

**THE INS AND OUTS
OF PRACTICE IN
PERRYSBURG MUNICIPAL
COURT**

PERRYSBURG MUNICIPAL COURT
300 Walnut Street
Perrysburg, Ohio 43551-1455

(419) 872-7900
Fax: (419) 872-7905

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1. Initial Appearance in the Court

If you have not yet practiced in Perrysburg Municipal Court, please introduce yourself to the staff and judge so we may know who you are. Visit the bailiff's office to be added as an attorney in our computer system to identify you to receive notices.

2. Traffic and Criminal Pre-Trial Procedure

Obtain case from traffic/criminal clerk after signing for case. Go to the prosecutor's office for pre-trial. After pre-trial go to the assignment bailiff for a trial or plea date, or to the courtroom for plea.

Prosecutor's office hours are 8:00 a.m. to 4:30 p.m. Kevin Heban is prosecutor for the city of Rossford - Gerald E. Galernik and Melissa M. Galernik are assistant prosecutors. Brian Ballenger is prosecutor for Northwood and Walbridge. Marty Aubry is prosecutor for all other cases - Cynthia Smith is assistant prosecutor. The phone number is (419) 872-8045. Jennifer Hamilton and Linda Schwartz are legal assistants.

Sandy Baumann is the Domestic Violence Victim Advocate with an office between the prosecutor and clerk in Conference Room B. Her phone number is (419) 872-7971.

3. Civil Pre-Trial Procedure

You must complete the pre-trial statement sent to you prior to the pre-trial date. File it with the court and exchange copies with opposing counsel or party. Please ensure your client's presence at pre-trial or come with authority to settle the case.

4. Judgment Entries

Submit a proposed judgment entry on all motions that may be granted summarily. This will expedite the granting of your motion. If a proposed judgment entry is not sent with your motion, it will delay your case. Enclose a self-addressed, stamped envelope for any pleadings or other papers you wish to be returned to you.

5. Fax Filings Available

Local Rule 1.06(F) provides for filings by fax. The fax number is (419) 872-7905. Local rules must be followed exactly; i.e., the source document filed by fax shall be retained by the person making the filing until the case is closed and all

opportunities for post judgment relief are exhausted. Only one copy is needed. Suggested usage: a) entry of appearance, waiver of arraignment and time for speedy trial for traffic and criminal cases; b) sending documents, such as proof of insurance.

6. Web Site

Visit our web site at *www.perrysburgcourt.com*. You can download several forms including a Petition for Limited Driving Privileges as well as a copy of the Local Court Rules. You may also access the court's files by clicking the Access Court Records link on the left of the screen.

7. Bureau of Motor Vehicle Suspension Appeals (12 point)

If appealing for limited driving purposes only, obtain stipulations from the prosecutor. Obtain journal entry from the bailiff and complete all information (e.g., driver's license number, BMV case number) including detailed driving needs. Privileges, usually, will not be granted for more than five days per week nor more than fourteen hours per day. Take case to judge for consideration.

8. Motions to Suppress

Motions to Suppress should be filed within the time period allowed by Criminal Rule 12(C). Motions to suppress should contain a memorandum with operative facts of the case. Boilerplate motions are usually dismissed for lack of factual allegations. *Bryan v. Fox* (1991), 76 Ohio App.3d 607; *State v. Schindler* (1994), 70 Ohio St.3d 54. If you need an extension of time to file a motion to suppress, a request should be filed before the time period expires. Always submit a proposed order.

9. Conference Rooms / Amenities for Attorneys

Perrysburg Municipal Court has conference rooms for your use. Two are located off the hallway on the second floor near the prosecutor's office. One is located on the first floor (for use with in-custody clients). It is socially unacceptable to discuss business with your client in the hallway. Please use the conference rooms for your business. This protects your client's privacy and dignity.

You may hang your coat in Jury Room 2 when it is not in use during a jury trial. The law library also contains a phone for your use along with updated volumes of the *Ohio Revised Code*, *Ohio Jurisprudence 3d*, *Ohio State Reports 3d*; and *Ohio Appellate Reports 3d*.

10. Security Key (needed to enter the library and judges' chambers)

If you choose not to obtain your own security key, you may use a day security key to access the law library and judges' chambers. Instructions for its use will be given to you when you receive your security key from the bailiff's office. Please do not enter a secure area without a security key. You may be delayed.

11. O.V.I. Program

The court will order a 72-Hour Driver Intervention Program for all first time OVI offenders. Out of state programs are not permitted, because they are not certified by the Ohio certifying authority. The defendant will receive information about court approved program providers from probation after sentencing.

Underage Consumption/Possession – For first offenders, the defendant will be referred to the 48-Hour Intensive Underage Education Program. The program is held at Nazareth Hall in Grand Rapids, Ohio and is administered by Behavioral Connections. The case is dismissed upon successful completion and the record sealed after a hearing in open court. Ensure that you have an order (obtained from the Clerk) to seal the case.

