings or court functions.

Furthermore, the court will follow the requirements of Sup.R. 88 to appoint an interpreter (see Section C below). If no in-person interpreter is available at the given instance, the court will grant a continuance or if possible and appropriate, in accordance with Sup.R. 88, Appendix J, use the services of a telephonic interpreter.

#### **B. Court Interpreter Qualifications**

The Language Services Section of the Supreme Court of Ohio maintains a statewide roster of interpreters who are qualified to interpret in the courts. Foreign language interpreters on the roster have passed a written examination, attended at least 24 hours of court interpreter training, and have scored within a designated range that measures their language and interpreting skill. Sign language interpreters have also met similar requirements as necessary for national certification through the Registry of Interpreters for the Deaf. The definition of each category of interpreter is set forth in.

#### **C. Appointment of a Court Interpreter**

The Canton Municipal Court will appoint in-person and telephonic court interpreters in accordance with all criteria set forth in Sup.R. 88 and will ensure that certified court interpreters are used whenever reasonably available.

Pursuant to Sup.R. 88(C), the Canton Municipal Court will make all reasonable efforts to avoid appointing foreign language interpreters or sign language interpreters if they are compensated by a business owned or controlled by a party or a witness; friend or a family or household member of a party or witness; a potential witness; court personnel employed for a purpose other than interpreting; law enforcement officer or probation department personnel; or would not serve to protect a party's rights or ensure the integrity of the proceedings or have a conflict of interest, real or perceived.

#### **D. Language Services Outside the Courtroom**

In accordance with Sup.R. 89, the Canton Municipal Court shall ensure that LEP individuals and individuals who are deaf or hard of hearing have meaningful access to ancillary services outside the courtroom. LEP individuals and individuals who are deaf or hard of hearing may come in contact with court personnel via the phone, counter, or other means. The Canton Municipal Court has the following resources to assist LEP individuals and individuals who are deaf or hard of hearing:

- When a court staff member does not know what language the person is speaking, refer to an "I Speak" Language Identification Guide which is available in 63 languages. The Language Access Coordinator is responsible for distributing cards to all staff and to any new staff.
- In order to meet the needs of those who speak less-common languages, court staff may rely on telephonic interpretation or relay services to bridge communication.

### **V. TRANSLATED FORMS AND DOCUMENTS**

The Canton Municipal Court currently has the following forms translated into commonly used languages:

1. Criminal Rights and Plea Form-Spanish
2. OVI Enhancement Form-Spanish
3. Domestic Violence Enhancement Form-Spanish

4. Firearms Prohibition Form- Spanish, Arabic, Chinese, French, Russian
5. INS/Immigration Notification Form-Spanish
6. Domestic Violence Protection Order-Spanish, Arabic, Chinese, French, Russian
7. Post-Conviction No Contact Order- Spanish, Arabic, Chinese, French, Russian
8. Stalking Protection Order- Spanish, Arabic, Chinese, French, Russian

These forms can be found at [www.cantontcourt.org](http://www.cantontcourt.org) or at the Court.

When interpreters are hired for hearings, interpreters are expected to provide sight translations for corresponding documentation to LEP individuals. Additionally, the Canton Municipal Court will provide the above referenced forms as translated and provided by the Supreme Court of Ohio in: Arabic, Chinese, Russian, Somali and Spanish. These are posted on the Supreme Court of Ohio website. They can be found here: <https://www.supremecourt.ohio.gov/courts/services-to-courts/language-services/translated-forms/>

Canton Municipal Court will continue to assess court demographics and analyze the most commonly used forms and embark in the translation of additional forms as resources allow.

## **VI. LOCAL RULE**

The Canton Municipal Court has adopted Local Rule 1.26 Language Access Plan, that addresses and the appointment and use of interpreters. Canton Municipal Court, Local Rule 1.26 can be found on the Court webpage, under the Court Rules tab at [www.cantontcourt.org](http://www.cantontcourt.org).

## **VII. TRAINING**

The Canton Municipal Court is committed to providing language access training opportunities for all staff members who come in contact with or may come in contact with LEP individuals and individuals who are deaf or hard of hearing. The Ohio Judicial College and the Language Services Section provide on-going training for court staff regarding issues related to LEP populations, individuals who are deaf or hard of hearing, the use of interpreters, and other language access matters.

Canton Municipal Court staff with direct contact with LEP individuals or individuals who are deaf or hard of hearing will receive training on language access, to be coordinated by the Language Access Coordinator. The Language Access Coordinator will ensure that all staff receives updated training regularly and new staff are trained at the time of hire.

## **VIII. COMPLAINT PROCESS**

The Canton Municipal Court will ensure that all LEP individuals and individuals who are deaf or hard of hearing receive language assistance services in their primary language. To promptly address any concerns that an LEP person or an individual who is deaf or hard of hearing did not receive language assistance, the Canton Municipal Court has developed a process for handling such complaints.

Complaints can be made directly to the Canton Municipal Court, Language Access Coordinator at [michael.kochera@cantontohio.gov](mailto:michael.kochera@cantontohio.gov). Upon the Language Access Coordinator receiving a language access complaint, s/he will take prompt action to review, investigate and respond to its allegations. The Language Access Coordinator will also notify the Supreme Court of Ohio manager of the Language Services Section of such complaint.

All employees of the Canton Municipal Court will also provide information on this complaint process to LEP individuals or individuals who are deaf or hard of hearing upon request or if an LEP/deaf or hard-of-hearing individual voices concern about the lack of language access services or the quality of services that were provided.

Complaints can also be made to the Supreme Court of Ohio at 1.888.317.3177, Monday through Friday, 8AM to 5PM, or via email to: [InterpreterServices@sc.ohio.gov](mailto:InterpreterServices@sc.ohio.gov).

