

COURT  
APPOINTED  
COUNSEL  
MANUAL

## Rule 16. Appointed Counsel

### 16.01 List of Appointed Counsel

The Court shall maintain a list of attorneys in private practice who are willing to accept appointments for cases in the Franklin County Municipal Court subject to conflict with the Public Defender's Office. Attorneys desiring to be placed on the list of Appointed Counsel shall apply in writing. Applications may be found on the Franklin County Municipal Court Clerk's website. Open enrollment for the list occurs in June and December.

### 16.02 Standards for Appointed Counsel

(A) In order to be approved for inclusion on the Court's list of Appointed Counsel, an attorney must meet the following standards:

- (1) Be a licensed Ohio attorney in good standing for at least one year.
- (2) Have completed at least six (6) hours of continuing legal education in criminal practice and procedure. Attorneys who wish to be appointed to misdemeanor OVI cases must have completed at least six (6) hours of continuing legal education to OVI practice and procedure.
- (3) Have experience as lead counsel or co-counsel on ten (10) or more criminal/traffic cases. Of the ten cases, at least five (5) must be as lead counsel.
- (4) Have practiced in the Franklin County Municipal Court within the past year.
- (5) Attend an orientation program approved by the judges of the Franklin County Municipal Court.
- (6) Within six (6) months of attending the orientation program, observe proceedings in the Franklin County Municipal Court for six (6) hours with an experienced court appointed or other approved attorney. (See Loc. R. 16.06).
- (7) Maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct.

(B) The orientation requirements or a portion thereof may be waived upon application and approval of the Administrative Judge.

### 16.03 Duties

- (A) Upon appointment the attorney shall perform basic duties as warranted by the facts of the case and shall act in a professional manner.
- (B) The attorney must personally represent the client for whom (s)he was appointed and shall not, absent an emergency, allow substitute counsel to represent the client. The attorney must be present at all dispositive hearings. Repeated failure to personally represent the client will result in removal from the list of Appointed Counsel.
- (C) The attorney shall have a working phone with a secretary and/or voicemail to be able to respond to calls from the Court or clients. The attorney shall inform the Court promptly of a change of address or phone number.

### 16.04 Requirements for CLE and Professional Liability (Malpractice) Insurance

- (A) Attorneys wishing to remain on the Court's list of Appointed Counsel must do the following:
  - (1) Attend six (6) hours of continuing legal education related to municipal court criminal practice and procedure and approved by the Franklin County Municipal Court during the attorney's reporting period set forth in Gov. Bar R. X. Attorneys who wish to be appointed to misdemeanor OVI cases must have completed six (6) hours of continuing legal education in OVI practice and procedure. An attorney shall file a certificate of CLE compliance with this Court no later than the thirty-first day of January after the end of the attorney's biennium reporting period.
  - (2) Maintain professional liability (malpractice) insurance in the amount equal to the minimum coverage required by the Ohio Rules of Professional Conduct. An attorney shall file a certificate of compliance with this requirement no later than January thirty-first of each year.

### 16.05 Removal

#### (A) Temporary Removal

If a criminal charge, a serious traffic charge, or a formal disciplinary complaint is filed against an attorney on the list of Appointed Counsel, the attorney may be removed temporarily from the appointment rotation. An attorney who is temporarily removed is not eligible to be appointed to any cases, and shall not accept appointment to any cases. When the charge or complaint is resolved, the attorney may become eligible to accept appointment.

(B) Judicial Removal

An attorney may be removed from the list of Appointed Counsel with the approval of a majority of the judges of the Franklin County Municipal Court. The removal process may be initiated for the reasons set forth in Local Rule 16.07(3)(a-e). The removal request shall be in writing, initiated by a judge, setting forth the nature of the complaint. The complaint will be reviewed by the Court Appointed Counsel Committee, which will determine whether just cause exists to find that a violation of the court rules has occurred. Upon such a finding, the committee chair will notify the attorney that a complaint has been filed that could result in removal of the attorney from the list of Appointed Counsel. The attorney will be given an opportunity to file a written response within fourteen (14) days. Any written response will be distributed at the Judges' Meeting where the removal of the attorney will be considered.

- (C) If an attorney is removed from the list of Appointed Counsel, the attorney may seek reinstatement and may be required to complete the orientation and mentoring requirements. For good cause, the Administrative Judge may remove an attorney from a specific case or from the list of Appointed Counsel.

(D) Duty to Self-Report

If a criminal charge, a serious traffic charge, or a formal disciplinary complaint is filed against an attorney, the attorney is required to immediately notify the chair of the Court Appointed Counsel Committee.

(E) Duty to Cooperate

If an attorney is temporarily or judicially removed from the list of Appointed Counsel, the attorney is required to cooperate with the Court Appointed Counsel Committee by identifying all open cases to which the attorney has been appointed.

16.06 Panel of Mentors

The panel of mentors is composed of experienced attorneys who practice in the Franklin County Municipal Court and are available to mentor new applicants. All communications between an attorney mentor and his client in the presence of an attorney applicant participating in the mentoring shall be deemed confidential and the attorney/client privilege shall apply.

16.07 Court Appointed Counsel Committee

- (A) The Administrative Judge shall appoint judges of the Court to serve on a Court Appointed Counsel Committee. The committee shall have the responsibility to do the following:
- (1) Determine the qualification of attorneys for inclusion on the list of Appointed Counsel.
  - (2) Obtain a mentor for an attorney who may need remedial assistance to continue to remain on the list of Appointed Counsel.
  - (3) Recommend temporary removal or judicial removal of an attorney for non-compliance with these rules or other conduct which would impair the attorney's ability to serve the defendant and the Court, including the following:
    - (a) A criminal charge, a serious traffic charge, or a formal disciplinary complaint pending against the attorney
    - (b) Substance abuse issues
    - (c) Mental health issues
    - (d) Professional incompetence
    - (e) Excessive use of substitute counsel or missed appearances.
  - (4) Approve continuing legal education that complies with the requirements of Rule 16.04.
  - (5) Recommend future changes to this rule.
- (B) Nothing in this rule shall limit the authority of the Administrative Judge to appoint ad hoc non voting members to serve on the Court Appointed Counsel Committee as deemed appropriate.

16.08 Payment of Expenses

- (A) Appointed counsel seeking payment for expenses from the Court shall correctly complete the forms prescribed in the Ohio Public Defender's STANDARDS AND GUIDELINES FOR APPOINTED COUNSEL REIMBURSEMENT. The Court may withhold payment to an attorney until all necessary forms pertaining to the case are completed and correctly filed.
- (B) Prior Court approval is not required for expenses up to \$100. Prior approval by the Assigned Judge is required before incurring expenses between \$100 and \$2,500. Expenses in excess of \$2,500 require prior approval both by the Assigned Judge and the Administrative Judge. Attorneys

will not be reimbursed for travel time, mileage, or parking. No allowance will be approved for fixed office overhead. Attorneys seeking reimbursement for expenses must provide receipts for all expenses in excess of \$1.

- (C) Prior to approving an attorney's request to incur expenses, the Assigned Judge or the Administrative Judge shall consider the value of the service to the defendant's proper representation at trial and the availability of an alternative which would fulfill the same function as the service sought.

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# PUBLIC DEFENDER

# MEMO

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To: All Attorneys  
From: Yeura Venters, Director  
Subject: Self-Audit  
Date: 11-20-02

Comments:

QUALITY REPRESENTATION IS DEFINED BY:

- 1) THE ATTORNEY – CLIENT RELATIONSHIP
- 2) PREPARATION
- 3) EFFECTIVE ADVOCACY

**HOW DO YOU COMPARE?** This quick self-audit of measurable quality indicators is designed to help you provide Quality Representation to your clients.

Developing and maintaining client relationships

Do you?

- Meet with clients as soon as possible and take notes?
- Gather essential information including complete information from the clients?
- Familiarize yourself with the culture and values of the clients?
- Spend adequate time with clients?
- Answer questions?
- Explain the consequences of conviction and of court proceedings?
- Involve the client in decision-making?
- Keep clients informed and up-to-date?
- Inspire trust and confidence?
- Advise clients?
- Make yourself accessible to clients?
- Receive client satisfaction?
- Use appropriate interview techniques and overcome barriers to effective communication?
- Protect confidentiality of client's information?
- Act ethically?

*Public Defender Office*  
373 South High Street  
12<sup>th</sup> Floor  
Columbus, OH 43215-6302  
614-461-3194-phone  
614-461-6470-Fax

### Preparation

Do you?

- Develop a plan of action identifying and considering all issues and defenses in the case?
- Know and understand the law?
- Investigate the facts?
- Create a theory of defense?
- Get discovery and all other relevant documents?
- Evaluate the state's case including reviewing the charging documents?
- Research, prepare, and file pretrial motions?
- Demonstrate commitment to learning and improvement?
- Develop the expertise needed for the particular case?
- Use interpreters, client service specialists, investigators, experts?
- Brainstorm and seek input from, and provide input to, others?
- Document events and information as well as keep contemporaneous and accurate time?
- Create alternative outcomes (for use in negotiations and dispositions)?
- Manage caseload and workload to ensure the timely completion of tasks?
- Respond promptly to inquiries from clients, DAs, courts?
- Prepare witnesses?
- Act ethically?

### Effective advocacy

Do you?

- Demonstrate a proficiency of litigation skills?

#### *Pretrial hearings*

- Preliminary examinations?
- Motion hearings?
- Other hearings?

#### *Trials*

- Develop a trial strategy (how to best present the theory of defense?)
  - Jury selection?
  - Opening statement?
  - Confronting the state's case?
  - Presenting the defense case?
  - Closing arguments?
  - Jury instructions?
- Negotiate to the advantage of the client?

- Know and use the facts?
- Present effective sentencing/disposition arguments?
- Obtain pretrial release?
- Use persuasive techniques?
- Make and preserve the record?
- Demonstrate professionalism in the courtroom?
- Act ethically?

## ATTORNEY QUESTIONNAIRE

### QUALITY REPRESENTATION IS DEFINED BY:

- 1) NATURE OF ATTORNEY- CLIENT RELATIONSHIP
- 2) PREPARATION
- 3) EFFECTIVE ADVOCACY

#### Attorney-Client Relationship

- 1) Do you provide an opportunity for your client to fully relate to you all the facts that he or she feels may be pertinent to the case, or  
Do you always meet with them under exigent circumstances and try to elicit only facts that you feel are pertinent?
- 2) Do you listen to the client and then advise them of the options available based upon your legal analysis, or  
Do you dictate the client's course based upon your own value system?
- 3) Do you explain the process to the client, or  
Do you expect the client to blindly follow your direction because you are the expert?
- 4) Do you treat each client with dignity and respect, or  
Do you just expect for them to treat you that way because you have the law degree?
- 5) Do you timely advise the client of the benefits and risks of each available option allowing him the opportunity to reflect upon his choices, or  
Do you merely recite the options minutes before a decision must be made and expect an immediate response?

#### Preparation

- 1) Do you gather and analyze facts including investigative, client services, and expert assistance when needed, or  
Do you just fill out a discovery form and hope all the necessary information will be provided by the adverse party?
- 2) Do you identify the legal issues and conduct or initiate legal research to develop those issues, or  
Do you rely on the case law advanced by legal adversaries?
- 3) Do you strive to keep abreast of changes in the law and demonstrate a continuing commitment to learning and honing your skills as an attorney, or  
Do you feel that your current knowledge provides you with a sufficient grasp of the applicable law and criminal statutes, so further insight is not needed?
- 4) Do you perform a case analysis by considering all the pertinent factual information and law to develop a trial (legal) strategy to resolve the client's issues, or  
Do you merely accept the client's version of guilt or innocence and perform accordingly?
- 5) Do you seek specific community service providers that could address the

treatment needs of your client, or seek the assistance of a mitigation specialist to develop community alternatives at sentencing, or  
Do you rely on the Court to make the appropriate disposition or sentence for your client based upon the information presented?

### Effective Advocacy

- 1) Do you use your knowledge of the facts of each case and mitigating factors about your client to give you a persuasive edge in plea negotiation, or  
Do you merely rely on the prosecutors to define the parameters of the negotiation based upon the seriousness of the alleged offense and their perception of your client's culpability?
- 2) Do you try to gain as much knowledge as possible about courtroom practice and the predilections of the judge and prosecutor prior to plea negotiations, or  
Do you just rely on the prosecutor to define the plea bargain, and the judge to sentence your client accordingly?
- 3) When appropriate, do you urge the use of a specific community service provider as a sentencing alternative to maintain your client in the community and address his/her treatment needs, or  
Do you feel the Court is well aware of all the community resources available and will sentence the defendant accordingly?

## CHECK LISTS

### 4D

1. check name
2. address
3. phone number
4. message phone
5. employm
6. dependants
7. tell name
8. give pamphlet with jail call days
9. complete plea form
10. enter appearance
11. interview the client
12. is this case a conflict
13. does client have open cases
14. process conflict
15. check the Court file
16. Bond considerations
17. ties to the community
- 18.

### 4C

1. complete affidavit of indigence
2. give pamphlet or business card
3. complete plea form with correct address on the form
4. check oi for in jail status
5. Is this a possible plea
6. Diversion possibility
7. Request for Protection Order

### Traffic case

1. Probable cause for the stop
2. Documentation as to suspension
3. Notice to the client of suspension
4. Insurance
5. Accident
6. Priors
7. Driving Privileges
8. Hard suspension terminate
9. FRA suspension time

10. what kind of suspension Can get valid ( how are consequences different)



# PROFESSIONALISM IN THE COURTROOM

Issued by the Commission on Professionalism:

*To be truly professional when appearing in court, a lawyer must act in a proper manner. Such conduct goes beyond complying with the specific rules of procedure and of evidence promulgated by the Supreme Court of Ohio and with local rules issued by trial courts and individual judges. Proper conduct in the courtroom also includes adhering to common principles of civility and respect when dealing with the judge, court staff, and opposing counsel. The Supreme Court of Ohio Commission on Professionalism has prepared this list of "dos and don'ts," to illustrate a number of principles so that lawyers appearing in Ohio courts will fully understand what is expected of them. In creating this list, the Commission does not intend to regulate or to provide additional bases for discipline, but rather to help promote professionalism among Ohio's lawyers.*

*By following the principles of civility and respect, lawyers will enhance their professionalism, as well as the dignity of courtroom proceedings.*

## DO

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- Be prepared for your participation in any court conference or proceeding.
- Wear appropriate courtroom attire when appearing in court. If you are a male attorney, always wear a tie.
- Advise your clients on how to dress appropriately for any scheduled court appearance.
- Be on time for all court conferences and proceedings. (The best practice is to arrive at least five minutes in advance of the scheduled time.)
- If you are going to be late, call the courtroom so those who are waiting are properly informed.
- Turn your cell phone and all other electronic devices off or to silent mode before entering a courtroom.
- Be courteous when addressing the judge and opposing counsel, both in the courtroom and in chambers.
- Begin any argument on the record before the judge or jury, by saying, "May it please the court."
- Stand whenever you address the judge in the courtroom.
- Show all exhibits to opposing counsel before showing the exhibit to a witness. (OVER)

- Ask the judge's permission before approaching a witness during trial or before publishing an exhibit to the jury during an examination.
- Speak clearly and enunciate when addressing the judge or a witness.
- Agree to stipulate to facts that are not in dispute if they will not adversely affect your client.
- Respect the private nature of a sidebar conference; avoid making statements or arguments at a level that may be overheard by the jury.
- Inform the judge in advance of any delays in the scheduling of witnesses.
- Treat court personnel with the same respect you would show the judge.
- Be accurate when setting forth pertinent facts and pertinent rules of law.
- Answer questions from the judge directly and forthrightly.
- Bring to the judge's attention any possible ethics issues as soon as you become aware of them.
- Verify immediately the availability of necessary participants and witnesses after a date for a hearing or trial has been set, so you can promptly notify the judge of any problems.
- During final argument, be circumspect when summarizing testimony that contains profane words.

