

**IN THE COMMON PLEAS COURT OF HANCOCK COUNTY, OHIO  
PART III – CRIMINAL RULES**

Effective January 1, 2007

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**ATTACHMENT A TO HANCOCK COUNTY, OHIO, WRITTEN PLEA OF NOT GUILTY**

**ATTACHMENT B TO HANCOCK COUNTY, OHIO, Motion for Intervention in Lieu of Conviction**

**Rule 3.01 APPLICATION AND ADOPTION**

- A. These rules shall be known as "The Hancock County Criminal Rules in the Common Pleas Court" (Hancock Crim.R.).
- B. These rules are adopted by the Court by way of Judgment Entry and become effective January 1, 2007 and may be amended by order of the Court executed by the Judges of the Criminal Division of the Court.

**Rule 3.02 GRAND JURY ASSIGNMENTS**

- A. The general trial division judges of this court shall alternately call, instruct, and monitor the grand jury each four-month session of the court term beginning January 1<sup>st</sup>, May 1<sup>st</sup>, and September 1<sup>st</sup> of each year. During this period the assigned judge will:
  - 1. Accept the grand jury report;
  - 2. Set bonds up to and including arraignment;
  - 3. Preside at arraignments;
  - 4. Assign pretrial dates;
  - 5. Hear cases proceeding upon information;
  - 6. Remand misdemeanor cases to the Findlay or Fostoria Municipal Court, where appropriate.
- B. In the absence or disability of the assigned judge, the functions of the regularly scheduled judge may be carried out by any other available and qualified judge.

**Rule 3.03 BOND AND ARRAIGNMENT**

- A. In cases of delayed service or unavailability of defendants indicted during a four-month session of the grand jury, the judge presiding at arraignments at the time of service will

fix bond, arraign and assign pretrial dates for such defendants when served or available. Upon Order of Reference pursuant to Ohio Criminal Rule 19, a magistrate may conduct arraignments and other proceedings designated in the Order of Reference.

B. Unless otherwise ordered, arraignments shall be held each Wednesday. Pursuant to Ohio Criminal Rule 10(B), the defendant may be absent from the assigned arraignment date if the following conditions are met prior to the time scheduled for arraignment:

1. The defendant is not in custody on the assigned arraignment date;
2. The defendant is represented by private or court-appointed counsel; and
3. The defendant, his attorney, and the prosecuting attorney have executed and filed a written plea of "not guilty" on the form approved by the Court and appended to these Rules as Form CR-1 (Attachment A).

C. For those defendants who have had a bond established by the Findlay or Fostoria Municipal Courts, said bond shall remain in effect and supersede the schedule below and remain in effect until otherwise modified by the Hancock County Common Pleas Court. (Updated 10-1-11). For those defendants who have been directly indicted by the grand jury who have the right to have a bond established prior to arraignment, the judges of the common pleas court have adopted the following bond schedule:

<u>FOR ALL OFFENSES COMMITTED ON OR AFTER JULY 1, 1996</u>			
Felony 1	\$30,000.00	Felony 4	\$ 7,500.00
Felony 2	\$22,500.00	Felony 5	\$ 3,750.00
Felony 3	\$15,000.00		

Bonds for aggravated murder and murder shall be established on a case-by-case basis by the judge assigned to hear the case.

D. In cases where a motion for denial of bail is made pursuant to Ohio Revised Code section 2937.222, the matter shall be set for immediate hearing on the calendar of the judge to whom that case is assigned.

E. In those cases where the Grand Jury has returned an indictment for misdemeanors or that include counts for misdemeanors, the following schedule for each misdemeanor count is adopted:

Misdemeanor 1	\$1,250.00
Misdemeanor 2	\$ 750.00
Misdemeanor 3	\$ 500.00

In each case involving misdemeanor counts, 10% of the foregoing schedule may be posted for misdemeanors only.

### **Rule 3.04 APPREHENSION ON WARRANTS**

Whenever a person is apprehended and in the custody of the Sheriff of Hancock County, Ohio, upon a bench warrant or upon warrants served after arraignments from a particular

grand jury return have taken place, both the Sheriff and the Clerk of Courts shall immediately notify the judge presiding at arraignments for that term.

### **Rule 3.05 COMPANION CASES**

Companion criminal cases shall be assigned to the same judge. Likewise, cases in which the same defendant is charged with a subsequent criminal offense shall be assigned to the same trial judge assigned any pending criminal charges against that defendant. At the discretion of the court, a criminal case may be transferred to the docket of the judge to whom a prior case involving that defendant was previously assigned.

### **Rule 3.06 INTERVENTION IN LIEU OF CONVICTION**

Pursuant to Rule 5 of the Ohio Rules of Superintendence for the Courts of Ohio, the Court hereby adopts the following Local Rule regarding the filing for Intervention in Lieu of Conviction.