The Canton Municipal Court will display a sign translated into the Court's most frequently used languages which states:

If you are limited English proficient, you have the right to a court-appointed interpreter.  
To request one please contact the person or number below:

*Michael E. Kochera, Court Administrator*  
*330.438.4231 or*  
*[michael.kochera@cantonohio.gov](mailto:michael.kochera@cantonohio.gov)*

If you are not provided an interpreter, call the Supreme Court of Ohio complaint line at 1.888.317.3177

Or/o

Si tiene un dominio limitado del inglés, tiene derecho a un intérprete designado por el tribunal. Para solicitar uno, comuníquese con la persona o número a continuación:

*Michael E. Kochera, Court Administrator*  
*330.438.4231 or*  
*[michael.kochera@cantonohio.gov](mailto:michael.kochera@cantonohio.gov)*

Si no se le proporciona un intérprete,  
llame a la línea de quejas de la Corte Supreme de Ohio al 1.888.317.3177

The Canton Municipal Court will display this sign at common areas visible to all court users. In the Canton Municipal Court, the Language Access Coordinator is responsible to make sure signs are visible, interpreters are provided, and our LAP plan is monitored.

## **IX. PUBLIC NOTIFICATION AND EVALUATION OF LAP**

### **A. LAP Approval**

The Canton Municipal Court LAP has been approved by the Administrative Judge of the court. Any future revisions to the plan will be submitted to the Administrative Judge for approval. Copies of the Canton Municipal Court LAP will be distributed to all court staff by the Language Access Coordinator.

## **B. Notification**

The Language Access Coordinator will ensure that any new staff receives a copy of the plan. Copies of the Canton Municipal Court LAP will be provided to the public upon request. In addition, the Canton Municipal Court will post this plan on its website.

## **C. Evaluation of the LAP**

The Language Access Coordinator will review this plan on an annual basis and make changes based on the review. The evaluation will include review of any complaints received, identification of any problem areas, development of required corrective action strategies, and input from court staff. Elements of the evaluation may include:

- Assessing the number of LEP/deaf and hard-of-hearing persons requesting court interpreters in Ohio courts;
- Assessing current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out;
- Reviewing complaints received since the last review; and
- Gathering feedback from LEP/deaf hard of hearing communities around the state; using that feedback as collaboration on any revisions to the LAP.

Any revisions made to the plan will be approved by the Administrative Judge and will be communicated by posting on the Canton Municipal Court public website.

## **X. OFFICIAL DESIGNATION OF LANGUAGE ACCESS COORDINATOR AND BACK-UP LANGUAGE ACCESS COORDINATOR.**

Language Access Coordinator  
Name: Michael E. Kochera  
Title: Court Administrator  
Address: 218 Cleveland Avenue,  
City, State, Zip: Canton, Ohio 44702  
Phone: 330.438.4231  
Email: michael.kochera@cantonohio.gov

In the event that the Language Access Coordinator is unavailable, the back-up Language Access Coordinator will serve as the substitute.

Back-up Language Access Coordinator  
Name: Julie A. Guth  
Title: Executive Assistant  
Address: 218 Cleveland Avenue, South  
City, State, Zip: Canton, Ohio 44702  
Phone: 330.438.4231  
Email: julie.guth@cantonohio.gov

## **XII. LAP ADMINISTRATIVE JUDGE APPROVAL**

This LAP was reviewed and approved by:  
Honorable Richard J. Kubilus  
Presiding & Administrative Judge  
Canton Municipal Court

**XIII. EFFECTIVE DATE**  
November 14, 2023

**PART TWO - CIVIL RULES**

**Rule No. 2.1 - Leave to Plead**

The time within which a party is required by the Civil Rules to serve and file a responsive pleading to a complaint, counterclaim, cross-claim or third party complaint may be extended by the Court for a period of twenty-eight (28) days upon written application. Additional time thereafter may be granted by the Court, pursuant to a written stipulation of the parties approved by the Court and pursuant to Civil Rule 6(B).

**Rule No. 2.2 - Pretrial Conferences**

After a case has been assigned to a Judge, the Judge will then set a pretrial conference. The pretrial conference is to review the possibility of settlement, determine the status of discovery, consider the resolution of some issues and, as necessary, to fix a trial date. Further pretrial conferences shall be scheduled as necessary within sixty (60) days, if the case is not resolved or set for trial.

If Plaintiff fails to appear at the pretrial conference, the Plaintiff's complaint may be dismissed without prejudice. If Defendant fails to appear, the case may proceed to evidence.

**Rule No. 2.3 - Default Judgment**

When the Defendant is in default for appearance or answer, judgment shall be rendered in accordance with Civil Rule 55(A) and 7(B)(1).

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

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

**Rule No. 2.4 - Motions for Relief from Judgment**

Motions for relief from judgment (motions to vacate judgment) shall be made and delivered directly to the Judge who entered the judgment. Objection to the motion may be filed with the Court within fourteen (14) days of service of the motion. If the Court sustains the motion, the case shall be immediately assigned by lot pursuant to Rule 7.



### **Rule No. 2.5 - Small Claims Division**

Pursuant to the R. C 1925.01, a Small Claims Division has been established for cases for the recovery of money only, for amounts not exceeding Six Thousand Dollars (\$6,000.00), exclusive of interest and costs.

Cases filed in the Small Claims Division shall be heard by a Magistrate appointed and assigned under Ohio Sup. R. 4. Sessions shall be set by the Presiding and Administrative Judge as required.

A filing under R.C. 1925.01 for transfer to the regular docket shall be heard by the Magistrate immediately before the scheduled hearing on the merits of the small claims action. A filing to transfer a case to the regular docket may also be heard by the Judge on Civil Sessions.

If the Magistrate denies the transfer to the regular docket, the small claims hearing shall commence immediately. Upon a decision on the merits, the party requesting a transfer, if necessary, may object to the report of the Magistrate on the merits and/or the transfer denial. All objections to the Magistrate's report shall be decided by the Judge on Civil Sessions pursuant to Civil Rule 53.

### **Rule No. 2.6 - Sales and Proceedings in Aid of Execution**

For all sales and proceedings in aid of execution, the Judgment Creditor must complete the Execution Notice form provided by the Court and describe in detail the items which are to be levied upon. It will be insufficient to merely instruct the Bailiff to levy upon all goods and chattels of the Judgment Debtor. It is necessary for the Bailiff to know the type, size and number of items to be levied upon so that he can make an accurate estimate of the cost. The Bailiff shall serve the Notice Form on the Judgment Debtor providing the Judgment Debtor with notice of exemptions and opportunity for hearing thereon, and file the Notice Form and Proof of Service with the Court in the same manner as set forth in R.C. 2716.01 *et seq.*

The Bailiff shall appraise the fair market value of the property sold, file a completed Inventory Appraisal form with the Court and serve the Appraisal form on the Judgment Debtor and the Judgment Creditor.