## DON'T

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- Make ad hominem attacks on opposing counsel or be sarcastic in either your oral arguments or written briefs.
- Shout when making an objection in a court proceeding.
- Make any speaking objections in a jury case except for an explanatory single word or two (e.g., "hearsay," "leading," "no foundation"). DO request a side bar conference if you must expound on your objections.
- Interrupt opposing counsel or the judge, no matter how strongly you disagree with what is being said.
- Argue with the judge or react negatively after the judge has ruled on an objection or other matter.
- Tell the judge that he or she has committed a reversible error.
- Tell the judge that another judge has ruled a different way without providing a copy of the other judge's written opinion.
- Display anger in the courtroom.
- Make facial objections during testimony or during arguments by opposing counsel.
- Bring a beverage to the trial table unless it is in a non-descript glass or cup and only if you determined that the judge does not object to a beverage on the trial table.
- Lean or sit on the trial table, jury box, or any other furniture in the courtroom.
- Move freely around the courtroom once a proceeding is underway without obtaining permission from the judge.
- Celebrate or denounce a verdict as it is delivered, and also advise clients and interested spectators not to do so. DO behave civilly with opposing counsel when leaving the courtroom.



## CONDUCT OF PROSECUTORS AND DEFENSE ATTORNEYS

Issued by the Commission on Professionalism:

*The integrity of our criminal justice system depends, in large part, upon the professionalism of the lawyers who prosecute criminal matters on behalf of the state and the defense attorneys who defend the accused. In a criminal matter, the rights of the victim, the protection of the public, and the liberty of the defendant are at stake. Considering the importance of these interests, perhaps nowhere in the practice of law is it more important for attorneys to act with professionalism and to serve our system of justice honorably. The Supreme Court of Ohio Commission on Professionalism, with the assistance of members of the Ohio Prosecuting Attorneys Association and the Ohio Association of Criminal Defense Lawyers, prepared this list of "dos and don'ts" to guide attorneys who practice criminal law. In creating this list, the Commission does not intend to regulate or provide additional bases for discipline, but rather to help promote professionalism among Ohio's lawyers.*

### *for* PROSECUTORS

## DO

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- Do remember your job is not to "win," but to help administer justice.
- Do go forward with a case only if you have a good-faith belief in the guilt of the defendant.
- Do remember that the power of the state is not personal to an individual prosecutor and that you should always use prosecutorial power judiciously, with personal humility.
- Do remain in control of your case and remember that you – not the police, not the investigator, and not the victim – are the person in charge, that your client is the government, and that your ultimate goal is the furtherance of justice.
- Do periodically and regularly review your case from the point of view of the defense. This practice will help you provide exculpatory evidence in a timely fashion.
- Do be realistic about the strengths and weaknesses of your case as it evolves and circumstances change. Be willing to adjust your position as justice requires.
- Do take any doubts about the sufficiency of the evidence supporting the government's case to your supervisor, and document the fact that you took that step.

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- Do provide discovery in a timely manner. Have discovery materials ready within a reasonable period of time after request, and promptly inform defense counsel of delays.
  - Do respond to communications from the victim and his or her family. Be attentive to their concerns and be mindful that they may not be familiar with court procedures or proceedings.

## DON'T

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- Don't forget that your role is the obtainment of justice, which does not always mean a conviction.
- Don't pursue a charge if the evidence is not there.
- Don't be rude to defense counsel, who is simply advocating for his or her client.
- Don't be vindictive or punitive to defendants who are exercising their rights. The mere filing of a motion to suppress, a request for search warrant affidavits, a discovery demand, or the exercise of a defendant's right to trial does not justify adding additional and unnecessary charges or recommending a harsher sentence.

## *for* DEFENSE ATTORNEYS

## DO

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- Do advocate for your client, listen to your client, and treat your client with respect.
- Do advocate creatively, but reasonably. Remember that your credibility will affect this client and all of your clients, present and future.
- Do determine the type of fee agreement that is best for your client, i.e., hourly or flat fee. Do enter into a written fee agreement with your client as early as feasible.
- Do explain to your client, as early as feasible, your dual role as an adviser and as defender.
- Do respond to communications from the defendant's family, as long as the information sought is not protected by the attorney-client privilege. Be attentive to their concerns and be mindful that they may not be familiar with court procedures or proceedings.
- Do meet with your client regularly throughout the representation.
- Do contact the prosecutor with questions or concerns about discovery before filing a motion to compel or a motion for a continuance.
- Do promptly file a notice of appearance when taking over a case as retained counsel from appointed counsel, so that appointed counsel can file a motion to withdraw, and ask appointed counsel to provide you with all pleadings and all discovery materials and other case information he or she obtained.
- Do prepare accordingly when appearing in a court in which you haven't appeared before. Check the court's website, or with the court staff, and, if necessary, the judge, in order to familiarize yourself with local rules and the general practices of that court.

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# DON'T

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- Don't suggest to your client that you can get a certain result or make promises to your client that you may not be able to keep.
- Don't represent that you have not received discovery materials from the prosecutor when such materials have been made available to you, or represent that you have not received a particular document when you have not asked the prosecutor for it.
- Don't file motions that are frivolous, or file certain motions only because you believe that such motions are usually filed, or file last-minute motions with respect to matters about which you have long been aware.
- Don't demean your client in conversations with the prosecutor and/or the judge.
- Don't enter a plea agreement on your client's behalf without first investigating all areas of potential defense.
- Don't ask for more time than is needed when requesting a continuance.
- Don't request last-minute continuances as a trial tactic, especially in cases where witnesses have to travel.

## *for* PROSECUTORS & DEFENSE ATTORNEYS

# DO

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- Do review and consistently follow the Supreme Court of Ohio's *Professionalism Dos and Don'ts* concerning *Professionalism in the Courtroom and Working with Opposing Counsel and Other Attorneys*.
- Do be respectful of the time and resources of opposing counsel. Where discrepancies in resources exist, be reasonable.
- Do prepare clients, witnesses, family, and friends for the courtroom by explaining the rules and procedures of court to them.
- Do use third parties when possible to interview witnesses. If you must personally interview a witness, especially a witness who is likely to be called to testify for the opposing side, have a third person present during the interview to avoid the possibility of your having to testify at trial as to what the interviewee actually said.
- Do know and follow the rules of evidence and rules of procedure.
- Do treat opposing counsel with the utmost professionalism, even if you disagree.

# DON'T

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- Don't make statements to the court or the media concerning the strength of your case prior to evaluating discovery materials.
- Don't disparage or personally attack opposing counsel. Don't claim a prosecutor is "persecuting" your client. Don't treat a defense attorney as if he or she committed the alleged crime. Don't consider opposing counsel an enemy when opposing counsel is simply doing his or her respective job.
- Don't improperly suggest a judge or opposing counsel has a political agenda or bias. Think carefully about how such statements may affect a client, a victim, or the public's perception of the quality of justice.
- Don't refer to your own personal, political, or religious beliefs during a criminal proceeding.
- Don't misrepresent your status by telling a witness that you "work with the court so you have to talk to me," allow your investigator to make such a representation, or discourage a witness from talking to opposing counsel.
- Don't have ex parte communications with the judge about substantive issues or the merits of a case.
- Don't use inappropriate body language to try to persuade a jury. Examples include: fist pumping after a favorable ruling from the judge, rolling eyes during a defendant's or witness's testimony, uttering audible sighs, putting your head down on a table, nodding your head in agreement, or shaking your head in disagreement during court proceedings.
- Don't feign ignorance of rules of courts, rulings made by the judge, or of evidence that was disclosed to you. For example, during a trial or hearing, don't refer to evidence that has been excluded in limine or make comments about, or allude in questions to, evidence already held to be inadmissible.
- Don't hide evidence or fail to disclose witnesses. Don't wait until the morning of trial to disclose witnesses or evidence.
- Don't make unfair or derogatory references to opposing counsel during opening and closing statements. Trials are about facts and the arguments that fit them. Avoid any arguments or characterizations of opposing counsel's case that are not based on the evidence.
- Don't allow clients, witnesses, victims, or their family or friends, to act inappropriately in the courtroom or near the courtroom.
- Don't emulate bad behavior portrayed by lawyers in television shows or movies.

**PROSECUTORS AND DEFENSE ATTORNEYS** *are officers of the court and responsible for the administration of justice. Keeping this in mind, they must proceed at all times with the diligence, integrity, and courtesy such an important endeavor requires.*

## **Rule 13**

### **SCHEDULE 4.01 – RECOGNIZANCE SCHEDULE**

#### **(A) – Personal Recognizance is the Rule**

Pursuant to Crim.R. 46(G) and Sup.R. 5.02, the bail schedule for misdemeanor cases, including traffic and environmental cases and excluding cases described in Schedule 4.01(C), is as follows.

Unless otherwise ordered pursuant to Schedule 4.01(B), bail shall be a personal recognizance.

#### **(B) – Presumption of Personal Recognizance May Be Rebutted**

Law enforcement and/or a prosecuting attorney may seek to rebut the presumption of a personal recognizance. To do so, law enforcement and/or a prosecuting attorney shall contact the Duty Judge prior to slating the defendant.

The Duty Judge shall then determine whether the presumption of personal recognizance has been rebutted based solely on the information presented by law enforcement and/or the prosecuting attorney.

If the Duty Judge determines the presumption has been rebutted, bail shall be set according to Schedule 4.02. If the Duty Judge determines the presumption has not been rebutted, bail shall be a personal recognizance pursuant to Schedule 4.01(A).

#### **(C) – Exclusions: Charges Requiring Bail to Be Set By Judge**

- 1) Bail shall be set by the 4D arraignment judge pursuant to Crim.R. 46 in cases in which the defendant has been charged with any of the following offenses:
  - a. Domestic violence, assault, aggravated trespassing, aggravated menacing, menacing by stalking;
  - b. A violation of a domestic violence or anti-stalking temporary protection order;
  - c. The following offenses if the alleged victim of the violation was a family or household member at the time of the commission of the offenses: criminal damaging or endangering, criminal mischief, and any other “offense of violence” as defined in R.C. 2901.01;
  - d. Any sexually oriented offense;
  - e. A violation of R.C. 4511.19(A) as penalized in R.C. 4511.19(G)(1)(c) or (G)(1)(d) or a substantially similar municipal ordinance for which the penalties are substantially similar or a violation of Columbus City Code Section 2133.01(a) or (b) as penalized in Columbus City Code Section 2133.99 (G)(1)(c) or (G)(1)(d).

- 2) In cases in which the defendant has been charged with one or more misdemeanors, in addition to one or more felonies, bail shall be set by the 4D arraignment judge pursuant to Crim.R. 46.
- 3) In cases in which the defendant is being on a probation violation, bail shall be set by the assigned judge pursuant to Crim.R. 46.
- 4) When a judge or magistrate has previously set bail in a case, or has ordered a new amount in its last capias or warrant entry, that bail shall remain in effect unless otherwise ordered by a judge or magistrate.

**SCHEDULE 4.02 – NON-RECOGNIZANCE SCHEDULE; RESIDENTS AND NON-RESIDENTS**

**(A) – Residents**

When the defendant is a resident of the State of Ohio and the Duty Judge has ordered bail to be set pursuant to Schedule 4.02, the bail schedule is as follows.

Classification or Offense	Bail	Type
Unclassified misdemeanor	\$ 500.00	Cash, Surety or Appearance
Misdemeanor of the first degree	500.00	Cash, Surety or Appearance
Misdemeanor of the second degree	400.00	Cash, Surety or Appearance
Misdemeanor of the third degree	300.00	Cash, Surety or Appearance
Misdemeanor of the fourth degree	200.00	Cash, Surety or Appearance
Minor Misdemeanor	100.00	Cash, Surety or Appearance

**This bail schedule shall be used by the Clerk unless:**

1. The bail for the charge is specified in another schedule within this Rule.
2. The defendant elects to pay fines and costs pursuant to Local Court Rule 4.11.
3. It is after 5:00 a.m. on a date that the defendant is scheduled to appear for arraignment in courtroom 4D.

**(B) – Non-Residents**

When the defendant is not a resident of the State of Ohio and the Duty Judge has ordered bail to be set pursuant to Schedule 4.02, the bail schedule is as follows.

Classification or Offense	Bail	Type
Unclassified misdemeanor	\$ 2,000.00	Cash or Surety
Misdemeanor of the First Degree	2,000.00	Cash or Surety
Misdemeanor of the Second Degree	1,500.00	Cash or Surety
Misdemeanor of the Third Degree	1,000.00	Cash or Surety
Misdemeanor of the Fourth degree	500.00	Cash or Surety
Minor Misdemeanor	100.00	Cash or Surety

If the non-resident defendant can establish to the satisfaction of the Clerk of Courts that the defendant is a student or is gainfully employed in this State, the defendant shall be released on the same bail as residents of this State.

**SCHEDULE 4.03**

When bail is required to be set pursuant to Schedule 4.02, bail will be required for only one of two charges of OVI if both charges arise out of the same incident.

**SCHEDULE 4.031**

When bail is required to be set pursuant to Schedule 4.02, and when a defendant is charged with two or more charges, in any combination, under R.C. 4510.11, R.C. 4510.111, R.C. 4510.12, R.C. 4510.16, or R.C. 4510.21, or under any same or similar ordinance, bail will be required for only one the charges. When this schedule applies, bail shall be set in the amount required for the highest level offense charged.

**SCHEDULE 4.04**

Bail for residents of the State of Ohio in domestic violence cases shall be set according to Local Rule 4.10.

**SCHEDULE 4.041**

If the identity of a person slated cannot be determined to the satisfaction of the law enforcement agency, bail shall be set according to Crim.R. 46(C).



IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

STATE OF OHIO / CITY OF COLUMBUS,  
(Plaintiff),

v.

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

\_\_\_\_\_  
(Defendant).