A defendant who wishes to apply for intervention as provided in Ohio Revised Code section 2951.041 shall file the motion for intervention in accordance with that section. The Court will file an Entry shortly thereafter setting forth the following requirements:

Within seven days of the Entry, the Defendant shall report to the Forensic Team leader of the Hancock County, Ohio, Adult Probation Department at 514 South Main Street, Findlay, Ohio, for the preparation of an Ohio Risk Assessment. Appointments shall be scheduled personally or by telephone to (419) 424-7085. Defendant shall cooperate and participate in any recommended treatment program prior to hearing unless a reasonable explanation for delaying entrance is offered to the Court. If no good faith basis for delayed treatment exists, Defendant's motion for Intervention in Lieu of Conviction will be denied.

Defendant must obtain an Assessment from an appropriate licensed provider, certified facility, or licensed and credentialed professional pursuant to R.C. §2951.041(B)(4) or (5) for the purpose of determining the offender's eligibility for Intervention in Lieu of Conviction and recommending an appropriate intervention plan. It shall be the obligation of the Defendant to obtain this assessment and to provide copies of the assessment to the Hancock County Common Pleas Court, the Hancock County Prosecutor's Office, and the Hancock County Adult Probation Department at least seven (7) days prior to the scheduled hearing. If the assessment is not provided as described in this Entry, the Defendant's request will be denied summarily. A sample report of assessment is found at Attachment B to these Rules.

Once these two items are complete a probation officer from the Hancock County Adult Probation Department will be assigned to conduct an investigation. The Defendant must meet with the assigned probation officer at scheduled times and submit to random urine screens so that a thorough report may be prepared for the Court.

Compliance with the Court's Order does not guarantee eligibility for the Court's intervention in lieu of conviction program. Moreover, the Defendant's right to a speedy trial pursuant to Revised Code section 2945.71 shall be tolled as a result of the filing of a motion for intervention in lieu of conviction.

### **Rule 3.07 REQUIREMENTS FOR DOCUMENTS FILED WITH THE CLERK**

- A. All documents filed by counsel after the indictment shall have designated in the caption of the document, below the case number, the name of the Judge to whom the matter is assigned. If a visiting judge is assigned, the document shall contain that Judge's name and the designation that the Judge is sitting "by assignment."
- B. All documents, other than original documents attached or offered as exhibits, offered for filing with the Hancock County Clerk of Courts shall be offered for filing without folders or covers and the first page of filings shall have a 2 ½" unobstructed space at the top of the document for the Clerk to place a file stamp. All documents shall be one-sided and on 8 ½" x 11" bond paper.

### **Rule 3.08 DISCOVERY**

- A. In lieu of formal requests pursuant to Ohio Criminal Rules 7(E) and 16, the Hancock County Prosecutor's Office has a policy of providing "open file" discovery. To obtain "open file" discovery, defense counsel shall request same on the record at the time of arraignment and shall execute the Stipulation/Judgment Entry reflecting same. When "open file" discovery is requested and provided, then, at least seven (7) days prior to the trial of the case, the parties shall formally file documents accurately reflecting all discovery provided to that date.
- B. If defense counsel does not desire "open file" discovery or the State of Ohio refuses to participate in it, all discovery issues will be governed by Ohio Criminal Rules 7(E) and 16.
- C. All discovery time limits shall be extended or reduced only by written Order of the Court.
- D. In all cases, all parties are under a continuing duty to supplement any discovery responses.

### **3.09 ATTENDANCE AT COURT PROCEEDINGS**

Attendance by a prosecuting attorney, defense counsel, and the defendant is mandatory at all stages of the proceedings, including pretrials.

### **3.10 CONTINUANCES**

Any continuance granted on the defendant's motion shall toll the defendant's speedy trial time pursuant to Ohio Revised Code section 2945.72(E) and (H). Any judgment entry of continuance submitted on behalf of the defendant shall include language setting forth the tolling of speedy trial time, but counsel's or the defendant's failure to include such language shall not cancel the tolling effect.

### **Rule 3.11 RESTITUTION**

If restitution is ordered, monies paid by the defendant to the Clerk of Courts shall be applied first to the restitution, then to the costs, and then to the fines, unless otherwise ordered by the Court.

### **Rule 3.12 INDIGENT COUNSEL FEE STATEMENTS**

Court-appointed counsel representing indigent defendants in criminal proceedings shall, upon making application for compensation, itemize hours spent and clearly designate which was "in court" and which was "out of court" time. The itemization shall be submitted on the fee statement form as prescribed by the State of Ohio Public Defender. The "in court" and "out of court" time shall be computed pursuant to the Resolution Setting Attorney Fees enacted by the Commissioners of Hancock County, Ohio.

### **Rule 3.13 SEALING OF RECORDS**

If the court grants the sealing of a criminal record under Ohio Revised Code sections 2953.32 and 2953.52, the Clerk of Courts shall forward copies of the order sealing the records to the Ohio Bureau of Criminal Investigation, Federal Bureau of Investigation, Hancock County (Ohio) Sheriff, Findlay (Ohio) Police Department, and the Hancock County (Ohio) Prosecuting Attorney.