If the item to be levied upon is an automobile or other motor vehicle, the Judgment Creditor shall complete the Execution Notice Form by including an accurate description of the automobile or vehicle along with the written statement as to whether or not there was a lien of record on this vehicle in the office of the Stark County Clerk of Courts. Before the Bailiff shall levy upon an automobile, he/she shall determine the fair market value of the automobile on the Inventory Appraisal form. If there is a lien on the automobile, the name of the lien shall appear on the Execution Notice form. If the Bailiff determines that the automobile, when sold, shall not bring a sufficient sum to pay the cost of towing, storage, advertising and other Court costs, he shall require the Judgment Creditor to post sufficient additional cost to cover these expenses before proceeding with the execution. If the sale is to encompass many items, the Bailiff may secure the services of an auctioneer and proceed according to R.C. 2335.021.

### **Rule No. 2.7 - Dismissal for Want of Service - Other**

Actions pending for a period of six (6) months and in which neither service of summons nor service by publication has been made shall be dismissed immediately unless good cause is shown to the contrary.

In any matter pending before the Court wherein Ohio Sup. R. 40 is otherwise applicable, a party may petition the Court for a period of time not to exceed sixty (60) days, unless otherwise approved by the Court, to perfect service or file any other appropriate pleading to reinstate the case.

## **Rule No. 2.8 - Satisfaction of Judgments**

No satisfaction of judgment in whole or in part shall be entered in the Civil or Small Claims dockets, except by the Clerk of the Court, or his/her deputy. All satisfactions must be attested by the Clerk or his deputy.

It shall be the duty of the Plaintiff or his/her attorney to immediately have an entry of satisfaction made upon the docket when a judgment is satisfied. Failure to so satisfy shall form the basis for appropriate sanctions by the Court.

## **Rule No. 2.9 - Forcible Entry and Detainer**

In forcible entry and detainer cases, the original complaint and Eviction (CVG) Initiation Form shall conform to the requirements of R.C. 1923.05. The Clerk of the Municipal Court shall not accept a forcible entry & detainer action where the Plaintiff fails to declare the legally titled ownership of the real estate, as required on the Eviction (CVG) Initiation Form.

Summons in forcible entry and detainer actions shall be drawn so as to notify each Defendant that he/she has been sued, and to summon him/her to appear at a designated courtroom at the time specified therein, or the complaint will be taken as true and judgment rendered accordingly.

In forcible entry and detainer actions involving residential property, the Court (including the Magistrate) may decide at the first hearing both causes of action. If the Defendant appears, the Court shall inquire whether the Defendant chooses to contest the second cause of action. If the Defendant responds affirmatively, leave shall be granted for response to the complaint. If the Defendant makes a knowing waiver of the right to respond to the second cause, the Court may proceed to hear both causes.

### **I. Objection to the Magistrate's Report**

The party objecting to the Report of the Magistrate shall file such objection within fourteen (14) days following the filing of the Report. Objection to the Magistrate's Report shall be specific and state with particularity all grounds for objection. Objection to the Magistrate's Report shall be assigned to Civil Sessions Judge for disposition.

### **II. Approval of the Magistrate's Report**

If no written objection to the Magistrate Report is filed, it shall be considered for approval on the same day, or as soon as practicable, upon filing of the Magistrate's Report.

### **III. Jury Demand**

In any case in which there has been service of process, upon the filing of a jury demand in accordance with R.C. 1913.09, and upon failure of the parties to agree to a waiver of the time requirement of R.C. 1923.08, and upon the failure of the Defendant to post an appropriate bond, the case will be transferred to the Assignment Commissioner. Assignment to a Judge shall be made immediately, by lot, to one of the Judges who has jury availability within the time limitation.

### **IV. Eviction**

Should actual, physical eviction of property be required following a Writ of Restitution, Plaintiff may request the Court issue a Writ of Execution, pursuant to R.C. 1923.13(A). Within ten (10) days from the Court issuing a Writ of Execution, Plaintiff shall arrange for sufficient workers to be present to accomplish the set-out under the supervision of the Bailiff. Plaintiff shall post security for their payment, such security to be taxed as costs. If a Writ of Execution is requested by Plaintiff after the forty-fifth (45) day from the date the Writ of Restitution was granted by the Court, Plaintiff shall seek leave from the Court to request the Writ of Execution. The motion for leave shall be considered by the assigned Judge for assigned cases, or the civil sessions Judge for unassigned cases.

#### **Rule No. 2.10 - Judgment Debtor's Examination**

Judgment debtor examinations will be set for hearing by the Civil Clerk of Court, according to the Court's regularly scheduled hours of operation. If both parties appear at said hearing, the debtor examination will be conducted according to law. Should a Judge be required to preside over the debtor's examination, any Municipal Judge may be called upon to conduct said hearing.

If the Judgment Debtor fails to appear at the scheduled hearing, and proper service was made to the Debtor, the Creditor may thereafter move the Court that a show cause hearing be held as to why the Debtor should not be held in contempt of court for failure to attend the judgment debtor examination hearing. The show cause hearing date shall be set by the Civil Clerk of Court, in conjunction with the creditor.

If the Debtor appears for the show cause hearing, any Municipal Judge may be called upon to conduct said hearing.

However, if the Debtor fails to appear for the show cause hearing, and proper service was made to the Debtor, the Creditor may thereafter request a bench warrant be issued for the Debtor. Should a Judge be required to preside over the debtor's examination, any Municipal Judge may be called upon to conduct said hearing.

#### **Rule No. 2.11 - Jury Costs**

In any civil action or proceeding when a jury trial is demanded, the party making such demand shall be required to make an advance deposit of Six Hundred Dollars (\$600.00), unless upon affidavit or other evidence the Court concludes that such party is unable to make the required deposit. If a jury is sworn, the fees of a jury shall be taxed as costs. If the advance deposit is not paid in full seven (7) business days prior to the trial date, the case shall proceed to a Court trial unless otherwise modified by Court order.