BOND ENTRY

The Court, having considered all relevant information and the factors outlined in Crim.R.46(C), hereby sets bond as follows:

- Alleged victim present / Alleged victim not present
- Bond to stand pursuant to Loc.R. 13, Sch. 4.01-4.02
- For good cause shown, the defendant's bond on the entire case is set at / modified to:

\$ \_\_\_\_\_ Recognizance  
\$ \_\_\_\_\_ Cash or Surety  
\$ \_\_\_\_\_ Cash, Surety, or Appearance

As a further condition of bond:

- No odor, consumption, or possession of alcohol and/or drugs of abuse.  Standard pre-trial supervision.
- No possession of firearms.  Standard pre-trial supervision. Defendant to be referred for mental health assessment. Defendant to follow recommendations.
- Compliance with protection order granted and served on the defendant.  Standard pre-trial supervision. Defendant to be referred for drug / alcohol assessment. Defendant to follow recommendations.
- No future acts of violence.  Other:  
\_\_\_\_\_  
\_\_\_\_\_
- Defendant to submit to drug screens as ordered by pre-trial supervision.
- Stay away from \_\_\_\_\_. No contact by regular mail or e-mail, telephone, by text, in person, or by third party. No communications to or about the victim via social media, Internet, or any app.

Due to defendant being medically unable to come to court, case continued to \_\_\_\_\_ @ 9am.

Date: \_\_\_\_\_ Judge: \_\_\_\_\_



IN THE \_\_\_\_\_ COURT  
 \_\_\_\_\_ COUNTY, OHIO

# Order of Protection

Per R.C. 2919.26(G)(3), this Order is indexed at

Case No.

Judge \_\_\_\_\_

LAW ENFORCEMENT AGENCY WHERE INDEXED  
 ( )

State OHIO

PHONE NUMBER \_\_\_\_\_  
 STATE OF OHIO/  
 CITY OF \_\_\_\_\_  
 v.

## DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDER (DVTPO) (R.C. 2919.26)

New Order     Modification of Previous Order

DEFENDANT

### PERSON(S) PROTECTED BY THIS ORDER:

ALLEGED VICTIM:  
  
 First                  Middle                  Last  
 v.

Alleged Victim \_\_\_\_\_ DOB: \_\_\_\_\_  
 Alleged Victim's Family or Household Members:  
 Additional forms attached  
 \_\_\_\_\_ DOB: \_\_\_\_\_  
 \_\_\_\_\_ DOB: \_\_\_\_\_  
 \_\_\_\_\_ DOB: \_\_\_\_\_

DEFENDANT:

### DEFENDANT IDENTIFIERS

First                  Middle                  Last

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Address where Defendant can be found:  
 \_\_\_\_\_  
 \_\_\_\_\_

Distinguishing features: \_\_\_\_\_

- WARNING TO LAW ENFORCEMENT: DEFENDANT HAS FIREARMS ACCESS – PROCEED WITH CAUTION
- Ex Parte DVTPO Granted: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (Date)
- DVTPO Granted: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (Date)

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Defendant was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

### THE COURT HEREBY ORDERS:

That the above named Defendant be restrained from committing acts of abuse or threats of abuse against the Alleged Victim and other protected persons named in this Order. Additional terms of this Order are set forth below.

**WARNING TO DEFENDANT: See the warning page attached to the front of this Order.**



2. **DEFENDANT SHALL NOT INTERFERE** with the protected persons' right to occupy any residence by canceling utilities or insurance or interrupting telecommunication (e.g., telephone, internet, or cable) services, mail delivery, or the delivery of any other documents or items. [NCIC 03]

3. **DEFENDANT SHALL SURRENDER** all keys and garage door openers to the following residence

\_\_\_\_\_  
\_\_\_\_\_  
at the earliest possible opportunity after service of this Order to the law enforcement agency that serves the Defendant with this Order or as follows:  
\_\_\_\_\_  
\_\_\_\_\_

4. **DEFENDANT SHALL STAY AWAY FROM THE PROTECTED PERSONS NAMED IN THIS ORDER**, and shall not be present within 500 feet or \_\_\_\_\_ (distance) of any protected persons wherever those protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be, **even with protected persons' permission**. If the Defendant accidentally comes in contact with protected persons in any public or private place, the Defendant must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

5. **DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Defendant may not violate this Order **even with the permission of a protected person**. [NCIC 05]

6. **DEFENDANT SHALL NOT** use any form of electronic surveillance on protected persons.

7. **DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.

8. **THE ALLEGED VICTIM IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Alleged Victim, from the possession of Defendant:

\_\_\_\_\_  
Exchange of the listed companion animals or pets shall take place as follows:  
\_\_\_\_\_  
\_\_\_\_\_

9. **DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.

10. **DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION** at any time while the Order remains in effect to bring about a cessation of violence pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

**DEFENDANT IS EXCEPTED** only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition disability applies.

- 11. **DEFENDANT SHALL TURN OVER ALL DEADLY WEAPONS, INCLUDING FIREARMS AND AMMUNITION**, owned by Defendant or in Defendant's possession to the law enforcement agency that serves Defendant with this Order no later than \_\_\_\_\_ or as follows:

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Any law enforcement agency is authorized to accept possession of deadly weapons, including firearms, and ammunition pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Defendant's deadly weapons, including firearms, and ammunition for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a civil protection order or consent agreement has not been issued or approved arising out of the same activities as those that were the basis of the complaint filed in this action, Defendant may reclaim any deadly weapons, including firearms, and ammunition held in protective custody by law enforcement pursuant to this Order, unless Defendant is otherwise disqualified as verified by a check of the NCIC protection order file.

- 12. **DEFENDANT'S CONCEALED CARRY WEAPON LICENSE**, if any, is now subject to R.C. 2923.128.

- 13. **DEFENDANT MAY PICK UP CLOTHING** and personal effects from the following residence:

---

only in the company of a uniformed law enforcement officer  upon release or within seven or \_\_\_\_\_ days of the filing of this Order or the date of Defendant's release on bond in connection with this charge, whichever is later. Arrangements may be made by contacting:

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- 14. **DEFENDANT SHALL NOT USE OR POSSESS**  alcohol or  illegal drugs.

- 15. **IT IS FURTHER ORDERED:** [NCIC 08]

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- 16. **DEFENDANT IS ADVISED THAT VISITATION ORDERS DO NOT PERMIT THE DEFENDANT TO VIOLATE ANY OF THE TERMS OF THIS ORDER.**

- 17. **IT IS FURTHER ORDERED** a copy of this Order shall be delivered to the Defendant on the same day that the Order is entered.

- 18. **THIS ORDER IS EFFECTIVE** until the occurrence of one of the following: (1) it is modified by this Court; or (2) the criminal proceeding arising out of the complaint upon which this Order were issued is disposed by this Court or by the court of common pleas to which the Defendant is bound over for prosecution; or (3) a court issues a Domestic Violence Civil Protection Order ("CPO") arising out of the same activities as those that were the basis of the complaint filed in this action.

IT IS SO ORDERED.

_____	DATE <i>EX PARTE</i> DVTPO	_____	DATE <i>EX PARTE</i> DVTPO
MAGISTRATE		JUDGE	
_____	DATE DVTPO	_____	DATE DVTPO
MAGISTRATE		JUDGE	

**NOTICE TO DEFENDANT**

**NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

A HEARING on this Order shall be held before  
 Judge/Magistrate \_\_\_\_\_

on \_\_\_\_\_ / \_\_\_\_\_ /  
 at \_\_\_\_\_  a.m.  p.m.,

at the following location:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**TO THE CLERK:**

**A COPY OF THIS ORDER SHALL BE SERVED ON DEFENDANT (by personal service). COPIES OF THIS ORDER SHALL BE DELIVERED TO:**

Prosecutor  
 Alleged Victim  
 Defendant's Attorney /Public Defender  
 Law Enforcement Agency Where Alleged Victim Resides:  
 \_\_\_\_\_  
 Law Enforcement Agency Where Alleged Victim Works:  
 \_\_\_\_\_  
 Sheriff's Office / Police Department:  
 \_\_\_\_\_  
 Other: \_\_\_\_\_

Service acknowledged:

\_\_\_\_\_

DEFENDANT DATE

**WAIVER OF HEARING**

**I HAVE BEEN ADVISED OF MY RIGHT TO A HEARING ON THE MOTION FOR A DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDER AND HEREBY KNOWINGLY AND VOLUNTARILY WAIVE THE HEARING ON THE MOTION AND AGREE TO BE BOUND BY THE TERMS OF THIS ORDER.**

\_\_\_\_\_

DEFENDANT DATE

IN THE \_\_\_\_\_ COURT  
COUNTY, OHIO

# Order of Protection

Per R.C. 2903.213(G)(3), this Order is indexed at

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

Judge \_\_\_\_\_

State

**OHIO**

**CRIMINAL PROTECTION ORDER (CRPO)**  
**(R.C. 2903.213)**

New Order     Modification of Previous Order

LAW ENFORCEMENT AGENCY WHERE INDEXED

( ) -  
PHONE NUMBER

STATE OF OHIO/  
CITY OF \_\_\_\_\_

v.

DEFENDANT

### PERSON(S) PROTECTED BY THIS ORDER:

#### ALLEGED VICTIM:

\_\_\_\_\_

First                      Middle                      Last

v.

Alleged Victim \_\_\_\_\_ DOB: \_\_\_\_\_

Alleged Victim's Family or Household Members:  
 Additional forms attached

\_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_ DOB: \_\_\_\_\_  
\_\_\_\_\_ DOB: \_\_\_\_\_

#### DEFENDANT:

\_\_\_\_\_

First                      Middle                      Last

Address where Defendant can be found:  
\_\_\_\_\_  
\_\_\_\_\_

#### DEFENDANT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
		/	/
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Distinguishing features: \_\_\_\_\_

WARNING TO LAW ENFORCEMENT: DEFENDANT HAS FIREARMS ACCESS – PROCEED WITH CAUTION

Ex Parte CRPO Granted: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (Date)

CRPO Granted: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (Date)

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

#### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Defendant was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this Order are set forth below.**

#### THE COURT HEREBY ORDERS:

That the above named Defendant be restrained from committing acts of abuse or threats of abuse against the Alleged Victim and other protected persons named in this Order. Additional terms of this Order are set forth below.

**WARNING TO DEFENDANT: See the warning page attached to the front of this Order.**

This matter came before the Court on \_\_\_\_/\_\_\_\_/\_\_\_\_ for an  *Ex parte* CRPO  CRPO hearing on Alleged Victim's Motion for a Criminal Protection Order. The Court finds that the Motion of the Alleged Victim for a Criminal Protection Order is well-taken. The Court finds that the safety and protection of the Alleged Victim and protected persons named in this Order may be impaired unless the Court acts. The following orders are designed to ensure the safety and protection of the protected persons named in this Order and are issued to the Defendant as pretrial conditions, in addition to any bail under Crim.R. 46.

**The Court also finds:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional findings on a separate page are included and attached herein.

**DEFENDANT SHALL NOT ABUSE**, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

**ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO DEFENDANT**

- 1. **DEFENDANT SHALL NOT ENTER** the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Defendant may not violate this Order **even with the permission of a protected person.** [NCIC 04]
- 2. **DEFENDANT SHALL NOT INTERFERE** with the protected persons' right to occupy any residence by canceling utilities or insurance or interrupting telephone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]
- 3. **DEFENDANT SHALL SURRENDER** all keys and garage door openers to the following residence

\_\_\_\_\_  
\_\_\_\_\_  
at the earliest possible opportunity after service of this Order to the law enforcement agency that serves the Defendant with this Order or as follows:  
\_\_\_\_\_  
\_\_\_\_\_

- 4. **DEFENDANT SHALL STAY AWAY FROM THE PROTECTED PERSONS NAMED IN THIS ORDER**, and shall not be present within 500 feet or \_\_\_\_\_ (distance) of any protected persons

wherever those protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be, **even with the protected persons' permission**. If Defendant accidentally comes in contact with protected persons in any public or private place, Defendant must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

- 5. **DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS** owned or possessed by the protected persons named in this Order.
- 6. **THE ALLEGED VICTIM IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS** owned by Alleged Victim from the possession of the Defendant:

\_\_\_\_\_  
\_\_\_\_\_

Exchange of the listed companion animals or pets shall take place as follows:

\_\_\_\_\_  
\_\_\_\_\_

- 7. **DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Defendant may not violate this Order **even with the permission of a protected person**. [NCIC 05]
- 8. **DEFENDANT SHALL NOT** use any form of electronic surveillance on protected persons.
- 9. **DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this Order.
- 10. **DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while the Order remains in effect for the safety and protection of the protected persons named in this Order. Furthermore, Defendant may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

**DEFENDANT IS EXCEPTED** only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

- 11. **DEFENDANT SHALL TURN OVER ALL DEADLY WEAPONS** owned by Defendant or in Defendant's possession to the law enforcement agency that serves Defendant with this Order no later than \_\_\_\_\_ or as follows:

\_\_\_\_\_  
\_\_\_\_\_

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Defendant's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a civil protection order has not been issued arising out of the same activities as those that were the basis of the complaint filed in this action, Defendant may

reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Defendant is otherwise disqualified as verified by a check of the NCIC protection order file.

12. DEFENDANT'S CONCEALED CARRY WEAPON LICENSE, if any, is now subject to R.C. 2923.128.

13. DEFENDANT SHALL NOT USE OR POSSESS  alcohol or  illegal drugs.

14. IT IS FURTHER ORDERED: [NCIC 08]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. IT IS FURTHER ORDERED a copy of this Order shall be delivered to the Defendant on the same day that the Order is entered.

16. THIS ORDER IS EFFECTIVE until the occurrence of one of the following: (1) it is modified by this Court; or (2) the criminal proceeding arising out of the complaint upon which these orders were issued is disposed by this Court or by the court of common pleas to which the Defendant is bound over for prosecution; or (3) a court issues a Civil Stalking Protection Order (CSPO) or Civil Sexually Oriented Offense Protection Order (CSOPO) arising out of the same activities as those that were the basis of the complaint filed in this action pursuant to R.C. 2903.213(B).

**IT IS SO ORDERED.**

_____ MAGISTRATE	_____ DATE EX PARTE CRPO	_____ JUDGE	_____ DATE EX PARTE CRPO
_____ MAGISTRATE	_____ DATE CRPO	_____ JUDGE	_____ DATE CRPO

**NOTICE TO DEFENDANT**

**NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

*NOTES: By its own definitions [see R.C. 2903.213(A)], this statute does not apply to a complaint that involves a person who is a family or household member. In those cases where the Alleged Victim is a family or household member of the Defendant, use the Domestic Violence Temporary Protection Order ("DVTPO") form and procedures under R.C. 2919.26, and/or Domestic Violence Civil Protection Order ("DVCPO") forms and procedures under R.C. 3113.31.*

**A HEARING** on this Order shall be held before  
 Judge/Magistrate \_\_\_\_\_

on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 at \_\_\_\_\_  a.m.  p.m.,

at the following location:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**TO THE CLERK:**

**A COPY OF THIS ORDER SHALL BE SERVED ON  
 DEFENDANT (by personal service).  
 COPIES OF THIS ORDER SHALL BE DELIVERED TO:**

Prosecutor  
 Alleged Victim  
 Defendant's Attorney /Public Defender  
 Law Enforcement Agency Where Alleged Victim Resides:  
 \_\_\_\_\_

Law Enforcement Agency Where Alleged Victim Works:  
 \_\_\_\_\_

Sheriff's Office / Police Department:  
 \_\_\_\_\_

Other: \_\_\_\_\_

Service acknowledged:

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
DATE

**WAIVER OF HEARING**

**I HAVE BEEN ADVISED OF MY RIGHT TO A HEARING ON THE MOTION FOR A CRIMINAL PROTECTION ORDER AND HEREBY KNOWINGLY AND VOLUNTARILY WAIVE THE HEARING ON THE MOTION AND AGREE TO BE BOUND BY THE TERMS OF THIS ORDER.**

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
DATE

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

State of Ohio,  
Plaintiff,

v.