### **Rule 3.14 RETENTION OF EXHIBITS**

Neither the Clerk of Courts nor the Court Reporter shall retain exhibits for a period in excess of twelve (12) months from the completion of trial or other final hearing in a criminal matter unless the case is on appeal or the subject of a motion or order for new trial. Upon the expiration of twelve (12) months from completion of trial without any notice to the Clerk of Courts that exhibits should be retained for future proceedings, the Clerk of Courts shall notify the parties of the intended destruction of the exhibits using the procedure set forth in Rule 26(F) of the Rules of Superintendence for Courts of Ohio. If the party that tendered the exhibits fails to retrieve the exhibits and provide a written receipt for them as set forth in Rule 26(F), the Clerk shall dispose of the exhibits at the direction of the Court. It shall be the parties' responsibility to notify the Clerk of Courts of the basis for retention of exhibits for a period in excess of twelve months.

**Rule 3.15 CREATION OF SPECIALIZED DOCKET: Drug Court**

- A. The Hancock County Drug Court (“Drug Court”) is created pursuant to the specialized docket standards set forth in Rules 36.20 – 36.28, including Appendix I, of the Ohio Rules of Superintendence for the Courts of Ohio. The purpose of the Drug Court is to facilitate efficient and effective treatment of drug and alcohol dependent offenders. The mission of Drug Court is to improve the overall quality of life in the community by providing a court-supervised program for substance dependent offenders that will enhance their likelihood of being productive members of society, while keeping the community safe. Offenders shall be supervised by the Hancock County Adult Probation Department to ensure compliance with program requirements and to assist the offenders in progressing through treatment phases.
- B. The Drug Court Participant Handbook, adopted in February 2015 and as amended from time to time, is incorporated in this Rule. The Handbook is available at the office of the Hancock County Adult Probation Department and on the website of the Hancock County Common Pleas Court at [www.co.hancock.oh.us/commonpleas](http://www.co.hancock.oh.us/commonpleas).
- C. Potential participants in the Drug Court program may be referred to the program by a General Division Judge, the prosecuting or other attorney, treatment providers, probation officers, the offender, or other interested persons. Referrals can be made at any stage of the court process, to include intervention in lieu of conviction, post-plea and pre-sentencing, sentencing, and during community control sanctions. Upon referral, the Drug Court Coordinator conducts an initial eligibility screening.
- D. A Drug Court participant must meet legal and clinical eligibility criteria as set forth in the Drug Court Participant Handbook, as may be amended from time to time. The target population is the nonviolent, moderate-to-high-risk and moderate-to-high-need drug and/or alcohol dependent offender.
- E. The Drug Court participant shall be required to complete phases of treatment, and all other requirements, as identified and defined in the Drug Court Participant Handbook and the Drug Court Participation Agreement. While a program participant, offenders shall receive services to assist in meeting criminogenic needs. While a program participant, offenders are subject to random, frequent, and observed alcohol and drug testing. Upon graduation, the offender may remain under community control sanctions to ensure continued compliance and success.
- F. The Drug Court Treatment Team (DCTT) shall monitor each participant’s progress through team meetings and status review hearings with the assigned Judge. The DCTT membership shall consist of not less than: the assigned Judge; a Forensic Team Leader/Drug Court Coordinator; a Probation Officer; Specialized Docket Licensed Treatment Providers; Prosecutor; Defense Counsel; and a Forensic Team Case Manager. The duties of the DCTT members are outlined in the Drug Court Participant Handbook and are adopted herein.

- G. Program incentives are offered for participants who reach certain milestones or accomplishments; they are offered on a timely, graduated and individualized basis to ensure positive reinforcement for program compliance and achievement. Sanctions for a Drug Court participant's non-compliance vary in intensity and are timely, graduated, and individualized to ensure accountability and promote future compliance.
- H. Successful completion of the Drug Court program is based upon positive accomplishment in treatment and programming, as set forth in the Drug Court Participant Handbook. The assigned Judge has the discretion to determine when the participant has successfully completed the program.
- I. A Drug Court participant may be unsuccessfully terminated for ongoing noncompliance with program requirements, resistance to treatment, new and serious criminal convictions, serious specialized docket infractions, serious community control violation(s), or other bases as determined by the assigned Judge. A Drug Court participant may be terminated from the program on a "neutral discharge" where the participant has reached maximum benefit and is unlikely or unable to successfully complete the program. A Drug Court participant may be placed on "inactive status" due to unavailability or pending determination of the status of continued participation.
- J. For purposes of Supreme Court statistical reports, the case shall be considered disposed by the assigned Judge when the defendant is sentenced to or accepted in the Drug Court program, or if the defendant is ordered to the Drug Court program as a condition of Intervention in Lieu of Conviction.