#### **Rule No. 2.12 - Administrative Fee on Judgments Deposited with Clerk**

Consistent with provisions of R.C. 2303.20(V), the Judges of the Canton Municipal Court authorize the Clerk of the Municipal Court to impose an administrative fee of not greater than one-percent (1%) on all judgments deposited to the Clerk for receipt upon the Judgment Creditor.

#### **Rule No. 2.13 – Electronic Filing (e-Filing)**

##### **I. Electronic-filing (e-filing)**

##### **A. The clerk of courts is authorized to prepare and maintain operating procedures and**

instructions for electronic filing. Except as specifically provided elsewhere in these Rules, other rules or statutes, or where expressly authorized by an entry of this Court, all documents submitted for filing shall be electronically filed if the Clerk of Courts has implemented a mandatory e-filing system.

B. Exceptions to e-filing.

1. Pro Se Filers - Parties not represented by counsel are not required to utilize the e-filing system, and may file documents in paper form.
2. Leave to File in Paper Form - An attorney who wants to file a specific document or all documents in a given case in paper form may file a motion requesting leave to so file. The motion for leave may be filed in paper form and shall set forth the exceptional circumstances justifying the request.
3. Paper Form Documents - Documents filed in paper form shall be scanned by the Clerk of Courts and uploaded to the e-filing system by the clerk. The uploaded electronic version of the document shall constitute the original document.

II. Attorney Registration Number

All attorneys shall include their attorney registration number issued by the Supreme Court of Ohio, office address, phone number, email address and fax number on all documents filed with the Court.

III. Personal and Private Information in Documents filed with the Clerk of Courts

A. Personal and private information includes, but is not limited to:

1. Social Security numbers
2. Financial account numbers
3. Names of minor children
4. Information protected by law from public disclosure

B. Filing parties and/or legal counsel shall not include personal and private information in any document filed with the Court, unless such inclusion is necessary and relevant to the case. This requirement extends to and includes exhibits or addenda attached to filings, such as financial reports which use social security numbers as case numbers or medical records.

C. If personal and private information is necessary and must be included in a document, the filing party shall partially redact the following personal and private information from the pleadings as follows:

1. Social Security numbers - If the individual's Social Security number must be included in a document, only the last four digits of that number should be used.
2. Financial Account Numbers - If financial account numbers are relevant, only the last four digits of these numbers should be used.
3. Names of Minor Children - If the involvement of a minor child must be mentioned, only the initials of the child should be used.
4. The responsibility for redacting these personal identifiers rests solely with counsel and their parties. The Clerk will not review each document for compliance with this rule.

- D. Entries and orders that necessarily include personal and private information shall partially redact the personal and private information as outlined in (E)(3) of this Rule, unless it is absolutely necessary to include all digits or other data in that information. In the event it is absolutely necessary to include all digits or other data in that information, the Clerk will have the authority to redact the personal and private information from public view.
- E. The Clerk of Courts may refuse to accept for filing any document that contains personal and private information that has not been redacted or submitted in accordance with this rule.

#### IV. Written Deposition Transcripts Filed Electronically

All written deposition transcripts that are to be used in trial or hearing or in support of any motion, including attachments and/or exhibits, shall be electronically filed by the attorney of record through the Clerk's electronic filing system. Pursuant to Ohio Sup. R. 45(D), the attorney of record shall omit or redact all personal and private information from the written deposition transcript prior to filing the deposition.

#### V. Electronic Filing of Court Documents

##### A. DEFINITION OF TERMS:

1. Clerk Review - A review of electronically filed documents by the Clerk of Courts in accordance with Court rules, policies, procedures and practices. Court clerks may review the data and documents electronically submitted to ensure compliance with rules, policies, procedures and practices before acceptance and creating a docket entry or new case filing.
2. CMS (Case Management System) - The Clerk of Courts case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.
3. Court Electronic Record - Any document that the Clerk receives in electronic form, record in its case management system and stores in its document management system. This includes notices and orders created by the Court and/or Clerk, as well as pleadings, other documents and attachments created by practitioners or parties. It does not include physical exhibits brought into the courtroom for the court's or jury's review, which are not susceptible of capture in electronic form.
4. Document - A filing made in either electronic format or paper form that will become the official record of the Court.
5. Electronic Filing (E-Filing) - The electronic transmission, acceptance and processing of a filing. A single filing consists of data, one or more documents, and/or images.
6. Electronic Service (E-Service) - The electronic transmission of an original document or notice to all other electronically-registered case participants via the electronic filing system.
7. Original Document - The electronic document received by the Clerk from the case participant/filer.

#### VI. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS

The Clerk may require that all original complaints, cross claim complaints, counterclaim complaints or third party complaints be generated through the Clerk's e-file system. All subsequent filings may be submitted as PDF's submitted to the Clerk's e-file system.

VII. ELECTRONIC FILING AND SERVICE OF ORDERS AND NOTICES

The Clerk may serve notices, orders and other documents electronically subject to the provisions of Civil Rule 4.

VIII. OFFICIAL COURT RECORD

Documents that have been electronically filed or documents filed in paper form that have been scanned and uploaded to the Clerk's electronic filing system will constitute the official Court record. Electronically filed papers have the same force and effect as paper records filed by conventional means.

IX. FORMAT OF ELECTRONICALLY FILED DOCUMENTS

All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in any other format as the Court may require.

A filed pleading shall not be filed as a scanned image document. Such pleadings shall be filed in a Portable Document Format (PDF). A filed document shall not contain links to other documents or references in the Court's case management system, unless they are incorporated into the filed document. External links are prohibited.

X. SIZE OF FILING

Documents shall be limited to ten megabytes (10MB) in size. No combination of PDF files in one transmission may accumulate to more than thirty megabytes (30MB) in size. If a document exceeds 30 MB in size, it may be filed in multiple transactions.

XI. SIGNATURES FOR DOCUMENTS FILED ELECTRONICALLY

A. Documents filed electronically with the Clerk that require an attorney's or filing party's signature shall be signed with a conformed signature of "/s/ (name)". The conformed signature on an electronically filed document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure and any other law. The correct format is as follows:

1. /s/Attorney Name
2. Typed Attorney Name
3. Ohio Supreme Court Number
4. Attorney for (plaintiff or defendant name)
5. Law Firm Name
6. Address (full address)

7. Telephone
8. Email
9. Fax

B. Multiple Signatures: When a stipulation or other document requires two or more signatures:

1. The filing party or attorney shall confirm that the content of the document is acceptable to all persons required to sign the document. The filing party will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.
2. The filing party then shall file the document electronically, indicating the signatories, e.g., /s/Jane Doe.