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

\_\_\_\_\_  
Defendant.

**FELONY INITIAL APPEARANCE**

On this date the above named defendant appeared in open court, on the record, and before the undersigned judge. The nature of the charge(s) was presented to the defendant and the reading of the complaint was waived or the complaint was read. The defendant was advised of the right to have counsel assigned without cost if the defendant is unable to employ counsel pursuant to Crim. R. 44. The defendant was/was not represented by counsel.

Bond has been set by the court in this matter as follows:

_____	Entire case bond	(cs)	(ab)	(ror)	(csa)
Count (1) _____		(cs)	(ab)	(ror)	(csa)
Count (2) _____		(cs)	(ab)	(ror)	(csa)
Count (3) _____		(cs)	(ab)	(ror)	(csa)
Count (4) _____		(cs)	(ab)	(ror)	(csa)

**Preliminary hearing** is scheduled for \_\_\_\_ / \_\_\_\_ /20\_\_\_\_ at \_\_\_\_\_ A.M.

\_\_\_\_\_ Preliminary hearing waived, defendant bound over to Franklin County Grand Jury.

Defendant represented by \_\_\_\_\_  
Attorney Supreme Court #

Defendant medically unable to come to court.

**Initial Appearance** reassigned until \_\_\_\_ / \_\_\_\_ /20\_\_\_\_ at \_\_\_\_\_ A.M.

Further: \_\_\_\_\_

**As a further condition of bond:**

- \_\_\_\_\_ No odor/consumption of alcohol and/or drug of abuse.
- \_\_\_\_\_ No possession of firearms.
- \_\_\_\_\_ Compliance with protection order granted and served on the defendant in open court.
- \_\_\_\_\_ No future acts or threats of violence.
- \_\_\_\_\_ Stay away from \_\_\_\_\_. No contact by regular mail or email, telephone or in person or by third party. No communication to or about victim via social media or Internet.

**IT IS SO ORDERED.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge



IN THE FRANKLIN COUNTY MUNICIPAL COURT  
TRAFFIC DIVISION

CITY OR STATE \_\_\_\_\_

v.

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

Charge \_\_\_\_\_

Defendant. \_\_\_\_\_

MAGISTRATE'S ORDER

OI:

- Defendant failed to appear as required. The magistrate recommends the defendant be **ORDERED INTO COURT**.
- Recite Summons Not Authorized.** Law Enforcement Agency is not authorized to issue a supplemental summons in lieu of executing the warrant by arrest
- Defendant has failed to comply with a sentence previously imposed by this Court. The magistrate recommends the defendant be **ORDERED INTO COURT FOR ENFORCEMENT** of the sentence.
- TBS-Clerk may use the telephone business system to notify the defendant.
- DECLARATION OF FORFEITURE:** The magistrate recommends the forfeiture of the defendant's driver's license or commercial driver's license pursuant to R.C. 2935.27(D) or R.C. 4510.22. Clerk to notify BMV.
- FORFEITURE OF BOND** posted by the defendant. Clerk to notify surety. Defendant has failed to appear. The magistrate recommends the defendant be **ORDERED INTO COURT**.

\_\_\_\_\_  
Magistrate

\_\_\_\_\_  
Date

W/SA:

The magistrate recommends the "**ORDER IN**" BE SET ASIDE. At the defendant's request, this case is continued to \_\_\_\_\_

- The magistrate recommends the "**ORDER IN**" FOR ENFORCEMENT BE SET ASIDE and that enforcement of the fine and costs be continued to \_\_\_\_\_. According to the defendant's own statement, defendant is able to pay the fine and costs by that date.
- The magistrate recommends the **DECLARATION OF FORFEITURE BE SET ASIDE**. Clerk to notify the Bureau of Motor Vehicles.

OTHER:

- Refer to Judge \_\_\_\_\_ for entry.
- \_\_\_\_\_

\_\_\_\_\_  
Magistrate

\_\_\_\_\_  
Date

The order of the magistrate is hereby approved and is adopted as the order of this court.

- Pursuant to R.C. 4503.13 and R.C. 4507.091, the Clerk is directed to notify the Registrar of the issuance of the bench warrant.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

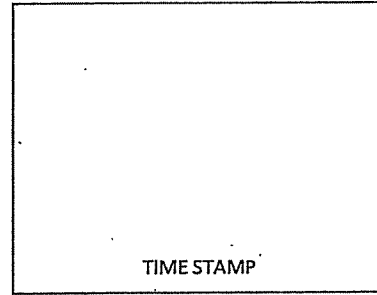
IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

STATE OF OHIO,  
CITY OF COLUMBUS, \_\_\_\_\_

VS.

\_\_\_\_\_  
DEFENDANT.

:  
:  
:  
:  
:  
:  
:



CASE NUMBER: \_\_\_\_\_

NOTICE OF APPEARANCE OF COUNSEL

The undersigned hereby enters his/her appearance as counsel of record in the above-styled case.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's Attorney (signature)

\_\_\_\_\_  
Defendant's Attorney (print)

\_\_\_\_\_  
Supreme Court Registration Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

The above-styled case is currently assigned to Judge \_\_\_\_\_.

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

CITY OF COLUMBUS,  
STATE OF OHIO,  
PLAINTIFF,

-VS-

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT,

ENTRY TO WITHDRAW

Pursuant to Franklin County Municipal Court Rule 3.02, the Franklin County Public

Defender's Office is granted leave to withdraw from the above captioned case for the following reasons: \_\_\_\_\_.

At the request of attorney \_\_\_\_\_, Motion to Withdraw as Counsel is granted from the above captioned case for the following reasons:

\_\_\_\_\_  
The above styled case is presently set/not set for Hearing on \_\_\_\_\_ at \_\_\_\_\_, and assigned to Judge \_\_\_\_\_.

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
Attorney for Defendant  
Supreme Court No. \_\_\_\_\_

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was sent to the Defendant at his last known address: \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Attorney for Defendant  
Supreme Court No. \_\_\_\_\_

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

State of Ohio/City of Columbus/ \_\_\_\_\_

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

Defendant.

DEMAND FOR COURT TRIAL

I, the undersigned defendant, acknowledge receipt of a copy of the complaint(s) and waive reading of the complaint(s).

I hereby enter a plea of NOT-GUILTY and request a trial to the court. I understand a plea of not guilty is a denial of the charge(s) filed against me.

I understand that the time provided by law for a court trial is 30 days from arrest or summons if the maximum penalty is a fine of \$150 or less; 45 days from arrest or summons if the maximum possible penalty is 60 days or less in jail; or 90 days from arrest or summons if the maximum possible penalty is a jail term of more than 60 days.

I request that my court trial be held:

within the time provided by law; or

at a time convenient to the Court, and I hereby voluntarily, knowingly, and intelligently waive my right to have a trial within the time provided by law.

Defendant's Signature

Date

Telephone Number

Defendant's Address

Defendant's Attorney (signature)

Sup. Ct. Reg. No.

Defendant's Attorney's Address

Telephone Number

Pursuant to Crim.R. 10(B)(1) and Loc.R. 4.01, I enter the above plea and request an arraignment in absentia on behalf of my client. I understand that approval of this request applies to this case only.

Date

Defendant's Attorney (signature)

I approve the defendant's request for arraignment in absentia in this case only. This approval has no force or effect on any other cases.

Date

Prosecuting Attorney/Representative

ENTRY

The Court accepts the defendant's plea of NOT GUILTY, and if applicable, any order-in is hereby set aside.

Date

JUDGE/MAGISTRATE

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

County of Ohio/City of Columbus/\_\_\_\_\_

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

Defendant.

DEMAND FOR JURY TRIAL

I, the undersigned defendant, acknowledge receipt of a copy of the complaint(s) and waive reading of the complaint(s).

I hereby enter a plea of NOT GUILTY and request a trial by a jury. I understand a plea of not guilty is a denial of the charge(s) filed against me.

I understand that the time provided by law for a jury trial is 45 days from arrest or summons if the maximum possible penalty is 50 days or less in jail; or 90 days from arrest or summons if the maximum possible penalty is a jail term of more than 60 days.

I request that my jury trial be held:

within the time provided by law; or

at a time convenient to the Court, and I hereby voluntarily, knowingly, and intelligently waive my right to have a jury trial within the time provided by law.

Defendant's Signature

Date

Telephone Number

Defendant's Address

Defendant's Attorney (signature)

Sup. Ct. Reg. No.

Defendant's Attorney's Address

Telephone Number

Pursuant to Crim.R. 10(B)(1) and Loc.R. 4.01, I enter the above plea and request an arraignment in absentia on behalf of my client. I understand that approval of this request applies to this case only.

Date

Defendant's Attorney (signature)

I approve the defendant's request for arraignment in absentia in this case only. This approval has no force or effect on any other cases.

Date

Prosecuting Attorney/Representative

ENTRY

The Court accepts the defendant's plea of NOT GUILTY, and if applicable, any order-in is hereby set aside.

Date

JUDGE/MAGISTRATE

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

State of Ohio,

City of Columbus/ \_\_\_\_\_

Plaintiff,

v.

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

\_\_\_\_\_  
Defendant.

**ADVICE FOR NON-CITIZENS**

"If you are not a citizen of the United States, you are hereby advised that conviction of the offense(s) to which you are pleading guilty or no contest may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to laws of the United States." Ohio Revised Code Section 2943.031(A).

I am a U.S. citizen

I am not a U.S. citizen

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's Signature



FRANKLIN COUNTY MUNICIPAL COURT  
375 S HIGH STREET, COLUMBUS, OH 43215  
614/645-8186 or [HTTP://WWW.FCMCCLERK.COM](http://www.fcmcclerk.com)

COURT PAYMENT

YOU HAVE BEEN ORDERED TO PAY A FINE AND COURT COSTS BY THE FRANKLIN COUNTY MUNICIPAL COURT. THE FOLLOWING INFORMATION IS PROVIDED TO ASSIST YOU SO THAT WE MAY PROCESS YOUR PAYMENT TIMELY AND ACCURATELY.

Case Number: _____	JUDGE: _____
Defendant: _____	
Total Amount Due: _____	Date: _____

EXTENSION TO PAY FINE AND COURT COSTS

IF YOU ARE UNABLE TO PAY YOUR FINE AND COURT COSTS BY THE ABOVE DUE DATE YOU SHOULD CONTACT YOUR ATTORNEY BEFORE YOUR DUE DATE. IF YOU DO NOT HAVE AN ATTORNEY YOU MAY REPORT TO THE FRANKLIN COUNTY MUNICIPAL COURT SERVICES OFFICE ON THE 10<sup>TH</sup> FLOOR AT THE ABOVE ADDRESS, BETWEEN 8 A.M. - 2:00 P.M., MON. - FRI. (except holidays), AND REQUEST ASSISTANCE TO GET A CONTINUANCE TO PAY YOUR FINE AND COSTS FROM YOUR ASSIGNED JUDGE.

FAILURE TO PAY FINE AND COURT COSTS

FAILURE TO PAY YOUR FINE AND COURT COSTS WITHOUT A COURT GRANTED EXTENSION OF TIME WILL RESULT IN POSSIBLE DRIVERS LICENSE SUSPENSION, POSSIBLE AUTO REGISTRATION BLOCK, AND AFTER 45 DAYS YOUR CASE WILL ACCRUE A 30% ADDITIONAL COLLECTION COST.

PAYMENT OPTIONS:

**PAYMENT IN PERSON** - PAYMENT MAY BE MADE IN PERSON 7 DAYS A WEEK, 8 AM TO 11:30 PM AT THE ABOVE ADDRESS, 2<sup>ND</sup> FLOOR, CASH, MASTERCARD, VISA, DISCOVER, (CARD OWNER MUST BE PRESENT), MONEY ORDER OR CHECKS ARE ACCEPTED.

**INTERNET PAYMENTS** - PAYMENTS UP TO \$600 CAN BE MADE WITH A VISA, MASTERCARD, AMERICAN EXPRESS, OR DISCOVER CARD, USING THE CLERK OF COURT WEBSITE, [WWW.FCMCCLERK.COM](http://www.fcmcclerk.com), FOLLOWING THE WEBSITE INSTRUCTION. KEEP YOUR CONFIRMATION NUMBER FOR YOUR RECORDS. NO PARTIAL PAYMENTS.

**MAIL** - MAIL PAYMENTS TO THE ABOVE ADDRESS, FOR YOUR PROTECTION NOTE YOUR CASE NUMBER ON ALL PAYMENTS, MONEY ORDERS AND CHECKS ACCEPTED BY MAIL.

**FAX PAYMENTS:** MASTER CARD, VISA, DISCOVER & AMERICAN EXPRESS

DEFENDANT NAME: \_\_\_\_\_ CASE NO. \_\_\_\_\_

Account Number	Expiration Date	Authorized Amount
□□□□□□□□□□□□□□□□ / □□ □□ /		

Name of Cardholder: \_\_\_\_\_ Cardholder Signature \_\_\_\_\_  
(Please print)

Phone No. \_\_\_\_\_ **FAX THIS FORM TO: (614) 645-0240**



**LORI M. TYACK**  
Franklin County Municipal Court Clerk  
375 South High Street Criminal/Traffic Division  
Columbus, Ohio 43215  
(614) 645-8186

CASE NUMBER: _____	DUE DATE: _____
DEFENDANT: _____	JUDGE: _____

Please pay the amount owed to the Clerk of Courts on or before your due date. If you are authorized for the Time Payment Program, you will need to sign up **IN PERSON BEFORE** your due date. Below are the program guidelines and are subject to change per judge.

TIME PAYMENT PROGRAM GUIDELINES

- You **must be authorized** for the time payment program by a Judge.
- Program set up is to be made **IN PERSON** at the Clerk of Courts from **8:00AM-11:30PM, 7 days a week.**
- Program set up is **\$50** (\$25 applied to court cost, and \$25 is the program fee), unless otherwise ordered by a Judge.
- You must sign a contract stating that you agree to the terms and conditions of the program.
- If your amount owed is \$300 or less, then your payments will be a minimum of \$25 each month until the balance is paid in full.
- If your amount exceeds \$300, then the payments will be evenly distributed over a 12 month period.
- The payment schedule may change if ordered by a Judge.
- **PAYMENTS MUST BE MADE ON TIME EACH MONTH OR YOU WILL BE TERMINATED FROM THE PROGRAM. AND BALANCE WILL BE OWED IN FULL. A WARRANT MAY ALSO BE ISSUED FOR YOUR ARREST, POSSIBLE DRIVERS LICENSE SUSPENSION, POSSIBLE AUTO REGISTRATION BLOCK OR TRANSFER OF REGISTRATION, AND AFTER 45 DAYS YOUR CASE WILL ACCRUE A 30% ADDITIONAL COLLECTION COST.**
- Payment types accepted are Cash, Money Orders, Visa, MasterCard, Discover, and American Express. **NO CHECKS.** Online payments are only accepted when paying your case in full.