**Rule 3.16 JURY USE & MANAGEMENT/VOIR DIRE**

- A. The Court, subject to the provisions of Chapter 2313 of the Ohio Revised Code, adopts the procedure of the Hancock County Data Processing Board and the use of automated data processing for the selection of prospective jurors.
- B. The Court hereby adopts and incorporates the Ohio Trial Court Jury Use and Management Standards pursuant to Rule 5(B) of the Rules of Superintendence for the Courts of Ohio, and the Hancock County Common Pleas Court Jury Use and Management Plan adopted by Journal Entry of April 1, 2017, as amended from time to time, which are maintained in the office of the administrative judge.
- C. Excusal and postponement for jury service are governed by Chapter 2313 of the Ohio Revised Code or its successor. An "extraordinary circumstance" for purposes of postponement beyond the jury year includes the trial docket of the Court in the last quarter of the jury year, but postponement for such basis shall not be for more than six months.
- D. Voir dire shall be conducted in conformity with the direction of the assigned judge. During voir dire, counsel may have the use of prospective juror information sheets that have been distributed and collected by the Court. The forms shall be returned to the Court at the conclusion of a trial.



### **Rule 3.17 RETENTION SCHEDULE FOR COURT RECORDS**

This Rule is issued pursuant to Rule 26(G) of the Ohio Rules of Superintendence for the Courts of Ohio to establish a retention schedule for court records not otherwise specified in those Rules of Superintendence or a retention schedule other than the minimum provided under those Rules.

#### A. Jury/Juror Records

- Original juror questionnaires shall be delivered to a deputy commissioner of jurors, who shall maintain the questionnaires in paper medium for one (1) year from the end of the jurors' terms of service, at which time the questionnaires in this medium may be destroyed. The juror questionnaires shall be maintained in electronic medium for a period of three (3) years, except in capital cases, for which the questionnaires shall be retained until judgment of execution has been carried out or the conviction is vacated and the defendant released.
- Records regarding juror excusals or postponement shall be maintained in paper medium for one (1) year from the end of the jurors' terms of service, at which time the records in this medium may be destroyed. The records regarding juror excusals or postponement shall be maintained in electronic medium for a period of three (3) years, except in capital cases, for which the questionnaires shall be retained until judgment of execution has been carried out or the conviction is vacated and the defendant released.
- Undelivered summonses and other jurors' communications shall be retained in their original medium for one (1) year from the end of the jurors' term of service and thereafter may be destroyed.
- Juror payment records in paper medium shall be retained for two auditing periods or for four (4) years, whichever shall last occur, and may thereafter be destroyed.
- Jury venire lists generated by a deputy commissioner of jurors for administrative use for a term of jury service shall be retained in paper or electronic medium for a period of one (1) year from the end of the jurors' terms of service, at which time the lists may be destroyed.

#### B. [Reserved]

### **Rule 3.18 ELECTRONIC FILING OF COURT DOCUMENTS**

- (A) DEFINITIONS. The following terms used in these rules are defined in this section.
- (1) CLERK REVIEW. A review of electronically filed documents by the clerk of courts in accordance with court rules, policies, procedures, and practice. Court clerks may review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before creating a docket entry or before docketing the case.
- (2) CASE MANAGEMENT SYSTEM (CMS). A court 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. This is any document that a court will (a) receive in electronic form, (b) record in its case management system, and (c) store in its document management system. This may include documents received in paper form and scanned into the court's DMS (see below). This will include notices and orders created by the court as well as pleadings, other documents, and attachments created by practitioners or parties. It will not include physical exhibits brought into the courtroom for the court's or jury's edification or documents and things which are not susceptible to capture in electronic form.

(4) COURT INITIATED FILINGS. These are official court documents entered into the docket or register of actions, such as notices or orders. The term "court initiated filings" is a simplification to indicate that documents will be internally created and submitted as part of the electronic court record, but could be submitted using exactly the same process as external filings if the court so desires.

(5) DESIGNATED EFILE CASE TYPES. Until such time as the court designates all filings on all cases as mandatory eFile case types, the court will designate certain cases or types of filings as mandatory, discretionary, or prohibited.

(a) Mandatory eFile Case Types. These are case types and filings that shall be submitted via the eFiling system.

(b) Discretionary eFile Case Types. These are case types and/or filings that may be submitted via the eFiling system.

(c) Prohibited eFile Case Types. These are case types and filings

that may not be filed electronically and shall be presented in paper form via traditional means via U.S. Mail or at the clerk's counter.

(6) DOCUMENT. A filing made with the court or by the court in either electronic format or scanned from paper, thus becoming part of the court's official record.

(7) DOCUMENT MANAGEMENT SYSTEM (DMS). A DMS manages the receipt, indexing, storage, and retrieval of the electronic (and scanned non-electronic) documents associated with a case.

(8) EFFECTIVE DATE AND TIME OF FILING OF A DOCUMENT. The date and time the electronic filing was received and uploaded to the clerk of court as noted by the time stamp on the submitted document.

(9) ELECTRONIC FILING (EFILE / EFILING). The electronic transmission, acceptance, and processing of a filing, referring collectively to the act of submitting

documents electronically as well as the procedures and computer systems required to support said filing. A submission consists of data, one or more documents, and/or images. This definition of electronic filing does not apply to facsimile or email.