C. Judge/Magistrate/Judicial Officer Signature:

Electronic documents may be signed by a Judge, Magistrate or Judicial Officer via a digitized image of his or her signature combined with a digital signature.

All orders, decrees, judgments and other documents signed in this manner shall have the same force and effect as if the Judge, Magistrate or Judicial Officer had affixed his or her signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

XII. E-FILE TIMESTAMP

Documents filed electronically shall be considered as filed with the Clerk of Courts when the document submission is complete. The Clerk's Electronic E-Filing System will acknowledge date and time on all submissions.

An electronic filing may be submitted to the Clerk twenty-four (24) hours a day, seven (7) days a week. Any document filed after 4:30 p.m. Eastern Standard Time or Eastern Daylight Time shall be deemed to have been filed on the next court day.

The Clerk's electronic filing system is hereby appointed the agent of the Canton Municipal Clerk of Court for the purpose of electronic filing, receipt, service and retrieval of electronic documents.

Upon receipt of an e-filing, the Clerk's filing system shall issue a confirmation that the filing has been received. The confirmation shall include the date and time of receipt and serve as proof of filing. A filer will receive subsequent notification from the Clerk of Courts that the filing has been accepted or rejected by the Clerk's Office for docketing and filing into the CMS. Each document will receive an electronic stamp that includes the date, time, case number. In the event the Clerk rejects a submitted document, the document shall not become part of the official court record and the filer may be required to re-file the document to meet necessary filing requirements.

If the electronic filing is not filed with the Clerk because of an error in transmission of document to the Clerk's e-filing system, the Court may, upon satisfactory proof, enter a nunc pro tunc order to the date it was sent electronically.

### **XIII. SERVICE OF ELECTRONICALLY FILED DOCUMENTS**

Upon filing the original complaint, cross claim complaint, counterclaim complaint or third party complaint electronically, the filing party shall also file instructions for service electronically. The Clerk shall issue a summons and process the method of service in accordance with local rules and Civil Rule 4.

Service of documents after the complaint shall be considered as valid and effective on all parties and shall have the same legal effect as an original paper document served under former rules. Pro Se parties or attorneys who have not registered in the Clerk's e-filing system shall be served a paper copy by the filing party and/or the Clerk or Courts in accordance with the applicable Ohio Court Rules.

The copies of complaints used for service will be prepared by the Clerk of Courts Office and may be taxed as costs to the case.

### **XIV. COURTESY COPIES**

When documents are filed electronically, courtesy copies will not be required to be given to the Court. However, when documents are not filed electronically, a courtesy copy is required to be provided to the Court for each party.

### **XV. PAYMENT OF FILING FEES**

Any document and/or court action that requires payment of a Filing Fee will be made by credit card through the Clerk's e-filing system. The Clerk will not store credit card information at any level of processing. The filer has the option of storing their credit card information with the third party vendor, if they choose to do so. A confirmation receipt will be provided to the filing party upon submission of the action.

The Clerk of Courts will continue to accept payment of Filing Fees from litigates that are not able to use the e-filing system during regular business hours of Monday thru Friday 8:00AM to 4:30 PM.

### **XVI. TECHNICAL DIFFICULTIES WITH ELECTRONIC FILINGS**

If a party is unable to file electronically due to exceptional circumstances, such as power outages or system failures, and, as a result, misses a filing deadline, the party may submit the untimely filed document, accompanied by an affidavit, as a separate document, stating the reason for missing the deadline. The document and affidavit must be filed, either electronically or in person at the Clerk's office, no later than 12:00 noon of the first day on which the Court is open for business following the original filing deadline.

## **PART THREE - CRIMINAL AND TRAFFIC RULES**

### **Rule No. 3.1 - Branches of Criminal Division**

The Criminal Division of the Canton Municipal Court shall consist of three (3) branches: Criminal Court, Traffic Court and Waiver Branch.



### **Rule No. 3.2 - Criminal Court Sessions**

The Criminal Court shall consist of two (2) sessions:

- I. The Arraignment Session and Initial Appearance Session which shall hold regular sessions beginning at 9:00 a.m., Monday through Friday, except on legal holidays. The Court shall consider all pleas of guilty or no contest, requests for setting bail, stays of execution and all other matters to come before the Criminal Court, not handled by other sessions. Judges of this Court will be assigned on arraignments for two (2) week periods.
- II. The Trial Sessions which shall hold sessions beginning at 9:00 a.m., Monday through Friday, except legal holidays, and at such other times that the assigned Judge may order. The Trial Session shall hear all trials both to the Court and to a jury in accordance with prior assignments made.

### **Rule No. 3.3 - Traffic Court Sessions**

Traffic Court shall consist of two sessions:

- I. The Arraignment Session shall be held Tuesday at 9AM; Wednesday at 9AM and 1PM; and Thursday at 9AM. Traffic Arraignments shall be conducted by a Magistrate appointed by the Court. The Arraignment Session shall consider all pleas. All pleas of not guilty shall be assigned from the Arraignment Session. No Defendant shall be required to have his arraignment heard by a Magistrate; at the Defendant's option, his or her case will be assigned to the Arraignment Judge for hearing as soon thereafter as possible.
- II. The Traffic Violations Bureau is hereby established. The Clerk of Courts is appointed to be its violations clerk, who shall collect fines paid to, give receipts for and render accounts of the Bureau. The Bureau shall be open to the public from 8:00 a.m. to 4:30 p.m. Monday through Friday, except for legal holidays. All other hours the Clerk shall maintain a container in the Canton Police Department to receive fines and costs via a prepared envelope.

The Traffic Violations Bureau will display prominently at its public counter a Court-approved statement of Defendant's rights and a schedule of fines.

### **Rule No. 3.4 - Arraignment and Pleas**

Persons cited, summoned or arrested and charged with a misdemeanor must appear in open Court (except as otherwise hereinafter provided), and after receiving an explanation of their rights, enter a plea of "not guilty," "guilty," or "no contest." If a plea of "not guilty" is entered, the case shall be assigned by lot to a Judge and shall be immediately scheduled for a pretrial conference within fifteen (15) days.