FRANKLIN COUNTY MUNICIPAL COURT  
375 SOUTH HIGH STREET  
COLUMBUS, OHIO 43215

**IMPORTANT INFORMATION - PLEASE READ CAREFULLY**

Defendant's Name

Case Number

JUDGE

You have been sentenced in the above-styled case to serve \_\_\_\_\_ days/\_\_\_\_\_ hours at the Franklin County Corrections Center II. You are to report to this facility on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. This facility is located at 2460 Jackson Pike, Columbus, Ohio (614) 525-7100.

Special instructions are:

**GENERAL REPORTING INFORMATION**

1. **DO NOT BE LATE** – report at designated time. (8:30 or 12:30)
2. **MUST** bring valid I.D. (picture i.d. accepted; non-picture i.d. accepted at the discretion of jail Personnel).
3. Parking is available.
4. **BRING THIS FORM WITH YOU** the day you report to jail.
5. **DO NOT** report in an intoxicated state.
6. **NO** suitcases and/or backpacks.
7. If you have a **prescription** you need to take while incarcerated, you **MUST either** bring a new prescription from you doctor **or** an **empty** prescription bottle **with refills** on it.
8. Below is a list of articles that will be accepted into the corrections center. **IF YOU ARE SENTENCED TO 3 DAYS OR LESS**. There are **NO** Deviations. If you are sentenced to **4 days or more** the items below will have to be purchased through our commissary with the exception of #7.

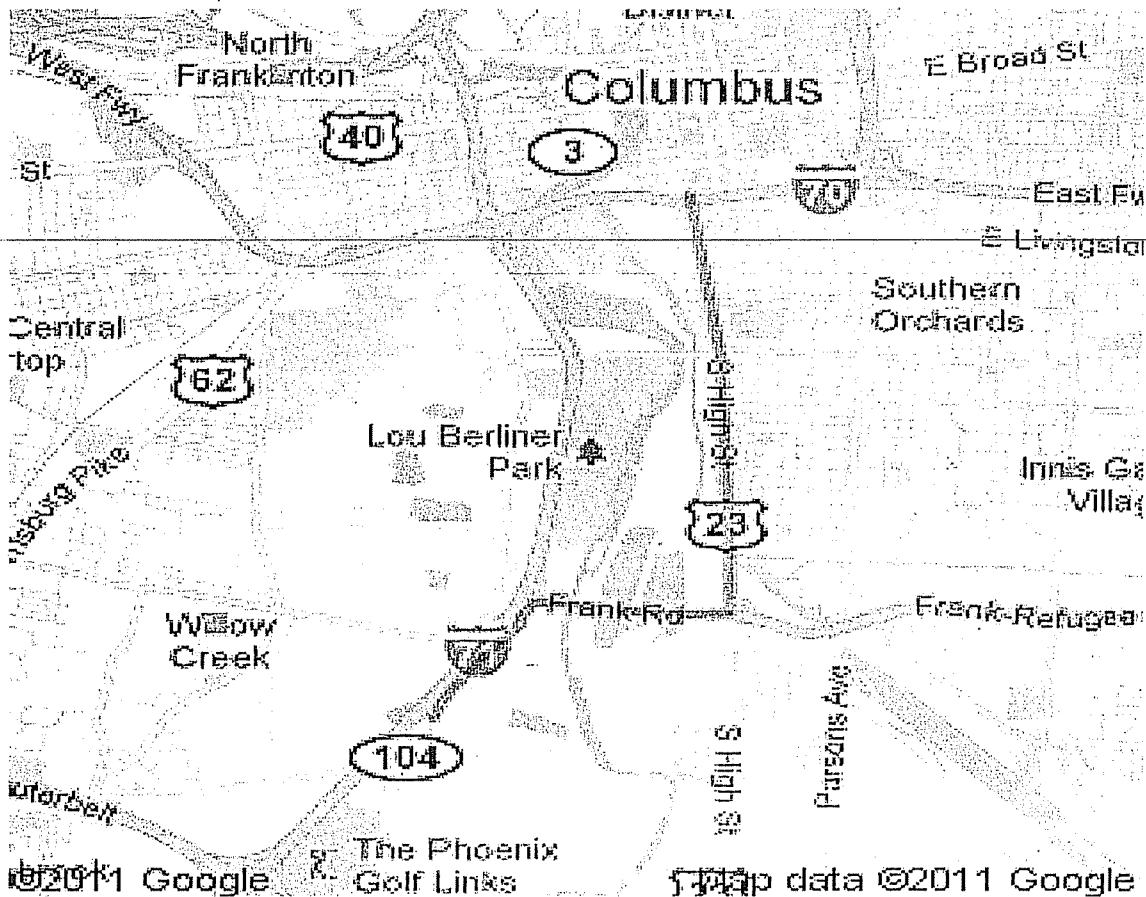
1. 3 Pairs Panties/Underwear (WHITE ONLY)
2. 3 Bras (WHITE ONLY, NO UNDERWIRES OR METAL STAYS)
3. 3 Pairs Socks (WHITE ONLY)
4. 3 CREW neck T-Shirts (WHITE ONLY, NO Pockets, NO Writing)
5. All of the above items must be new in the original sealed package.
6. 1 Book or magazine (NO hard cover)
7. Money to buy basic hygiene items
8. Eye glasses/contact lenses/unopened solution
9. 1 set of dentures

**FRANKLIN COUNTY CORRECTIONS CENTER VISITATION INFORMATION**  
**VISITING DAY**

A through G – Sunday and Thursday  
H through O – Monday and Friday  
P through Z – Tuesday and Saturday  
Juveniles – Wednesday

Hours  
12:00pm – 2:00pm  
6:00 pm – 9:30 pm

**Directions to Franklin County Corrections Center II**



**DIRECTIONS** – From 375 South High Street, Columbus, Ohio 43215: 1. Head south on S. High St. 2.6 miles 2. Turn right to merge onto OH-104 South toward I-71 1.0 miles 3. Turn left onto Jackson Pike 2460 Jackson Pike, Columbus, Ohio is on the left .9 miles.

**FRANKLIN COUNTY MUNICIPAL COURT  
DEPARTMENT OF PRETRIAL AND PROBATION SERVICES  
COMMUNITY SANCTIONS  
375 South High Street – 8<sup>th</sup> Floor  
Columbus, Ohio 43215-4520  
(614) 645-8719**

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Case #:** \_\_\_\_\_

**Judge** \_\_\_\_\_

**PROVIDED NO CONVICTIONS/MONITORED TIME  
INSTRUCTIONS  
(614) 645-8719**

1. You are to report immediately to the 8<sup>th</sup> floor, Department of Probation and Pretrial Services (DOPPS), after leaving the Court Room.
2. Report to the “Provided No Convictions” window (PNC) and present this Court order.

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3. You are to provide the Community Sanctions Officer with information, i.e., your name, address, phone number, and other vital data.
4. You will be instructed of your responsibilities and conditions of your PNC case.
5. You will be instructed to pay a fifty (50) dollar probation user fee to the Franklin County Municipal Court. This fee is to be paid on the first (1<sup>st</sup>) or second (2<sup>nd</sup>) floor of the Franklin County Municipal Court Building at the Franklin County Court Clerk’s Office, 375 S. High Street, Columbus, OH 43215. The Clerk’s Office (2<sup>nd</sup> floor) will provide cashier duties and phone services on Sundays through Thursdays from 7:30 a.m. to 12:00 midnight. Fridays and Saturdays they will provide cashier duties and phone services 24 hours a day. The payment can also be sent to the Franklin County Court Clerk’s Office in the form of a money order only.
6. If you are currently incarcerated, you are to contact the PNC Unit when you are released, at the above address.
7. Failure to report to the PNC Unit and cooperate will result in your case being brought back before the Judge/Magistrate.

Special instructions of PNC:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO**

_____	:	Case No.	_____
_____	:	ALS No.	_____
<b>PETITIONER,</b>	:	D.O.B.	_____
vs.	:	SSN:	_____
Registrar,	:	OP Lic. No.	_____
Ohio Bureau of Motor Vehicles	:		
P.O. Box 16266	:		
Columbus, Ohio 43266	:		

---

**RESPONDENT.**

**ENTRY**

On the authority of *Groveport v. Lovsey* (Sept. 5, 1995), 10<sup>th</sup> Dist. No. 95 APCO1-83, the administrative license suspension is stayed pending the outcome of a hearing on the merits of petitioner's appeal.

The Bureau of Motor Vehicles is ordered to reinstate immediately full driving privileges to petitioner until further order of this court. The Bureau of Motor Vehicles is ordered to return petitioner's license or reissue an operator's license upon the application of the petitioner. The petitioner is required to carry a certified copy of this Entry when operating a motor vehicle until the operator's license is returned or reissued.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE

IN THE FRANKLIN COUNTY MUNICIPAL COURT, COLUMBUS, OHIO

STATE OF OHIO,  
CITY OF COLUMBUS  
PLAINTIFF,

V.

\_\_\_\_\_  
DEFENDANT.

:  
:  
:  
:

CASE NO. \_\_\_\_\_

JUDGE \_\_\_\_\_

**PUBLIC SAFETY SUSPENSION ENTRY**

Upon motion of the prosecutor, the Court finds that no Administrative License Suspension was imposed and that defendant's continued operation of a motor vehicle is a threat to public safety. Pretrial Suspension imposed pursuant to R.C. 4511.196 (B).

A copy of this entry was served upon defense counsel or the defendant this date.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE



OHIO DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF MOTOR VEHICLES

**ALS COURT DISPOSITION / PRE-TRIAL SUSPENSION  
NOTIFICATION**

SUBJECT NAME		SOCIAL SECURITY NUMBER	DATE OF BIRTH
ADDRESS		CITY	
RE: COURT CASE NUMBER	DATE OF HEARING	DATE OF OFFENSE	DRIVER LICENSE NUMBER

This matter came for hearing on the date indicated above in reference to the suspension action in accordance with the provisions of Section 4511.197 of the Ohio Revised Code (R.C.).

- The appellant's appeal was granted upon the court's determination of one or more of the following conditions:
- The arresting law enforcement officer did not have reasonable ground to believe that an OVI violation or a violation of R.C. 4511.194 (Physical Control) was committed before the test.
  - The officer did not request the appellant to submit to the chemical test.
  - The officer did not inform the appellant of the consequences of a refusal or of submitting to the test.
  - The appellant did not refuse the test. (Refusal Case)
  - The test results did not indicate a prohibited concentration of alcohol/controlled substance. (Positive Case)
  - The officer did not place appellant under suspension.
  - ~~BMV Form 2255 was not filed with the court or was not sent within 48 hours of the offense.~~
  - BMV Form 2255 was completed improperly.
  - Test not administered within the 3-hour time limit.
  - Initial hearing on ALS not held within 5 days.

**The ALS will be vacated and the fee waived if any box above is checked.**

- Judicial Pre-Trial suspension imposed.  Pre-Trial Suspension Terminated.
- Stay of Administrative License Suspension issued.
- The appeal is withdrawn by the defendant.  The appellant's appeal is denied for failure to show error.
- Stay of ALS rescinded. ALS suspension re-imposed from \_\_\_\_\_ until \_\_\_\_\_.
- Limited Privileges granted from \_\_\_\_\_ until \_\_\_\_\_.  Ignition Interlock required.

The ALS-Positive was adjudicated as follows:

- ALS terminated upon OVI or OVI/AC conviction, do not collect ALS reinstatement fee. R.C. 4511.191(C)(2)
- Not convicted of OVI, R.C. 4511.19, or municipal OVI, after a positive test result. ALS terminated, do not collect ALS reinstatement fee. R.C. 4511.197(D)

The ALS-Refusal was adjudicated as follows:

- ALS terminated upon OVI conviction, do not collect ALS reinstatement fee. R.C. 4511.191(B)(2)
- ALS terminated upon Physical Control conviction, do not collect ALS reinstatement fee.
- Not convicted of original charge after refusal, ALS stands. R.C. 4511.197(D)
- Terminate ALS, reinstatement fee not waived.

- ALS terminated per plea agreement, do not collect ALS reinstatement fee.

CLERK Lori Tyack	COURT Franklin County Municipal Court
CITY Columbus	4 DIGIT COURT CODE 2520

SIGNATURE OF PROSECUTING ATTORNEY <b>X</b>	DATE	SIGNATURE OF JUDGE <b>X</b>	DATE
---	------	--------------------------------	------

Please mail this form to:

Ohio Bureau of Motor Vehicles  
ALS/Points Unit  
P.O. Box 16784  
Columbus, Ohio 43216-6784

# OHIO BUREAU OF MOTOR VEHICLES

## REINSTATEMENT FEE PLAN



**BUREAU OF  
MOTOR VEHICLES**

**OHIO BUREAU OF MOTOR VEHICLES  
DRIVER LICENSE SUSPENSIONS SECTION  
P O BOX 16784  
COLUMBUS OH 43216-6784**

RE: (Court Case Number)	Court Code: <b>2520</b>
Subject: (Name)	Date of Birth:
Address:	
City:	
Social Security Number: XXX-XX-	Driver License Number:

As provided in Section 4510.10 of the Ohio Revised Code, the court has authorized the above named individual to satisfy the Bureau of Motor Vehicles' reinstatement fee requirements.

### **Reinstatement Fee Plan** (Monthly installments of not less \$50 per month)

From:	To:
(Date)	(Date)

### **Extended Reinstatement Fee Plan** (Full payment of fees- not to exceed 180days)

From:	To:
(Date)	(Date)

Provide notification to Court if individual fails to comply with court order of becomes subject to additional offenses.

No limited driving privileges granted.

Limited driving privileges granted.

Clerk: <b>LORI M. TYACK</b>
Court: <b>FRANKLIN COUNTY MUNICIPAL</b>
City: <b>COLUMBUS</b>
Judge:

Note: Complete this form and mail to the address listed above when unable to electronically transmit information.

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

Social Security Number: XXX-XX-\_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Driver License Number: \_\_\_\_\_  
BMV File Number: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

Case Number: \_\_\_\_\_

vs.

Registrar, Bureau of Motor Vehicles  
Respondent.

**PETITION FOR OCCUPATIONAL DRIVING PRIVILEGES**

Now comes the Petitioner, through counsel, and requests occupational driving privileges pursuant to Ohio Revised Code, Section 4507.16. Petitioner's license is suspended pursuant to Ohio Revised Code, Section 4511.191. The suspension seriously affects the petitioner's ability to continue his/her employment.