(10) **ELECTRONIC FILING SYSTEM.** This is the system composed of software, hardware, transport, handling, storage mechanisms, procedures, and rules to allow for the submission of eFile documents.

(11) **ELECTRONIC SERVICE (ESERVICE).** The electronic transmission of an original document to all other registered case participants via the electronic filing system or by other electronic means, such as email.

Upon the completion of any transmission to the electronic filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.

(12) **ORIGINAL DOCUMENT.** The electronic document received by the court from the filer.

(13) **REJECTED FILING.** A document that does not comply with the applicable court rules, policies and procedures and does not meet the requirements of clerk review.

#### **(B) ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS**

(1) All pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders, or other documents submitted in designated eFile case types shall be filed electronically through the court's electronic filing system. The clerk shall not accept or file any document in paper form in mandatory eFile case types from litigants represented by counsel.

(2) In conformity with the Revised Code, Civil Rule 5(E), Criminal Rule 12(B) and the Rules of Superintendence for the Courts of Ohio, complaints, pleadings and other documents may be filed with the clerk of court electronically via the Internet, subject to the provisions in this rule.

(3) **APPLICATION OF RULES AND ORDERS.** Unless otherwise modified by approved stipulation or court order, all rules of civil, criminal, and appellate procedure, local rules, and orders of the court shall continue to apply to all documents electronically filed.

(4) **COURTESY COPIES.** Paper courtesy copies of documents filed electronically shall not be delivered to the court, unless specifically requested by the Court or required by applicable rules.

(C) ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS

(1) For all designated eFile case types, the court shall issue, file, and serve pursuant to Civ.R. 4 all pleadings, notices, orders, and other documents using traditional certified mail service, subject to the provisions of this rule.

(2) For all designated eFile case types, the filer shall file and serve Civ.R. 5 notices, orders, and other documents using courier, mail, or electronic means. Proof of service must be filed with the clerk.

(D) DESIGNATION OF ELECTRONIC FILING CASES

(1) Upon the designation of any particular case type as an eFile case or filing, the parties to that case who are represented by counsel shall promptly take steps to allow their counsel to file, serve, receive, review, and retrieve copies of their pleadings, notices, orders, and other documents filed in the case electronically. By definition, parties filing electronically or receiving electronic service of any documents filed must become participants in the court's electronic filing system.

(2) For eFile case types designated as mandatory, the court shall not accept or file any pleadings or instrument in paper form. Parties represented by counsel shall eFile a document by registering to use the court's electronic filing system.

(E) CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER. The court's electronic filing system shall assign the party's designated representative(s) a confidential and unique electronic identifier that must be used to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned case. Each person to whom a unique identifier has been approved shall be responsible for the security and use of such identification. All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the satisfaction of the court, by clear and convincing evidence, to the contrary.

(F) PRO SE LITIGANTS. All filings by parties appearing *pro se* shall be filed and served in paper form, unless the party petitions the court, and the court allows the party, to file and serve electronically, in which case the party may do so through the court's electronic filing system. The clerk of courts shall scan the paper document and, as required by applicable rules, may return the paper copy to the *pro se* litigant, retain the original paper copy, or take other actions the clerk deems appropriate.

(G) OFFICIAL COURT RECORD

- (1) For case types designated for electronic filing, parties shall file all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, notices, orders, or other documents electronically through the court's electronic filing system.
- (2) For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the electronic filing system, the electronic version constitutes the official court record.
- (3) Electronically filed papers have the same force and effect as those filed by traditional means.

(H) FORM OF DOCUMENTS ELECTRONICALLY FILED

- (1) **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 from time to time. A filed pleading shall not be filed as a scanned image document. Such pleadings shall be filed in a PDF format that permits word searches. 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.
- (2) **LOCATION OF DATE AND TIME STAMP.** Filers must leave a marginal location at the top right of each page for date and time stamps. This blank space must be no less than 2-1/2 inches wide and 3/4 inch high.
- (3) **PORTABLE DOCUMENT FORMAT.** All electronically filed documents, pleadings, and papers shall be filed with the clerk in portable document format (PDF) with the exception of proposed orders. Proposed orders must be submitted in Word [.doc or .docx] and reference the specific motion to which it applies. The electronic filing system will electronically transmit the proposed order to the assigned judge or judicial hearing officer.
- (4) **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. The formatting requirements and limitations set forth in section 1.03 of these rules apply to electronically filed documents.
- (5) **RESOLUTION OF FILING.** Documents shall be submitted in a resolution not less

than 300 dots per inch (DPI).

(6) SIGNATURES

(a) ATTORNEY/FILING PARTY SIGNATURE. 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 correct format for an attorney conformed signature is as follows:

/s/ Attorney Name  
Attorney's Name  
Bar Number OOXXXXXX  
Attorney for (party)  
Law Firm Address  
Telephone number  
Email address  
Fax number (if any)

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 Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Appellate Procedure, and/or any other law, rule of court, or local rule of practice or procedure.