Each case shall be assigned separately by lot, but multiple cases against the same Defendant or multiple Defendants which are alleged to be the result of the same act, transaction or series of acts or transactions, shall be considered as one case and assigned to one Judge by lot.

Pursuant to Criminal Rule 10(B) or Traffic Rule 8(C), the Court may permit a written Not Guilty plea presented by the Defendant's attorney to be received in the absence of the Defendant. The case will be called in

the regular order of arraignment as provided above and, upon acceptance of the plea, be immediately assigned by lot to a Judge.

### **Rule No. 3.5 - Pretrial Procedure**

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

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

### **Rule No. 3.6 - Jury Demand**

Jury demands shall be made in accordance with Criminal Rule 23. In the event that a criminal or traffic case is settled prior to a scheduled jury trial and it is not possible to notify the jurors of the cancellation, the requesting party shall bear the costs of juror fees and of those jurors who report on the day of trial.

### **Rule No. 3.7 - Posting of Bonds**

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

### **Rule No. 3.7(A) – Bail Bond Registration**

The Canton Municipal Court requires a bail bond agent to register with the Clerk of the Canton Municipal Court before a bond may be filed in this Court, pursuant to R.C. 3905.87. To register, a bail bond agent shall file with the Clerk of Court, Criminal Division, the following:

- I. Canton Municipal Court Bond Company Information Sheet;
- II. A copy of the agent's surety bail;
- III. A copy of the agent's driver's license or state identification card;
- IV. A certified copy of the surety bail bond agent's appointment by power of attorney from each insurer that the surety bail bond agent represents.

The Clerk of Court shall make available a list of Court-registered surety bail bond agents annually, not later than the first day of September. If an agent registers after the last day of August, the Court shall add the agent to the list and make the update within twenty-four hours of Court approval of that registration. Bail bond agents shall be required to renew their application by the first day of August of each odd-numbered year.

### **Rule No. 3.8 - Appearance of Persons in Custody**

Persons arrested and in custody before 9:00 a.m. shall be brought before the appropriate session of the Court on the same day as the arrest, excepting Saturdays, Sundays and Court holidays.

### **Rule No. 3.9 – Indigent Defendants**

If a Defendant claims he or she is indigent and the Public Defender, due to a conflict, cannot represent him or her, the Court may appoint private counsel.

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

**Rule No. 3.10 - Advance Deposit of Costs Waived**

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

- I. Ohio Bureau of Employment Services,
- II. Bureau of Motor Vehicles,
- III. Norfolk and Western Railroad,
- IV. Conrail,
- V. For any arrestee who is taken into custody without a warrant whether the complaint is signed by a private citizen or police officer (domestic violence, petty theft),
- VI. Public school officials for crimes occurring on school property, and
- VII. Non-profit charitable organizations, such as Goodwill, Catholic Community League, etc., for crimes occurring on their property.

**Rule No. 3.11 - Online Payments**

The Judges of the Court authorize the Clerk of the Municipal Court to accept online payments on any minor misdemeanor or waivable traffic offense. Further, the Court authorizes the Clerk of the Municipal Court to cancel the license forfeiture on Interstate Compact procedure cases upon payment in full.

**Rule No. 3.12 – Electronically Produced Citations, aka e-Tickets**

The Canton Municipal Court shall accept the filing of a traffic citation that is produced by computer or other electronic means providing said electronically produced traffic citation conforms in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced traffic citation is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the of the electronically produced traffic citation.

**Rule No. 3.13 – Vehicle Immobilization**

Vehicles ordered immobilized by order of the Canton Municipal Court to the Canton City Impound Lot shall not be charged storage fees during the period of Court ordered immobilization. All other towing and administrative fees still apply, as does any storage fees accrued after the Court Ordered immobilization period has expired.

STATE OF OHIO:

## IN THE CANTON MUNICIPAL COURT

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## JOURNAL ENTRY

STARK COUNTY:

## IN RE: CRIMINAL COURT COSTS

WE, the Judges of the Canton Municipal Court do hereby adopt and Order the following schedule of Criminal/Traffic Court Costs, effective May 1, 2018 in accordance with Ohio Revised Code, Section 1901.26. Notwithstanding any other Rule of this Court, the Criminal/Traffic Costs of the Canton Municipal Court shall be as follows:

1.	Basic Court Cost: (Includes \$10 Clerk Tech Fee; \$24 Court Capital Improvement Fee; \$10 State Moving Violation (when applicable); \$20 State Indigent Defense Fund; \$9 State Reparations Fund)	\$169.00
2.	Each Additional Charge	\$25.00
3.	State Reparations Fund (Felony – Advanced Cost)	\$30.00
4.	Indigent Defense Support Fund (Apply according to HB1 – Felony)	\$20.00
5.	Public Defender Application Fee	\$25.00
6.	Bond & Recognizance	\$15.00
7.	State Bond Surcharge	\$25.00
8.	Issuing Warrants (Includes \$10 Clerk Computer Fee and \$31.00 Sheriff's Fee)	\$96.00
9.	Issuing Summons	\$10.00
10.	Forfeiture of License Fee/Registration Block	\$20.00
11.	Advance Deposit for Private Complaint	\$80.00
12.	Photo Copies	\$0.25
13.	Certified Copies	\$1.00
14.	Certified Mail of Any Document	\$10.00
15.	Filing of Motions	\$25.00
16.	Computer Printout of Docket	\$1.00
17.	Trials	\$25.00
18.	Filing Appeal	\$25.00
19.	Witness Fees – Full Day	\$12.00
20.	Witness Fees – Half Day	\$6.00
21.	Juror Fee/Per Day	\$20.00
22.	Bailiff Fee for Jury Trial	\$50.00
23.	Filing Precipes (per Witness)	\$10.00
24.	Sheriff Summons Fee	Determined by Sheriff
25.	Bailiff Service of Summons (per Witness)	\$0.50 first mile and \$0.30 each additional mile
26.	Clerk's Prisoner Release Form to Jail	\$10.00
27.	Preliminary Hearings	\$30.00
28.	All Other Hearings	\$25.00
29.	Expungement/Sealing Fee (Includes \$50 to Probation Fee and \$50 to State per ORC 2953.32)	\$100.00
29a.	Expedited Record Update Service (Optional with Sealing, pursuant to ORC 109.38)	\$45.00
30.	Out of State License (Interstate Compact)	\$25.00
31.	Immobilization of Vehicle by Bailiff	\$50.00
32.	Immobilization Fee	\$50.00
33.	Forfeiture of Owners Automobile Fee	\$50.00
34.	Ignition Interlock (Includes \$2.50 to State Highway Safety Fund and \$2.50 to Local Indigent Interlock /Monitoring Fund #2434 pursuant to ORC 4510.13 (A)(9); and \$20 to Special Projects Fund #2423 pursuant to ORC 1901.26)	\$25.00
35.	First-Time Offender Unlimited Driving Privileges (includes \$2.50 to State Highway Safety Fund and \$2.50 to Special Projects Fund #2423 pursuant to ORC 4510.022(F) )	\$5.00
36.	Commitment to County Jail (Includes \$5.00 Sheriff's Fee)	\$21.00
37.	Release from County Jail (Sheriff's Fee)	\$5.00