Respectfully submitted,

\_\_\_\_\_  
Supreme Court Number: \_\_\_\_\_  
Counsel for Petitioner

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Address Phone Number

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was mailed to the Bureau of Motor Vehicles, 1970 W. Broad Street, Columbus, Ohio 43223, on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Counsel for Petitioner

**IN THE FRANKLIN COUNTY MUNICIPAL COURT  
ENTRY FOR LIMITED DRIVING PRIVILEGES**

- Defendant** \_\_\_\_\_
- Granted under an ALS
- Granted under a BMV suspension
- Granted under court-ordered suspension
- Granted under a non-compliance suspension
- Family plates required
- Ignition interlock required     Indigent

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

Last 4 of SSN \_\_\_\_\_ D.O.B. \_\_\_\_\_

Op. Lic. No. \_\_\_\_\_

Court-ordered suspension terminates \_\_\_\_\_

ALS terminates \_\_\_\_\_

Offense date \_\_\_\_\_

Insurance Provider \_\_\_\_\_

Home \_\_\_\_\_

Work \_\_\_\_\_

Privileges are granted, begin \_\_\_\_\_, and are valid as stated below:

	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.
Leave home							
Arrive @ work							
Leave work							
Arrive @ home							
<input type="checkbox"/> Occupational, educational, vocational, or medical purposes		<input type="checkbox"/> Taking driver's or CDL examination		<input type="checkbox"/> Court-ordered treatment		<input type="checkbox"/> Family necessity	
<input type="checkbox"/> Defendant may stop in his/her travel to and from employment for any reason.							
<input type="checkbox"/> Per R.C. 4510.43(C), Defendant is permitted to drive an employer's vehicle within the job requirements without an interlock device, provided the employer has been notified of Defendant's driving restrictions and the employer has provided Defendant with written permission, which shall remain in Defendant's possession while operating the employer's vehicle.							
Other Conditions:							

I understand I am guilty of operating under suspension if I operate a vehicle outside the above limits. I understand that these limited privileges are revoked if I let my driver's license expire during this suspension period. I understand that after the court ordered suspension expires, I must pay a reinstatement fee to the BMV to continue driving. If these privileges are for limited driving during an ALS, I understand that a reinstatement fee must be paid to the BMV when this suspension expires.

\_\_\_\_\_  
Defendant's Signature

**IT IS SO ORDERED.**

\_\_\_\_\_  
**Judge**  
Franklin County Municipal Court, Chambers  
Columbus, Ohio 43215 (614) 645-

Interlock Company
Send notice of violation ( <input type="checkbox"/> and notice of installation) to:
<input type="checkbox"/> Court Services – <a href="mailto:Courtservices@fmcclerk.com">Courtservices@fmcclerk.com</a>
<input type="checkbox"/> Probation – <a href="mailto:capuanom@fmcclerk.com">capuanom@fmcclerk.com</a> or fax 614.645.8626
The device shall have a calibration setting (BrAc) of 0.25.
Rolling retest <input type="checkbox"/> YES; <input type="checkbox"/> NO
Bypass switch always ON; High BAC violation always ON.

### LIMITED DRIVING PRIVILEGES

You may drive during the hours identified and for those reasons stated on the front of this entry. You must keep a travel log while driving to indicate the locations to which and from which you are traveling. The travel log must be shown upon demand to any law enforcement officer. You shall not consume alcohol prior to driving, and shall have no odor of an alcoholic beverage while driving. *You may not refuse any test required by law enforcement.*

### IGNITION INTERLOCK

**If interlock has been ordered, the limited driving privileges authorized on the entry are not valid until a certified ignition interlock device has been installed on the vehicle and the registrar issues a restricted license.**

To obtain a restricted license:

1. Take the unlimited privileges entry to an interlock provider
2. Have interlock installed, get installation certificate
3. Take unlimited privileges entry and installation certificate to BMV
4. BMV will issue a restricted license

Unless you have been declared indigent, you may contract with the interlock company of your choice; however, you should consider the company's location because you will be required to visit the company each month for reporting purposes. You are responsible to pay for the installation and maintenance of the interlock device, as well as all monthly fees. If you are on probation and have been declared indigent, please call your probation officer for help finding an interlock provider. If you are not on probation and have been declared indigent, please call the Vehicle Sanctions Office (614.645.5962) for help finding an interlock provider.

### NOTICE - SANCTIONS FOR VIOLATING PRIVILEGES

If interlock has been ordered, the following are violations of limited driving privileges with interlock:

1. Operation of a vehicle without interlock installed
2. Tampering with or circumventing an interlock device
3. Detection of positive alcohol levels by the interlock device

Under R.C. 4510.46 and R.C. 4510.13, if the Court receives notice of a violation, the following sanctions apply:

1. The Court **may** double your license suspension and period during which you must drive a vehicle with interlock installed, and
2. The Court **may** require you to wear a continuous alcohol monitoring device

*If the violation occurs within 60 days of the end of the suspension, the BMV is prohibited from reinstating your license, and the Court may either double your license suspension or increase the suspension for 60 days from the date of the violation.*

**IN THE FRANKLIN COUNTY MUNICIPAL COURT  
ENTRY FOR UNLIMITED DRIVING PRIVILEGES  
WITH INTERLOCK REQUIRED**

Defendant \_\_\_\_\_

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

**Unlimited Driving Privileges**  
**With Interlock Required**

Last 4 of SSN \_\_\_\_\_ D.O.B. \_\_\_\_\_

Op. Lic. No. \_\_\_\_\_

Court-ordered suspension terminates \_\_\_\_\_

Offense date \_\_\_\_\_

Insurance Provider \_\_\_\_\_

Pursuant to R.C. 4510.022, unlimited driving privileges with a certified ignition interlock device are hereby granted. The defendant may operate a motor vehicle only if the vehicle is equipped with a certified ignition interlock device. These privileges are unrestricted as to purpose, time, and place. Any jail term imposed in this case is hereby suspended.

- Interlock required
- Family plates required
- Indigent
- Per R.C. 4510.43(C), Defendant is permitted to drive an employer's vehicle within the job requirements without an interlock device, provided the employer has been notified of Defendant's driving restrictions and the employer has provided Defendant with written permission, which shall remain in Defendant's possession while operating the employer's vehicle.
- Other conditions: \_\_\_\_\_
- Suspension period reduced (up to half), and shall now terminate on \_\_\_\_\_, 20\_\_\_\_\_

*The Clerk is directed to transmit court costs collected in relation to these privileges to the State Treasurer, to be credited to the State Highway Safety Fund created under section 4501.06 of the Revised Code.*

I understand I am guilty of operating under suspension if I operate a vehicle without obtaining a restricted license. I understand that these privileges are revoked if I let my driver's license expire during this suspension period. I understand that after the court ordered suspension expires, I must pay a reinstatement fee to the BMV to continue driving.

\_\_\_\_\_  
Defendant's Signature

**IT IS SO ORDERED.**

\_\_\_\_\_  
**Judge**  
Franklin County Municipal Court, Chambers  
Columbus, Ohio 43215 (614) 645-\_\_\_\_\_

Interlock Company
Send notice of violation ( <input type="checkbox"/> and notice of installation) to:
<input type="checkbox"/> Court Services – Courtservices@fcmcclerk.com
<input type="checkbox"/> Probation – capuanom@fcmcclerk.com or fax 614.645.8626
The device shall have a calibration setting (BrAc) of 0.25.
Rolling retest <input type="checkbox"/> YES; <input type="checkbox"/> NO
Bypass switch always ON; High BAC violation always ON.

### UNLIMITED DRIVING PRIVILEGES

You may drive to any place, at any time, for any purpose, subject to any conditions stated on the front of this entry. You shall not consume alcohol prior to driving, and shall have no odor of an alcoholic beverage while driving. *You may not refuse any test required by law enforcement.*

### IGNITION INTERLOCK

**The unlimited driving privileges authorized on the entry are not valid until a certified ignition interlock device has been installed on the vehicle and the registrar issues a restricted license.**

To obtain a restricted license:

1. Take the unlimited privileges entry to an interlock provider.
2. Have interlock installed, get installation certificate.
3. Take unlimited privileges entry and installation certificate to BMV
4. BMV will issue a restricted license

Unless you have been declared indigent, you may contract with the interlock company of your choice; however, you should consider the company's location because you will be required to visit the company each month for reporting purposes. You are responsible to pay for the installation and maintenance of the interlock device, as well as all monthly fees. If you are on probation and have been declared indigent, please call your probation officer for help finding an interlock provider. If you are not on probation and have been declared indigent, please call the Vehicle Sanctions Office (614.645.5962) for help finding an interlock provider.

A current list of certified interlock companies is available in the courtroom and online at:

[http://www.publicsafety.ohio.gov/links/Approved\\_Interlock\\_Devices.pdf](http://www.publicsafety.ohio.gov/links/Approved_Interlock_Devices.pdf)

### NOTICE - SANCTIONS FOR VIOLATING PRIVILEGES

The following are violations of unlimited driving privileges with interlock:

1. Operation of a vehicle without interlock installed
2. Tampering with or circumventing an interlock device
3. Detection of positive alcohol levels by the interlock device

Under R.C. 4510.46 and R.C. 4510.022, if the Court receives notice of a violation, the following sanctions apply:

1. The Court **must** impose any suspended jail term
2. The Court **may** double your license suspension and period during which you must drive a vehicle with interlock installed, and
3. The Court **may** require you to wear a continuous alcohol monitoring device

*If the violation occurs within 60 days of the end of the suspension, the BMV is prohibited from reinstating your license, and the Court may either double your license suspension or increase the suspension for 60 days from the date of the violation.*

IN THE FRANKLIN COUNTY MUNICIPAL COURT, COLUMBUS, OHIO

State of Ohio  
City of Columbus,

Plaintiff,

vs.

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

\_\_\_\_\_

Defendant.

ENTRY

This matter came before the Court upon oral motion of defendant or counsel to recover certain items of personal property contained within the following vehicle, to wit:

YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ PLATE# \_\_\_\_\_

VIN# \_\_\_\_\_ which was seized by law enforcement for a violation under section \_\_\_\_\_ CC/ORC, and remains in impound until disposition of the said violation.

Upon evidence adduced, the Court hereby determines that the impoundment of articles listed below would be a substantial injustice to the Defendant/Motor Vehicle Owner.

Upon presentation of a copy of this Entry and proper proof of identification, the following articles are to be released or returned:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE

JUDGE

Copy served upon Defendant/Owner on this date by: \_\_\_\_\_

Copy to Vehicle Immobilization Coordinator.

## CERTIFIED DRIVER INTERVENTION PROGRAMS

Listed below are the 72-hour driver intervention programs currently offered in and around Franklin County which can be used to satisfy your probation condition. It is your responsibility to call to determine the price of programs, where they are located, and the available dates. Most programs are held at local hotels and begin on Thursday evening and conclude on Sunday afternoon, but verify the details with each individual program. When registering, you are to report ALL PRIOR ALCOHOL RELATED OFFENSES, INCLUDING OVIs WHICH WERE AMENDED AS PART OF A PLEA BARGAIN.

It is your responsibility to sign a Release of Information form with the agency of your choice so that your probation officer can be notified of your participation and any aftercare or further assessment recommendations. **Probation fax # is 614-645-8626.**

It is also required that the program that you attend relay proof of your attendance to the Franklin County Municipal Clerk of Courts. **Clerk's fax # is 614-645-6828.** Failure to do so may result in a warrant being issued for your arrest.

### FRANKLIN COUNTY PROGRAMS

<b>Central Ohio Impaired Driving Program</b> 614-929-9775 <a href="http://www.coidp.com">http://www.coidp.com</a>	<b>Christian Accountability Network (CAN)</b> 614-439-5375 1-866-690-1211 <a href="http://www.thecanetwork.com">www.thecanetwork.com</a>	<b>Crossroads Driver Intervention Program</b> 614-445-0352 <a href="http://www.crossroadsrecovery.net">www.crossroadsrecovery.net</a>
<b>Wellness Driver Intervention Program</b> 614-791-8300 (English/Spanish) <a href="http://www.wellnessdriver.com">www.wellnessdriver.com</a>	<b>Second Chance Counseling Center Inc.</b> 614-635-9011 <a href="http://www.secondchancecolumbus.com">www.secondchancecolumbus.com</a>	<b>Vision Support Network</b> 614-783-1522 <a href="http://www.visionsupport.info">www.visionsupport.info</a>
	<b>D.E.T.O.U.R. Recovery Solutions</b> 614-623-5593 <a href="http://detourecoversolutions.com">http://detourecoversolutions.com</a>	

### OUT-OF-COUNTY PROGRAMS

<b>Licking County - LAPP</b> 740-366-7303 (Medicaid accepted) <a href="http://www.LAPP.cc">www.LAPP.cc</a>	<b>Ashland - Richland County Alternate Program</b> 419-289-7675 or 1-866-311-2334 (Medicaid accepted)	<b>Cincinnati - Talbert House</b> 513-861-0035 (Medicaid accepted) <a href="http://www.talberthouse.org">www.talberthouse.org</a>
--	---	---

For names of others: OMHAS Referral Line - 1-800-788-7254

This list is reviewed on a periodic basis by Probation Department staff. It is not an exhaustive list of all providers of services. This is not an endorsement of listed agencies or providers. Any other agencies interested in working with the Department of Probation Services should call 614-645-8360 for more information.

**IGNITION INTERLOCK AGENCIES**

<b>Alcolock Ohio Inc.</b> 855-771-3683 614-771-5625	<b>Intoxalock</b> 877-777-5020 515-331-7643	<b>Lifesafar Interlock</b> 888-252-4045 (Option 1)
<b>Lowcost Interlock</b> 800-352-4872	<b>Ohio Interlock</b> 866-616-3133	<b>Smart Start</b> 800-880-3394

There are multiple locations for each agency. The numbers listed above are the main numbers to each company. The Interlock Company will provide you with the location of their company in your area.

The following link may provide additional options. However, please note that any agency must be certified by the State of Ohio and provide timely appropriate documentation to the court/assigned probation officer.

[http://www.publicsafety.ohio.gov/links/Approved Interlock Devices.pdf](http://www.publicsafety.ohio.gov/links/Approved_Interlock_Devices.pdf)

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This list is reviewed on a periodic basis by Probation Department staff. It is not an exhaustive list of all providers of services. This is not an endorsement of listed agencies or providers. Any other agencies interested in working with the Department of Probation Services should call 614-645-8360 for more information.

4/27/18



OHIO DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF MOTOR VEHICLES

**APPLICATION FOR REGISTRATION  
OF A MOTOR VEHICLE  
WITH RESTRICTED PLATES**

BMV VALIDATION BLOCK

TYPE OR PRINT  
REGISTRATION INFORMATION FOUND ON VALID OHIO/OUT-OF-STATE  
REGISTRATION CARD

LICENSE PLATE #	EXPIRATION DATE	STATE
-----------------	-----------------	-------

VEHICLE INFORMATION FROM OHIO CERTIFICATE/MEMORANDUM TITLE

VEHICLE SERIAL NO.	MAKE	YEAR	TYPE	CERTIFICATE OF TITLE NO. (OHIO ONLY)
--------------------	------	------	------	--------------------------------------

OWNER INFORMATION

OWNER NAME			OHIO DRIVER LICENSE, OHIO ID, SOCIAL SECURITY NO. OR TAX ID NO.		
RESIDENCE ADDRESS		CITY		STATE	ZIP CODE
JOINT-OWNER NAME			COUNTY OF RESIDENCE		
OWNER MAILING ADDRESS		CITY		STATE	ZIP CODE
FILL IN CITY NAME ONLY IF YOU LIVE INSIDE CORPORATION LIMITS	INCORPORATED CITY		FILL IN TOWNSHIP ONLY IF YOU LIVE OUTSIDE CORPORATION LIMITS	TOWNSHIP	
Y/N	Is Your License Plate Registration Under Suspension or Revocation Under the Ohio Financial Responsibility Law?	Y/N	Has the Motor Vehicle Being Registered been Operated by the Owner on Public Roads or Highways Prior to Date of This Application?	Y/N	If Operated by the Owner on Public Roads or Highways Prior to this Date, have Required Registration or transfer Fees Been Paid?
OWNER SIGNATURE X					DATE

**COURT NOTIFICATION  
MUST BE COMPLETED BY TRIAL COURT**

AN APPLICATION FOR RESTRICTED PLATES HAS BEEN SUBMITTED BY THE FOLLOWING NAMED INDIVIDUAL:

DEFENDANT			
RESIDENCE STREET	CITY	STATE	ZIP CODE

INDICATE BELOW THE ACTION TO BE TAKEN:

Application  APPROVED  DISAPPROVED by Authorized Official \_\_\_\_\_  
as submitted by \_\_\_\_\_ COURT  
in the County of \_\_\_\_\_, State of Ohio.  
Date Suspended or Revocation Expires \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE FOR BMV USE ONLY**

ENTERED ON RECORDS					
LICENSE NUMBER	YEAR	TYPE	DATE	FEE	BY

## COURT NOTIFICATION AND APPLICATION FOR OHIO RESTRICTED LICENSE PLATES

When the license of any person is suspended or revoked, the trial judge may impound the Ohio registration and Ohio license plates of any motor vehicle the individual owns.