(b) MULTIPLE SIGNATURES. When a stipulation or other document requires two or more signatures:

(i) The filing party or attorney shall confirm that the content of the document is acceptable to all persons required to sign the document. The filer will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.

(ii) The filing party or attorney then shall file the document electronically, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.

(c) THIRD-PARTY SIGNATURES. Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) shall be electronically filed only as a scanned image.

(d) JUDGE/JUDICIAL OFFICER SIGNATURE. Electronic documents may be signed by a judge or judicial officer via a digitized image of his or her signature. All orders, decrees, judgments, and other documents signed in this manner shall have the same force and effect as if the judge or judicial hearing 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.

## (I) REMOVAL OF METADATA AND PERSONAL AND PRIVATE INFORMATION

(1) Metadata includes information about the document and its contents, such as the author's name, keywords, and copyright information, used by search utilities. Metadata is invisible information retained as a document is being drafted, edited, and refined, including changes made, when, and by whom.

(2) The clerk of courts has no obligation and shall not be responsible for removing metadata or any personal and private or confidential information contained in a document that is electronically filed.

(3) The following warning shall be posted on the court's e-filing portal: "WARNING: Removal of document metadata is the responsibility of the filer. Any document metadata remaining may become part of the public record." The failure to post this warning on the court's e-filing portal does not change or alter the responsibility of the filer and does not impose any obligation on the clerk of courts or the court.

(4) Any person, by utilizing the court's e-filing system, consents to defend, indemnify and hold harmless the Hancock County Court of Common Pleas, the Clerk of Courts, the Hancock County Board of Commissioners, and all of their judges, deputy clerks, agents, and employees, from any and all damages that may result from the theft or misuse of personal and private or confidential information, whether visible or hidden in or contained within the metadata of a document presented for electronic filing.

(5) Judges and judicial staff should remove metadata from any orders, judgment entries, or other filings where the judge deems it advisable to remove all prior versions of or any other information about that document.

(6) The following information on removing metadata is available from Adobe.com. The court does not make any representations regarding the content of any of the following information and is not responsible for maintaining any of the following information. The following information is set forth for informational purposes only:

Sanitization-Remove hidden data from PDF files with Adobe® Acrobat® XI.

With a single click, find and delete all hidden data in a PDF file, including text, metadata, annotations, form fields, attachments, and bookmarks.

(a) At the top right in Acrobat, click the Tools pane. Open the Protection panel.

(b) The sanitation tools are listed under the heading Hidden Information. To permanently remove items such as metadata, comments, and file attachments, select

Sanitize Document. Click OK. To have more control over what is removed, select Remove Hidden Information.

(c) Type a name for your file, and click Save.

To learn more about removing confidential data from PDF files, see Redaction-Remove visible data from PDF files with Acrobat XI. Filers may refer to the many on-line resources, such as:

[www.prepressure.com/pdf/basics/metadata](http://www.prepressure.com/pdf/basics/metadata)  
[www.youtube.com/watch?v=3xPnLhdyuZQ](http://www.youtube.com/watch?v=3xPnLhdyuZQ)

<https://support.office.com/en-us/article/Remove-hidden-data-and-personal-information-by-inspecting-documents-356b7b5d-77af-44fe-a07f-9aa4d085966f>

(J) TIME FOR FILING AND EFFECT OF USE OF EFILE

(1) Any document filed electronically shall be considered as filed with the court when the transmission of the court's electronic filing system is complete ("effective date and time") and payment, if required, has been successfully tendered electronically. An electronic filing may be submitted to the clerk twenty-four hours a day, seven days a week. Nonetheless, the ability to file seven days a week shall not advance the date within which any document must be filed to a date on which the clerk of courts is not open (that is, on a weekend, legal holiday, or other closure). Further, on the date on which a document must be filed, the document may be electronically filed up until 11:59 p.m. Eastern Standard Time or Eastern Daylight Saving Time, whichever is in effect on that date. Any document filed after 11:59 p.m. Eastern Standard Time or Eastern Daylight Saving Time shall be deemed to have been filed on the next day. The court's electronic filing system is hereby appointed as the agent of the Hancock County Clerk of Courts for the purpose of electronic filing, receipt, service, and retrieval of electronic documents.

(2) Upon receipt of a filing, the court's electronic 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.

(3) A filer will receive subsequent notification from the clerk of courts that the filing has been ACCEPTED, placed in a PENDING status, or REJECTED by the clerk's office for docketing and filing into the general division's case management system. Each document will receive an electronic stamp. When the filing is ACCEPTED by the clerk, this stamp will include the date and time that the filer transmitted the document to the court's electronic filing system as well as the unique confirmation number of the filing.

(4) The clerk of courts shall review all filings to determine compliance with applicable



court rules, policies, procedures and practices. The clerk may review the data and documents electronically submitted to ensure compliance with court rules, policies, procedures and practices before creating a docket entry or before docketing the case.