38.	Sheriff's Bail Bond Fee (Per ORC 311.17(B)(2))	\$3.00
39.	Non-Sufficient Funds Check Fee	\$25.00
40.	Digital Audio CD of Court Proceedings (per CD)	\$10.00
41.	E-Copy of Audio of Court Proceeding via e-mail	NC
42.	Crime Lab Reimbursement for Lab Analysis (per ORC 2925.511)	\$103.00
<b>The following costs shall be deposited by the Clerk as follows: 50% Court Capital/Special Projects Fund #2423, per ORC 1901.26(B)(1) and 50% to into the Municipal Probation Services Fund #2766, per ORC 737.41 :</b>		
43.	Referral to Sanctions Monitoring	\$100.00
<b>The following costs shall be deposited by the Clerk, into the GPS House Arrest Fund #2433, per ORC 2949.111:</b>		
44.	GPS/Electronically Monitored House Arrest	\$100.00
<b>The following costs shall be deposited by the Clerk into the Municipal Probation Services Fund #2766, per ORC 737.41:</b>		
45.	Probation, Restitution, Community Service, Pre & Post Sentence Investigations	\$100.00
46.	Intensive Supervision Probation (ISP)	\$200.00
47.	Diversion Program (First-Time Offender Program)	\$225.00
48.	Referral to Probation Anger Management Course	\$50.00
49.	Show Cause Hearing (Probation, Restitution, EMHA, ISP, Community Service, DIP)	\$25.00
50.	Continuous Alcohol Monitoring (SCRAM,TAD)	\$50.00
51.	Community Service Time Extension (per extension, collected prior to granting extension)	\$25.00
52.	Driving Privileges (per application and extension collected prior to granting extension)	\$30.00
53.	Extension of Time to Pay (per extension, collected prior to granting extension)	\$10.00
<b>The following costs shall be deposited by the Clerk to the Legal Research Fund #2424, per ORC 1901.261:</b>		
54.	Legal Research Fee (assessed on all criminal, traffic and waiverable cases)	\$2.00

## Appendix B

STATE OF OHIO )

IN THE CANTON MUNICIPAL COURT

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### JOURNAL ENTRY

STARK COUNTY)

#### IN RE: Waiverable Minor Misdemeanor Fine Schedule

WE, the undersigned Judges of the Canton Municipal Court do hereby adopt the following Waiverable & Minor Misdemeanor Fine Schedule, herein attached and made a part hereof, pursuant to Section 2935.26(E) of the Ohio Revised Code, said revised schedule shall become effective on July 1, 2020 and remain in full force until further Order of this Court.

#### WAIVER BUREAU PAYMENT SCHEDULE

All waiverable violations include \$24 Capital Improvement Fee; \$10 Technology Fee; \$10 State Moving Violation Fee; \$20 State Indigent Defense Fund; \$9.00 State Reparations Fee; **except as listed below:**

<b>Speeding</b>	10 MPH and Under Limit ( \$5 Fine + Costs)	<b>\$160.00</b>
	11-29 MPH Over Limit ( \$10 Fine + Costs)	<b>\$190.00</b>
	30 MPH and Over ( \$15 Fine + Costs)	<b>\$210.00</b>
<b>Moving MM Waiverable Violations</b>	(includes \$5 fine+Costs)	<b>\$160.00</b>
<b>No Seat Belt - Driver</b>	(includes \$30 Mandatory Fine, \$24 Capital Improvement Fee, \$10 Tech Fee)	<b>\$105.00</b>
<b>No Seat Belt - Passenger</b>	(includes \$20 Mandatory Fine, \$24 Capital Improvement Fee, \$10 Tech Fee)	<b>\$95.00</b>
<b>Drug Abuse Marijuana</b>	(under 100 grams, (includes \$76 fine+ Costs) \$24 Capital Improvement Fee	<b>\$205.00</b>
<b>Disorderly Conduct</b>	(includes \$76 fine + Costs) \$24 Capital Improvement Fee	<b>\$205.00</b>
<b>Open Container</b>	(includes \$76 fine +Costs) \$24 Capital Improvement Fee	<b>\$205.00</b>
<b>Possession of Drug Paraphernalia</b>	(includes \$76 fine + Costs) \$24 Capital Improvement Fee	<b>\$205.00</b>
<b>Littering &amp; Dumping</b>	(pursuant to Ordinance 521.08)	<b>\$284.00</b>
<b>Approaching a Stationary Public Safety Vehicle Displaying Emergency Lights</b>		<b>\$186.00</b>
<b>Distracted Driver (ORC 451.991)</b>	<b>– Unless proof of Distracted Driver Course Provided</b>	<b>\$100.00</b>

**A third speeding violation within a one (1) year period requires a Court Appearance.**

**Appendix C**

**STATE OF OHIO:**

**IN THE CANTON MUNICIPAL COURT**

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**JOURNAL ENTRY**

**STARK COUNTY:**

**IN RE:**

**CIVIL COURT COSTS**

WE, the undersigned Judges of the Canton Municipal Court do hereby adopt and Order the following schedule of Civil Court Costs effective December 1, 2022 in accordance with Ohio Revised Code Section 1901.26. Notwithstanding any other rule of this Court, the Civil costs of the Canton Municipal Court shall be as follows:

- |  |                |
|--|----------------|
| 1. Complaint; Eviction (FED); Cognovit Note; Replevin Actions<br>(with U.S. mail service for a maximum of 2 defendants)<br>(Includes \$26. fee for Legal Aid, \$10. Computer Fee and <del>\$17</del> \$24 Capital Improvement Fee) | \$150.00       |
| a) Each defendant (over 2)   | \$15.00        |
| i. Each Defendant for Eviction/FED Cases-Certified Mail  | \$20.00        |
| b) Alias Amended Complaints (per defendant)  | \$15.00        |
| c) Third Party Complaint (per defendant)   | \$15.00        |
| 2. Small Claims (Includes \$11. fee for legal aid, \$10. computer fee, and \$12. Capital Improvement Fee)  | \$70.00        |
| a) Each defendant (over 2)   | \$15.00        |
| b) Alias Small Claims (per defendant)  | \$15.00        |
| c) Post Judgment Financial Questionnaire   | \$15.00        |
| d) Transfer to Regular Docket  | \$80.00        |
| e) Objection to Magistrate Decision  | \$15.00        |
| 3. Aid in Execution - Wages (Includes \$15 per individual named via certified mail)  | \$100.00       |
| a) Aid in Execution-Bank Attachments (includes \$1 garnishee fee & \$15 per institution named)   | \$55.00        |
| b) Personal Service of 15 Day Demand   | \$20.00        |
| 4. Administrative Judgment Fee   | 1% of Judgment |
| 5. Debtor Exam (per individual named via certified mail or process server)   | \$25.00        |
| a) Debtor Exam (per individual named personal service including one address)   | \$45.00        |
| b) Show Cause Hearing (includes personal service)  | \$50.00        |
| c) Contempt Arrest Warrant (includes \$10 Tech Fee & \$20 Sheriff's Fee)   | \$85.00        |
| 6. Bonds for Execution on automobiles, light equipment, household goods.   | \$750.00       |
| a) Appraisers fee (3 required @ \$100.)  | \$300.00       |
| 7. Bonds for Execution on RV'S, Buses, Commercial Vehicles and commercial/industrial heavy equipment.  | \$1000.00      |
| a) Appraisers fee (3 required @ \$100.)  | \$300.00       |
| 8. Bailiff Execution of cash drawer  | \$50.00        |
| 9. Bailiff Eviction Deposit Fee (advanced prior to bailiff appearing to supervise set out)   | \$250.00       |

\*\$250 to be refunded when landlord provides written notice to Court, not later than end of business on the day prior to scheduled set out, that that tenant has moved/vacated the property.

\*\$150 to be refunded when landlord appears on time for scheduled set out.

10. Certificate of Transfer from Other Court located <i>in</i> Stark County	\$40.00
a) Certificate of Transfer from Court <i>outside</i> of Stark County	\$100.00
11. Jury Demand (Advance Deposit)	\$600.00
a) Jurors (each - after being sworn in)	\$10.00
12. Photo copy (per page)	.25
13. Certified copy (per page)	\$1.00
14. Subpoena (each person named & served by certified mail)	\$15.00
a) Advanced deposit for each witness for ½ day	\$6.00
b) Advanced deposit for each witness for full day	\$12.00
15. Revivor	\$30.00
16. Certificate of Judgment (includes \$10. Computer Fee and \$10. Capital Improvement Fee)	\$45.00
a) Certificate of Docket Entries (includes \$10 computer fee)	25.00
b) Exemplified Transcript	20.00
17. Certified Mail of any document	15.00
18. Personal Bailiff service of any document, including Subpoena	20.00
19. CD/DVD of Court Recorded Proceedings or Docket Record	10.00
20. Computer Printout of Docket Entries (per case)	1.00
21. BMV Petitions - point, refusals, FRA Limited Driving Privileges	100.00
a) Renewal of Driving Privileges	30.00
22. Marriage Fee	75.00
23. Foreign Service via Sheriff's Office	50.00
24. Non-Sufficient Fund Check Fee	25.00
25. Notice of Appeal (includes \$5 Computer Fee & \$5 Capital Improvement Fee)	25.00
26. Motion to Seal Eviction (disbursed to Court Capital/Special Projects Fund #2423)	50.00
27. Parking Enforcement Fee (Computer Fee per Parking Enforcement Case)	2.00

Said costs shall be payable in advance upon the institution of any proceeding unless the party instituting the same shall be allowed for good cause shown, by one of the Judges to institute his action without any payment of costs.

A reasonable charge for driving, towing, carting, storing, keeping and preserving motor vehicles, and other personal property recovered or seized in any proceeding shall be taxed as part of the costs in the trial of the cause.

All payments and deposits for costs in general shall be refunded when the same shall have been paid by the losing party.



STARK COUNTY MUNICIPAL COURTS

BAIL SCHEDULE

- 1) The Judges of the Canton Municipal Court, Massillon Municipal Court, and Alliance Municipal Court have pursuant to Crim. R. 46(G) ORDERED the following Uniform Bail Schedule for misdemeanor charges, including traffic offenses, where the defendant is booked into the Stark County Jail.
- 2) This Bail Schedule is for PRIOR to Court Appearance where no bail has been otherwise fixed. No Judicial Officer shall set bail according to this schedule at Court Appearance.
- 3) M1 Domestic Violence, Aggravated Menacing, Protection Order or No Contact Violations shall be held until the judge or magistrate of the court sets bail pursuant to Crim. R. 46.
- 4) For all other misdemeanor charges, including traffic offenses, personal recognizance is the rule.

Domestic Violence – M2, 3 or 4 shall include a condition of No Contact with the complainant and listed victim before being granted personal recognizance.

All other misdemeanors, including traffic offenses, shall be personal recognizance.
- 5) Medical emergencies requiring transportation out of the jail to a medical facility shall result in bail for any misdemeanor being modified to personal recognizance and issuance of summons.
- 6) Felonies shall have bail set by a Judicial Officer pursuant to Crim. R. 46 at Court Appearance unless granted Pretrial Release according to Common Pleas policy.