Whenever an Ohio registration and license plates have been impounded in accordance with Ohio Revised Code Section 4507.02, the vehicle owner, with court approval, may apply for restricted license plates. (Ohio Revised Code Sections 4507.164, 4503.231, 4507.02).

To obtain restricted license plates the following items **MUST BE PRESENTED**:

1. Payment due: Plate, \$8.25 and Deputy Fee.
2. Completed and signed APPLICATION on **REVERSE SIDE**.
3. Trial Court must complete and sign **COURT NOTIFICATION ON REVERSE SIDE**.
4. **OHIO** Certificate of Title/Memorandum Title or current Registration Card is required. (COPIES NOT ACCEPTABLE).
5. This completed form must be taken to your local Deputy Registrar.

**IMPORTANT:** Restricted license plates can only be issued to a vehicle with a current registration. For new Ohio license plates the original Certificate of Title/Memorandum Title is required.



## NOTICE

The Court has granted a pre-trial release of the vehicle identified on the front of this Entry. This means that the vehicle may be subject to sanctions in the future if the defendant is convicted of or pleads guilty to a violation of R.C. 4510.11, 4510.14, 4511.161, 4510.41, 4511.19, 4511.193, or 4511.203 or a substantially similar municipal ordinance. Depending on your record at the time of sentencing, the Court may issue an order for the immobilization of the vehicle and the impoundment of the license plates or an order for the forfeiture of the vehicle.

You may not sell, assign, or transfer the vehicle while your case is pending without permission from the Court.

If the vehicle has been relocated and immobilized but is moved to and found at a different address than that ordered by the Court, the law enforcement agency with jurisdiction where the vehicle is found may seize and impound the vehicle until further order of the Court.

If you are convicted of or plead guilty to an offense and the Court issues an order of immobilization:

- ~~You may not sell, assign, or transfer title to the vehicle during the period of immobilization without prior approval of the Court. If the vehicle is sold, assigned, or transferred without obtaining an order from the Court, the Court may instruct the Registrar of the BMV not to accept any application for vehicle registration from the vehicle owner for a period of two years, and, if the vehicle was subject to forfeiture, the defendant may be fined for the value of the vehicle.~~
- A law enforcement agency will send you a notice after the immobilization period ends. You will have 20 days after the date of the notice to obtain release of the vehicle; otherwise, the vehicle will be forfeited and the vehicle owner may be charged the costs of removal, storage, and immobilization.

If the vehicle is subject to forfeiture, the Court may impose a fine in the amount of the vehicle's value if the vehicle is sold, assigned, or transferred and a lienholder or other person with an interest in the vehicle seeks return of the vehicle under R.C. 4503.234(B)(2) or (3).

3/13/18

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
COLUMBUS, OHIO

City of Columbus,  
State of Ohio,

Case Number

-v-

\_\_\_\_\_  
Defendant.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MOTION AND ENTRY FOR CONTINUANCE**

The \_\_\_\_\_ moves for a continuance of the \_\_\_\_\_  
(Plaintiff or Defendant) (Court trial, Pretrial or Jury Trial)

scheduled on \_\_\_\_\_ at \_\_\_\_\_ .m. Reason for continuance is \_\_\_\_\_

Therefore, case is continued to \_\_\_\_\_ at \_\_\_\_\_ .m.

Date case filed: \_\_\_\_\_ Date last in court: \_\_\_\_\_

Time waived or not waived: \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Counsel for Plaintiff Date

\_\_\_\_\_  
Counsel for Defendant Date

**ACKNOWLEDGEMENT OF RECEIPT OF NEXT COURT DATE**

I acknowledge that this is the only notice of the next court date I or my client will receive. I also understand that no notice will be mailed to me or my client.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant/Attorney for Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
JUDGE

**NOTE: A copy of this Entry must be filed with the Clerk's Office and served on opposing counsel or party.**

**IN THE FRANKLIN COUNTY MUNICIPAL COURT, COLUMBUS, OHIO**

City of Columbus  
State of Ohio,

vs.	Case Number	Judge	Date Set	Event

**MOTION AND ENTRY FOR CONSOLIDATION**

The \_\_\_\_\_ moves for the consolidation of the above cases  
(Plaintiff or Defendant)

for the following reasons(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Upon Motion of \_\_\_\_\_ and by agreement of \_\_\_\_\_  
(Plaintiff or Defendant) (Plaintiff or Defendant)

the above cases are consolidated and set for \_\_\_\_\_  
(Court Trial, Pre-Trial, Jury Trial)

before Judge \_\_\_\_\_ on \_\_\_\_\_ 20\_\_ at \_\_\_\_\_ : \_\_\_\_\_ .M.

APPROVED:

\_\_\_\_\_  
Counsel for Plaintiff Date

\_\_\_\_\_  
Counsel for Defendant Date

in Courtroom No. \_\_\_\_\_

\_\_\_\_\_  
Judge Date  
(with oldest case)

**ENTRY OF TRANSFER**

The above cases are ordered transferred to the docket of Judge \_\_\_\_\_.

\_\_\_\_\_  
Administrative Judge Date

**NOTE: A copy of this Entry must be filed with the Clerk's Office for each case consolidated.**

IN THE FRANKLIN COUNTY MUNICIPAL COURT, COLUMBUS, OHIO

STATE OF OHIO,  
CITY OF COLUMBUS/ \_\_\_\_\_ :

Plaintiff, :

vs. :

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Defendant. :

ENTRY

Pretrial held. Reassign for \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Continue \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m., at request of \_\_\_\_\_.

Per defendant's request, continue enforcement of \_\_\_\_\_ until \_\_\_\_\_.  
 Time payments authorized

Defendant given oral and written instructions to contact the Public Defender's Office.

Enter to substitute \_\_\_\_\_ as counsel of record (\_\_\_\_\_).

Reactivate Case. Re-assigned for \_\_\_\_\_ on \_\_\_\_\_.

Defendant instructed that no further continuances will be granted to obtain counsel.

Other \_\_\_\_\_

WAIVER OF RIGHT TO SPEEDY TRIAL

I, \_\_\_\_\_, knowingly and voluntarily waive my right to trial within the time provided by law.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant/Attorney for Defendant

ACKNOWLEDGEMENT OF RECEIPT OF NEXT COURT DATE

I acknowledge that this is the only notice of the next court date I or my client will receive. I also understand that no notice will be mailed to me or my client.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant/Attorney for Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
JUDGE





FRANKLIN COUNTY MUNICIPAL COURT  
LORI M TYACK, CLERK  
CRIMINAL/TRAFFIC DIVISION  
375 SOUTH HIGH STREET, SECOND FLOOR  
COLUMBUS, OH 43215-4520  
(614) 645-8186

Time Stamp

State of Ohio/County of Franklin/City of Columbus/\_\_\_\_\_ vs \_\_\_\_\_

Case # \_\_\_\_\_

To: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SUBPOENA**

This subpoena is an official notice that the above named person must appear in Court to testify as a witness:

DATE - \_\_\_\_\_ TIME - \_\_\_\_\_ .M.

JUDGE - \_\_\_\_\_

COURTROOM - \_\_\_\_\_ Located on the \_\_\_\_\_ floor, of 375 South High Street

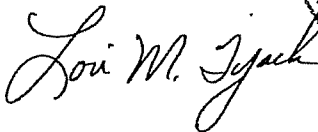
Service Requested:    \_\_\_ Residence Service  
\_\_\_ Personal Service    \_\_\_ Ordinary Mail    \_\_\_ Certified Mail  
\_\_\_ Duces Tecum: \_\_\_\_\_

Witness my hand and seal of this court on:

Issue Date

Lori M. Tyack, Clerk

Franklin County Municipal Court



Failure to appear at the time and place indicated may result in a contempt of court citation. Bring this subpoena with you to the courtroom and present it to the bailiff. Direct any questions to the person requesting you to appear.

The person requesting this subpoena is \_\_\_\_\_ Telephone: \_\_\_\_\_

To the Witness:

Mileage (    ) -

To receive payment for appearing in court, please:

1. Have the courtroom bailiff or prosecutor authorize the payment box.
2. Be sure your name and address is listed correctly above.
3. Take this copy to the 2nd Floor for processing.
4. You will receive a check within 6 weeks.

Approved for Payment

\_\_\_\_\_ Full Day

\_\_\_\_\_ Half Day

By \_\_\_\_\_  
(Court Personnel)

SSN: \_\_\_\_\_

# Franklin County Municipal Court

Lori M. Tyack, Clerk of Court 375 S. HIGH ST., COLUMBUS, OHIO 43215

State of Ohio  
County of Franklin  
City of Columbus

V: \_\_\_\_\_

DEFENDANT

TIME STAMP

OTHER JURISDICTION

## COMPLAINT

Complainant, being duly sworn, states that the above named defendant, at Franklin County / Columbus, Ohio, on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ did: \_\_\_\_\_

in violation of section \_\_\_\_\_  City Code  Misdemeanor  
 O.R.C. , a  Felony of the \_\_\_\_\_ degree.

Complainant

SIGNATURE

PRINT FULL NAME

BADGE NUMBER

ADDRESS OR AGENCY & ASSIGNMENT

CITY

STATE

ZIP CODE

Sworn to and subscribed before me, this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Lori M. Tyack

Clerk of the Franklin County Municipal Court

By \_\_\_\_\_

CLERK / DEPUTY CLERK / NOTARY PUBLIC / PEACE OFFICER

Notary Seal & Expiration Date

### ARREST WARRANT

Lori M. Tyack

Clerk of the Franklin County Municipal Court

To any law enforcement officer of the State of Ohio:

You are hereby commanded to arrest the above named defendant and bring him/her before the Franklin County Municipal Court without unnecessary delay, to answer to the complaint hereon. WHEN APPLICABLE, IN ACCORDANCE TO CRIMINAL RULE #4, THE WARRANT HAS BEEN ISSUED BEFORE THE DEFENDANT HAS APPEARED AND THE BAIL PROVISION CRIMINAL RULE 46 SHALL APPLY. ARRAIGNMENT COURT IS HELD IN COURTROOM 4C AT 9:00 AM., MONDAY THROUGH FRIDAY.

State # \_\_\_\_\_

Control # \_\_\_\_\_

By \_\_\_\_\_

DEPUTY

DATE

Complaint Number

Issuing Officer

Badge Number

061702

SUMMONS

WARRANT

MISDEMEANOR CITATION

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

Charge:

Offense Number \_\_\_\_\_  City Code \_\_\_\_\_ Offense Date \_\_\_\_\_ Offense Time \_\_\_\_\_ AM \_\_\_\_\_ PM

Offense Description \_\_\_\_\_ Suspect Cruiser Dist. \_\_\_\_\_

Defendant Name: LAST \_\_\_\_\_ FIRST \_\_\_\_\_ MIDDLE \_\_\_\_\_

Address: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Physical Description: RACE \_\_\_\_\_ HGT. \_\_\_\_\_ WGT. \_\_\_\_\_ HAIR \_\_\_\_\_ EYES \_\_\_\_\_

Identification: S.S.# \_\_\_\_\_ DL / I.D.# \_\_\_\_\_

### SUMMONS: Read Notice #1 on reverse side.

You MUST appear in courtroom 4C  or 15C  on the date and time indicated. I personally served the Defendant a copy of this Summons on \_\_\_\_\_ Signature \_\_\_\_\_

Type of SUMMONS Service Requested:

Personal  Certified Mail

### CITATION: Read Notice #2 on reverse side.

Court appearance is OPTIONAL. You may contest this citation by appearing in COURTROOM 4C  COURTROOM 15C  on the date and time indicated.

#### COURT DATE & TIME

MONTH \_\_\_\_\_ DAY \_\_\_\_\_ YEAR \_\_\_\_\_ TIME \_\_\_\_\_ AM \_\_\_\_\_ PM

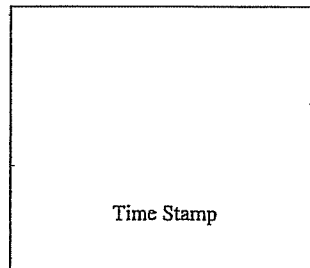
X

This is not an admission of guilt. An ARREST WARRANT will be issued if you do not properly respond to this charge.

IN THE FRANKLIN COUNTY MUNICIPAL COURT

COLUMBUS, OHIO

IN RE:  
Application and  
Search Warrant  
For the Premises / Body / Vehicle  
of \_\_\_\_\_  
Franklin County, Ohio



ENTRY FOR SEARCH WARRANT TO BE SEALED

Upon request of the applicant for the search warrant which was issued on \_\_\_\_\_, 20 \_\_, for the property located / body / vehicle \_\_\_\_\_, located at / City of Columbus, Franklin County, Ohio, for good cause shown, and upon the representation of the applicant and the \_\_\_\_\_ that disclosure of the

(Law Enforcement Agency)

facts contained in the affidavit in support of the Search Warrant application and / or the disclosure of evidence seized pursuant to that warrant would be detrimental to an ongoing criminal investigation which is being conducted, the Court hereby orders that this entry, and all documents, dockets, indices, or references to this search warrant, including the affidavit, search warrant, inventory and return for the search warrant issued for the premises / body / vehicle of \_\_\_\_\_, City of \_\_\_\_\_ Franklin County, Ohio, shall **BE SEALED FOR** \_\_\_\_\_.

Any request to unseal this search warrant, that is not made by the applicant, shall be made in writing and served upon both the applicant and the prosecutor with jurisdiction to prosecute the crime identified in the search warrant application. At that time the Court will conduct an *in camera* hearing to determine if the search warrant shall remain sealed or if the search warrant shall be unsealed, with or without redactions.

Any request to extend the sealed period of time shall be made to the undersigned judge.