(5) If a filing is found to have any missing element or to not otherwise comply with court rules, policies, procedures and practices, the clerk of courts may place the document in a PENDING status and transmit a notice to the filer. The filer will have two business days to complete the filing. If the filing is completed within two business days, it may be ACCEPTED by the clerk, and the filing will be deemed effective and completed on the date on which it originally was electronically filed. If the filing is not completed within two business days, it will be moved from PENDING status to REJECTED status.

(6) In the event that the submitted document is REJECTED by the clerk following review, the document is not filed and shall not become part of the official court record, and the filer will be required to re-submit and file the document to meet any filing requirements or deadlines.

(7) All documents submitted for e-filing shall not be considered a public record until ACCEPTED by the clerk following review.

#### (K) SYSTEM FILING ERRORS

(1) If the electronic filing is not filed with the court because of an error in the receipt of the document by the court's electronic filing system due to circumstances under the court's or clerk of court's control, the court may, upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date it was sent electronically.

(2) In the event of a technical failure which renders the clerk of court's eFiling interface non-functional for more than one hour, the clerk may provide notice on its website indicating the anticipated resolution time and what steps filers should take in the interim. At the discretion of the clerk or by order of a judge of the court, these steps may include a period of time where paper filing is required or permitted.

(L) ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS. Whenever a document is filed electronically through the court's electronic filing system, the system will generate a notification of electronic filing to the filing party or its designated counsel.

(1) COMPLAINT AND RELATED DOCUMENTS. Upon electronically filing the original complaint, third party complaint, or any pleading that adds a new party, the filing party shall also electronically file instructions for service. The clerk shall issue a summons and process in the designated method of service in accordance with the Civil Rules.

(2) SERVICE OF DOCUMENTS AFTER THE COMPLAINT

(a) **ESERVICE.** The electronic service of a subsequent pleading, filing or other documents in eFile cases shall be considered as valid and effective service 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 with the court's electronic filing system shall be served a paper copy by the filing party, not the court or clerk, in accordance with the applicable rules of civil procedure.

(b) **CERTIFICATE OF SERVICE.** A certificate of service on all parties entitled to service is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party so entitled. The certificate of service shall contain the following language: I hereby certify that I served the documents by process server, regular U.S. mail, commercial carrier, or electronic means (whichever is applicable) to the following (list of parties served).

(c) **SERVICE OF PROPOSED ENTRIES AND ORDERS.** It shall be the responsibility of the filing party, not the court or clerk, to serve all proposed entries and orders submitted to the court for signature on all parties. Proposed orders should include a certificate of service as set forth in section (L)(2)(b) of this rule.

(3) **SERVICE ON PARTIES-TIME TO RESPOND OR ACT.** eService shall be deemed complete at the time a document has been received by the court's electronic filing system as reflected by the effective date and time appearing on the electronic transmittal. Effective with the commencement date of electronic filing, any period of time to respond to the served document or perform any right, duty, or act shall be strictly governed by the applicable rules of the court.

(4) **FAILURE OF ELECTRONIC SERVICE.** If the e-filing system fails to generate the Notice of Electronic Filing, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed.

(M) CONVENTIONAL FILING OF DOCUMENTS

(1) Notwithstanding the foregoing, the following types of documents may be filed conventionally, unless expressly required to be filed electronically by the court:

(a) **CONFIDENTIAL INFORMATION.** Personal data identifiers should be filed under separate cover in accordance with section 2.05 of these rules.

(b) **DOCUMENTS FILED UNDER SEAL.** A motion to file documents under seal shall

be filed and served electronically. However, the documents to be filed under seal shall be filed with the clerk of courts in paper form.

(c) DOCUMENTS TO BE PRESENTED TO A COURT IN CAMERA. Documents to be presented to a court *in camera*, solely for the purpose of obtaining a ruling on the discoverability of such documents shall be filed with the clerk of courts in paper form.

(d) EXHIBITS. Exhibits or other items that may not be comprehensibly viewed in an electronic format may be filed and served conventionally.

(N) COLLECTION OF FILING DEPOSIT AND FEES

(1) The clerk of courts shall assess normal filing fees, and case deposits will be collected via a financial transaction device (electronic means) at the time the filing is processed. Any fees or charges associated with the payment of fees or costs via financial transaction device (electronic means) shall be the responsibility of the filer and shall be paid at the time the filing is processed.

(2) Any document requiring payment of a filing security deposit or a fee to the clerk of courts in order to achieve valid filing status shall be filed and paid electronically in the same manner as any other eFile document.

(3) The electronic filing system will establish a means to accept payment of deposits and fees electronically, including the process for filing an affidavit of indigence.

(4) The clerk shall charge for the printing of pleadings, notices, orders, and other copies for service at the page rates as posted in the clerk of courts fee schedule current as of the effective date and time of filing.

(O) PUBLIC ACCESS TERMINAL. The public can view electronically filed documents in the clerk's office. Users shall be charged for printed copies of documents at the page rates as posted in the clerk of courts fee schedule.