Drug Abuse/Drug Paraphernalia – For first offenders, the defendant will be referred to the 48-Hour Adult Marijuana Program (AMP). The program is held at Nazareth Hall in Grand Rapids, Ohio and is administered by Behavioral Connections. The case is dismissed upon successful completion and the record sealed after a hearing in open court. Ensure that you have an order (obtained from the Clerk) to seal the case.

12. Know the Court Personnel

Clerk's Office: (419-872-7900; Fax: 419-872-7905) Court Administrator, Janice Elkes. Traffic & Criminal Deputy Clerks: Debbie Guy, Shawn Reiter, DeAnna Routson, and Manuela "Menu" Uribe. Civil Deputy Clerks: Debbie Barr and Priscilla Maciejewski. File Clerk, Bev Hoeflinger (part-time).

Bailiff's Office: (419-872-7925; Fax: 419-872-7930) Chief Bailiff, Doug Spencer. Deputy Bailiffs: Beverly Gerner and Carole Hennan. Courtroom Deputy Bailiffs: Deloy Schramm, Frank Shinaver, and Kenny Vajen. Security Desk/Process Server Deputy Bailiffs: Greg Genzman, Brian Miller, Harold Thornton, and Paul Weist. Transportation Officer Deputy Bailiffs: Rodger Cochran and Mickey Reiter.

Judge's Office: (419-872-7915) Judge, S. Dwight Osterud; Acting Judge, Kevin A. Tackett; Magistrate, James F. Schaller, II; and Secretary, Jennifer Meece.

All of these persons are employed to assist you. However, they do not give legal advice.

13. Mediation

The court has an effective Mediation Program. Please educate your clients about the benefits of mediation. If you want a referral from a pre-trial, all parties must be present to set a date and time for mediation.

14. Volunteer Probation Officers

The court has a limited number of persons from the community who mentor probationers. You may suggest to the Court that your client be referred.

PRACTICE POINTS TO REMEMBER

- Always be on time. If you are going to be late, call the court at (419) 872-7915. Generally, you have set the time and date of your appearance, so you are expected to be present and on time.
- Continuances – More than one continuance of a criminal or traffic case is discouraged. However, request should be submitted by written motion with a proposed entry for court consideration, or an oral motion to the court. You must waive time.
- Local Court Rules are available from the clerk's office or online at *www.perrysburgcourt.com*. Please familiarize yourself with our Local Rules. When in doubt about a local procedure, please ask someone at the court, including the judge, as to how to proceed.
- Court Forms – Use court's form for vehicle release or limited driving privileges. If you don't use our forms, your request will probably be delayed.
- Vehicle Release – Only vehicles seized on BMV2255 or seized as evidence require court order for release. Otherwise, go to the arresting agency for release.
- Proof of Insurance is required in appropriate cases. Tell your client bring proof of insurance reflecting coverage on the date of the offense with him/her. If proof is not shown at court appearance, it can't be accepted later by the Clerk and must instead be proven to the BMV.
- OVI Pleas – Please, no OVI plea after 11:00 a.m. (11 a.m. – 1 p.m.) or after 3:30 p.m. Plan accordingly.
- Waiver of Appearance – All felonies must appear for arraignment. No waiver! Appearance for domestic violence and violations of a protection order charges cannot be waived. (Crim.R. 43)
- Payment of Restitution – Restitution is paid through Probation. Payment will only be accepted in the form of a money order made payable to the victim. The Clerk's office handles all other financial matters, information, or copies.
- Notice of Appearance – Notice of appearance must be received in a timely manner in order to get it on the docket. You may fax it to 419-872-7905.
- CDL – No court may grant limited driving privileges to operate a commercial vehicle to any person whose driver's license or commercial driver's license has been suspended (ALS suspension applies).

- Sentencing After Pre-Sentence Investigation – Probation will contact the attorney to schedule a sentencing date after a pre-sentence investigation (PSI) has been ordered and completed. You must notify your client of the sentencing date.
- Sealing/Expungement – Most first offender convictions except for those specified in R.C. 2953.36 involving sex, violence, or traffic law, can be expunged after one year. Most drug convictions are expungeable; however, the Ohio Bureau of Motor Vehicles is prohibited from deleting any record of conviction pursuant to R.C. 4501.37. A motion for expungement must be filed with a \$50 filing fee. The case will be set for hearing. There is no filing fee for the sealing of a dismissed case. There must be a hearing in open court, and the Clerk will supply the order.
- Appointed Counsel Fees – Each time you are appointed to a case, secure an affidavit of indigency from your client. Fees cannot be paid without a notarized affidavit of indigency. Blank lines are unacceptable – insert a zero if the answer is nothing or none.

An attorney billing program to complete the Appointed Counsel Fee Application (Form 1026R) is available for download from the website of the Ohio Public Defender at http://opd.ohio.gov/reimb/rm_Reimbursement.htm or use the pdf link to print a blank form. The current rate for in-court services is \$50 per hour, and out-of-court time is \$40 per hour. Attach a receipt for any expense over \$1. Mileage is paid at the rate of 30 cents per mile. Show the total number of miles traveled including to and from locations (ex: 53 miles @ .30/mile for round trip travel from office to court = \$15.90 travel expense). The original application (no copies are required) should be submitted to the attention of Jennifer Meece.