**Rule 3.19**      **ELECTRONIC RECORD IS OFFICIAL COURT RECORD**

(A) DEFINITIONS. See Local Rule 1.36 for definitions of terms used in this section.

(B) OFFICIAL COURT RECORD

- (1) As of (*insert effective date*), the electronic record of the court's case files, stored in the court and clerk's Case Management System and Document Management System will constitute the Official Court Record of the court.-
- (2) An electronic record is any document that a court will:
  - (a) receive in electronic form,
  - (b) record in its case management system, or
  - (c) store in its document management system.
- (3) The Electronic Record may include documents that have been electronically filed as well as documents filed in paper format that have been scanned and uploaded to the electronic filing system.
- (4) The Electronic Record will not include physical exhibits brought into the courtroom for the court's or jury's edification or documents and things which are not susceptible to capture in electronic form.
- (5) Although there may be a physical case file associated with a case, the electronic case record will serve as the Official Court Record.
- (6) For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the electronic filing system, the electronic version constitutes the Official Court Record.
- (7) Electronically stored documents have the same force and effect as those traditionally stored in tangible form.
- (8) Any records that exist in only paper form will constitute the Official Court Record.

(C) RECORD LONGEVITY

- (1) The court and court clerk will establish an Electronic Records Management methodology, including the storage of Metadata, a "Continuum of Care" of the records for preservation over time, and redundant storage mechanisms to ensure the near term preservation of the court record in the event of a localized natural or man-made disaster.
- (2) With the introduction of this robust and fault tolerant storage methodology, the need for microfilming of court records has been eliminated.
- (3) The retention schedule for each case type shall be considered permanent unless otherwise noted in these rules or in the Rules of Superintendence.



**IN THE COMMON PLEAS COURT OF HANCOCK COUNTY, OHIO**

**THE STATE OF OHIO**  
Plaintiff

Case No. \_\_\_\_\_

v.

**WRITTEN PLEA OF NOT GUILTY**

\_\_\_\_\_  
Defendant

\_\_\_\_\_ /

The defendant herein, \_\_\_\_\_, says he/she has been indicted by the \_\_\_\_\_ session of the Hancock County Grand Jury as follows:

Count 1: \_\_\_\_\_

Count 2: \_\_\_\_\_

Count 3: \_\_\_\_\_

Count 4: \_\_\_\_\_

Count 5: \_\_\_\_\_

Count 6: \_\_\_\_\_

Defendant further acknowledges he/she has been served a copy of the indictment; waives the reading of the same in open Court; waives any applicable statutory waiting periods for arraignment; acknowledges an understanding of each charge with which he/she is indicted; and waives his/her right to be present in open court for arraignment.

Defendant further enters a plea of NOT GUILTY upon each and every charge contained in the indictment.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Counsel Signature and Reg. No.

\_\_\_\_\_  
Counsel Address

\_\_\_\_\_  
Counsel Telephone

Pursuant to Criminal Rule 10(B) the State of Ohio approves for filing the above written plea of Not Guilty.

\_\_\_\_\_  
Prosecuting Attorney

Attachment B to Hancock County, Ohio, Criminal Rules

DATE

Hancock County Court of Common Pleas  
JUDGE  
300 South Main Street  
Findlay, OH 45840

Re: Motion for Intervention in Lieu of Conviction  
DEFENDANT, CASE NUMBER  
SSN:  
DOB:

Dear JUDGE,

Please be advised that I am a [give appropriate licensing or credentialing information as authorized and listed in Ohio Revised Code section 2951.041(B)(5), e.g. Licensed Independent Chemical Dependency Counselor] licensed by the State of Ohio, and I am presently employed in that capacity at AGENCY/ADDRESS.

In the course of my duties at AGENCY, I have evaluated and will be treating OFFENDER'S NAME for substance dependency and abuse in an individual counseling program. His/Her diagnosis per DSM-IV criteria is [appropriate diagnosis, e.g., Alcohol Dependency 309.90, Marijuana Abuse 305.20, and/or Cocaine Abuse 305.20]. [Include appropriate intervention plan, e.g. This program involves individual therapy and it is expected that the offender will continue his/her treatment in this program until I believe maximum treatment benefit has been obtained. In addition to the counseling that I will be providing OFFENDER'S NAME, he/she will also be ordered to attend 2-3 AA/NA meetings per week, turning in signed slips as proof of attendance.]

It is my professional opinion that OFFENDER'S NAME drug/substance usage was a factor leading to the criminal charge (i.e. Possession of Drugs) before the Court; that at the time of the offense he/she was drug/chemically dependent or in danger of becoming drug/chemically dependent; and that the intervention in which he/she is currently participating [or scheduled to commence] through AGENCY will substantially reduce the likelihood of any further criminal activities on his/her part.

If you need further information with respect to OFFENDER'S NAME course of treatment and his/her participation in the program, please contact me. Monthly progress reports will be provided on a regular basis.

Sincerely,

THERAPIST/CREDENTIALS  
AGENCY