\_\_\_\_\_  
Judge  
Franklin County Municipal Court

FRANKLIN COUNTY MUNICIPAL COURT CLERK  
 SEALINGS AND EXPUNGMENTS SECTION  
 375 SOUTH HIGH STREET, 2<sup>ND</sup> FLOOR  
 COLUMBUS, OH 43215

\_\_\_\_\_ CRX \_\_\_\_\_

JUDGE \_\_\_\_\_

**APPLICATION FOR SEALING OF RECORDS – R.C. 2953.32/2953.52**

**In re: Application for the Sealing of Records of:**

Full Name:	Alias/Maiden Name:	
Address:	Phone Number:	
City:	State:	ZIP:
Date of Birth:	SSN:	

Case Number	Result	Date of Result	Charge
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		

(Use Page 2 if needed)

The above-named applicant states that s/he qualifies for a sealing of records under the applicable provisions of R.C. Chapter 2953. If the records to be sealed include a conviction, the applicant requests that any accompanying charges that were dismissed also be sealed.

\_\_\_\_\_  
 Applicant or Attorney Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Defendant's Attorney

\_\_\_\_\_  
 Supreme Court #

\_\_\_\_\_  
 Defendant's Attorney's Address

\_\_\_\_\_  
 Phone Number

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that a copy of this Application for Sealing Records was served upon the Prosecutor's Office on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 DEPUTY CLERK

*Additional Case Numbers*

Case Number	Result	Date of Result	Charge
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		

**FRANKLIN COUNTY MUNICIPAL COURT  
DEPARTMENT OF PROBATION SERVICES**

**Molly L. Gauntner  
Chief Probation Officer**

**Melinda C. Brooks  
Deputy Chief Probation Officer**



**Promoting community safety by reducing  
recidivism, changing offender behavior,  
and fostering accountability through the  
effective use of evidence based practices.**

**375 S. High Street, 8th Floor  
Columbus, OH 43215-4520  
(614) 645-8360  
(FAX) (614) 645-8626**

**Probation Officer Supervisors:  
Annette M. Busch  
Ronald Fowler  
Michael A. Graves  
Cassandra Munoz  
Tad Thomas**

**Support Staff Supervisor:  
Beverly A. Sullivan**

**Community Sanctions Supervisor:  
Christine R. Seymour**

**Probation Assisted Victim  
Empowerment Division Supervisor:  
Adele J. Lifer**

---

**YOU ARE TO COMPLETE THE ATTACHED WORKSHEET TO THE BEST OF YOUR RECOLLECTION. THIS INFORMATION IS REQUIRED BY THE DEPARTMENT OF PROBATION SERVICES INVESTIGATION UNIT AND WILL AID IN THE PREPARATION OF THE SEALING OF RECORD REPORT THAT WILL BE SUBMITTED TO THE COURT. THE INFORMATION YOU PROVIDE MAY ASSIST THE COURT IN DETERMINING WHETHER YOUR REQUEST TO SEAL YOUR RECORDS MAY OR WILL BE GRANTED.**

**RETURN THE COMPLETED WORKSHEET WITHIN TEN WORKING DAYS. YOU MAY MAIL, FAX OR HAND-DELIVER THE WORKSHEET TO:**

**FRANKLIN COUNTY MUNICIPAL COURT  
DEPARTMENT OF PROBATION SERVICES  
INVESTIGATION UNIT – SEALING OF RECORDS  
375 SOUTH HIGH STREET, 8<sup>TH</sup> FLOOR  
COLUMBUS, OHIO 43215-4520**

**FAX: (614) 645-8626**

**IF YOU HAVE ANY QUESTIONS CONCERNING YOUR REPORT, CALL (614) 645-8360 AND REQUEST TO SPEAK TO THE INVESTIGATOR ASSIGNED TO YOUR SEALING OF RECORD CASE.**





**FORM 20. CIVIL FEE WAIVER AFFIDAVIT AND ORDER**

IN \_\_\_\_\_

	)	CASE NO. _____
	)	
Plaintiff,	)	JUDGE _____
vs.	)	
	)	<b><u>FINANCIAL DISCLOSURE / FEE-</u></b>
	)	<b><u>WAIVER AFFIDAVIT</u></b>
Defendant.	)	<b><u>AND ORDER</u></b>

Pursuant to R.C. 2323.311, the below-named Applicant requests that the Court determine that the Applicant is an indigent litigant and be granted a waiver of the prepayment of costs or fees in the above captioned matter. The Applicant submits the following information in support of said request.

Personal Information			
Applicant's First Name	Applicant's Last Name		
Applicant's Date of Birth	Last 4 Digits of Applicant's SSN		
Applicant's Phone Number	Applicant's Email Address		
Applicant's Address			
Other Persons Living in Your Household			
First Name	Last Name	Is this person a child under 18?	Relationship (Spouse or Child)
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Public Benefits			
I receive the following public benefits and my gross income, including the cash benefits marked below, does not exceed 187.5% of the federal poverty guidelines.			
Place an "X" next to any benefits you receive.			
Ohio Works First <sup>1</sup> : ___    SSF <sup>2</sup> : ___    Medicaid <sup>3</sup> : ___			
Veterans Pension Benefit <sup>4</sup> : ___    SNAP / Food Stamps <sup>5</sup> : ___			

**Monthly Income**

I am NOT able to access my spouse's income

	Applicant	Spouse (If Living in Household)	Total Monthly Income
Gross Monthly Employment Income, including Self-Employment Income (Before Taxes)	\$	\$	\$
Unemployment, Worker's Compensation, Spousal Support (If Receiving)	\$	\$	\$
<b>TOTAL MONTHLY INCOME</b>			\$

**Liquid Assets**

Type of Asset	Estimated Value
Cash on Hand	\$
Available Cash in Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets	\$
<b>Total Liquid Assets</b>	\$

**Monthly Expenses**

Column A		Column B	
Type of Expense	Amount	Type of Expense	Amount
Rent / Mortgage / Property Tax / Insurance	\$	Insurance (Medical, Dental, Auto, etc.)	\$
Food / Paper Products/Cleaning Products/Toiletries	\$	Child or Spousal Support that You Pay	\$
Utilities (Heat, Gas, Electric, Water / Sewer, Trash)	\$	Medical / Dental Expenses or Associated Costs of Caring for a Sick or Disabled Family Member	\$
Transportation / Gas	\$	Credit Card, Other Loans	\$
Phone	\$	Taxes Withheld or Owed	\$
Child Care	\$	Other (e.g. garnishments)	\$
<b>Total Column A Expenses</b>	\$	<b>Total Column B Expenses</b>	\$
<b>TOTAL MONTHLY EXPENSES (Column A + Column B)</b>			

I, \_\_\_\_\_, hereby certify that the information I have provided on  
(Print Name)  
this financial disclosure form is true to the best of my knowledge and that I am unable to prepay the costs  
or fees in this case.

\_\_\_\_\_  
Signature

**NOTARY PUBLIC:**

Sworn to before me and signed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
in \_\_\_\_\_ County, Ohio.

\_\_\_\_\_  
Notary Public (Signature)

\_\_\_\_\_  
Notary Public (Printed)

My Commission expires: \_\_\_\_\_

If available, an individual duly authorized to administer this oath at the Clerk of Court's Office will do so  
at no cost to the Applicant.

**ORDER**

- Upon the request of the Applicant and the Court's review, the Court finds that the Applicant IS an indigent litigant and **GRANTS** a waiver of the prepayment of costs or fees in this matter. Pursuant to R.C. 2323.311(B)(3), upon the filing of a civil action or proceeding and the affidavit of indigency under division (B)(1) of this section, the clerk of the court shall accept the action, motion, or proceeding for filing.
- Upon the request of the Applicant and the Court's review, the Court finds that the Applicant is NOT an indigent litigant and **DENIES** a waiver of the prepayment of costs or fees in this matter. Applicant is granted thirty (30) days from the issuance of this Order to make the required advance deposit or security. Failure to do so within the time allotted may result in dismissal of the applicant's filing.

**IT IS SO ORDERED**

\_\_\_\_\_  
Judge / Magistrate

\_\_\_\_\_  
Date

[Effective: April 15, 2020.]

APPENDIX

**2020 FEDERAL POVERTY LIMIT (FPL)**

<b>Persons in family/household</b>	<b>100% Poverty</b>	<b>100% Poverty Monthly Gross Income</b>	<b>187.5% Poverty</b>	<b>187.5% Poverty Monthly Gross Income</b>
1	\$12,760	\$1,063.33	\$23,925	<b>\$1,993.74</b>
2	\$17,240	\$1,436.67	\$32,325	<b>\$2,693.75</b>
3	\$21,720	\$1,810	\$40,725	<b>\$3,393.75</b>
4	\$26,200	\$2,183.33	\$49,125	<b>\$4,093.75</b>
5	\$30,680	\$2,556.67	\$57,525	<b>\$4,793.75</b>
6	\$35,160	\$2,930	\$65,925	<b>\$5,493.75</b>
7	\$39,640	\$3,303.33	\$74,325	<b>\$6,193.75</b>
8	\$44,120	\$3,676.67	\$82,725	<b>\$6,893.75</b>

R.C. 2323.311(B)

(4) A judge or magistrate of the court shall review the affidavit of indigency as filed pursuant to division (B)(2) of this section and shall approve or deny the applicant's application to qualify as an indigent litigant. The judge or magistrate shall approve the application if the applicant's gross income does not exceed one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio and the applicant's monthly expenses are equal to or in excess of the applicant's liquid assets as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision. If the application is approved, the clerk shall waive the advance deposit or security and the court shall proceed with the civil action or proceeding. If the application is denied, the clerk shall retain the filing of the action or proceeding, and the court shall issue an order granting the applicant whose application is denied thirty days to make the required advance deposit or security, prior to any dismissal or other action on the filing of the civil action or proceeding.

(6) Nothing in this section shall prevent a court from approving or affirming an application to qualify as an indigent litigant for an applicant whose gross income exceeds one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio, or whose liquid assets equal or exceed the applicant's monthly expenses as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision.

<sup>1</sup>Ohio Works First Income Limit: 50% FPL (R.C. 5107.10(D)(1)(a))

<sup>2</sup>SSI Income Limit: cannot have countable income that exceeds the Federal Benefit Rate (FBR). 2019 FBR: \$771 monthly for single disabled individual; \$1157 monthly for disabled couple (20 CFR 416.1100) <sup>3</sup>Medicaid Income Limit:

Modified Adjusted Gross Income (MAGI):138% FPL (OAC 5160:1-4-01; 42 USC 1396a(a)(10)(A)(i)(VIII))  
Aged, Blind or Disabled: \$791 for single person; \$1177 for disabled couple

<sup>4</sup>Veterans Pension Benefit Income Limit: \$13,535 annually / \$1,127 monthly for a single person; \$17,724 annually / \$1,477 monthly for a veteran with one dependent

<sup>5</sup>Supplemental Nutrition Assistance Program (SNAP) Income Limit: 130% FPL for assistance groups with nondisabled/nonelderly member; 165% FPL for elderly and disabled assistance groups (OAC 5101:4-4-11; Food Assistance Change Transmittal No. 61)

## COURT-APPOINTED COUNSEL PROCEDURES

### I. The Public Defender's Office

#### A. Determines qualification for services

1. Defendant qualifies as indigent by meeting state guidelines.
2. Sentencing could mean loss of liberty.
3. Case is a conflict for the office.

#### B. Transferring cases

1. Paperwork is prepared and includes: Financial Disclosure Form, copy of withdrawal (when applicable) and a conflict entry sheet.
2. Judge approves the PD's withdrawal.
3. Cases are delivered to Court Administration for assignment of conflict counsel.

### II. Court Administration

#### A. Processing

1. Cases are reviewed for assignment to a judge, an event (pre-trial, jury trial, revocation hearing, etc.), charge, scheduling (date and time), additional cases and attorney of record.

#### B. Assignment of cases

1. Cases are assigned in alphabetical rotation. Two defendants are assigned at a time.
2. Attorney is contacted by telephone. If the attorney is not available, a message is left. The attorney must respond to the message. A change of address or telephone number must be reported in writing to both Court Administration *and* the Assignment office.
3. Appointment may be accepted or declined based on the attorney's availability for the court date and time.
4. Appointment may not be declined due to event, charge, multiple cases, the defendant (unless a conflict exists), or assigned judge.
5. After a case is accepted, available information is provided.
6. Newly appointed counsel is responsible for recording the appointment date and case information, and for contacting the defendant.
7. Court Administration completes the entry sheet by recording the attorney's name, Supreme Court number & telephone number. The entry sheet is then signed and dated by Court Administration.
8. The entry sheet is forwarded to the Clerk's office for filing & recording. The Clerk's office then forwards it to the Assignment office. The Assignment office enters the attorney's name in Courtview.
9. Financial Disclosure Forms prepared by the Public Defender's office are maintained by Court Administration. Appointed counsel will be told when appointed if the defendant needs to complete a Financial Disclosure Form once released from jail.

#### C. Cases

1. Charges vary. The most frequent charge is domestic violence and assault, followed by OVI, no ops, driving under suspension, child endangerment, theft, and soliciting.
2. The number of cases an attorney will receive per year will vary depending on the number of conflicts and the availability of the attorney.

### III. Motion For Payment

#### A. Motion, Entry, and Certification For Appointed Counsel Fees.

1. The Office of the Ohio Public Defender created the form, which is utilized by all courts in the state.
2. The form must be completed accurately. Discrepancies in the plaintiff, case number, assigned judge, charges, disposition, dates of service, or attorney information will delay payment.
3. Time must be calculated in tenths of an hour. A detailed itemized timesheet must be kept by the attorney and be available upon request.
4. Hourly rates are \$50.00 per hour for out-of court work and \$60.00 per hour for in-court work. Total fees are capped at \$800.00, exclusive of expenses. Probation revocation proceedings are capped at \$500.00, exclusive of expenses.
5. All expenses must be itemized (i.e. 5 copies at \$0.05 per copy). Expenses totaling \$1.00 or less do not require a receipt. Expenses totaling between \$1.00 and \$100.00 require a receipt, but do not require prior approval. Expenses totaling between \$100.00 and \$2,500.00 require a receipt and prior approval of the assigned judge. Expenses over \$2,500.00 require a receipt and prior approval of both the assigned judge and the Administrative Judge.
6. Multiple cases assigned at the same time are considered consolidated and are to be billed on one motion.
7. The motion for payment must be submitted to Court Administration within thirty (30) days of disposition or the fee will be reduced by 44%. When a warrant is issued for a defendant's failure to appear, the case is considered closed and a motion for payment should be submitted within thirty (30) days.
8. If the attorney was instructed when appointed to have the defendant complete a Financial Disclosure Form, the Financial Disclosure Form must be submitted with the motion for payment.
9. The application is reviewed for completeness and submitted to the assigned judge for approval. Approval of the motion is at the discretion of the assigned judge.
10. Approved cases are returned to Court Administration for processing of payment. Payment should be received within two to three weeks. Call Court Administration if payment is not received within 30 days.

#### B. Extraordinary Fees

1. An attorney may request extraordinary fees above the \$800.00 cap.
2. Appointed counsel submits the regular motion for payment and attaches a separate detailed itemized time sheet.
3. Court Administration will prepare a memorandum and submit the motion to the assigned judge.
4. If the judge does not support the extraordinary fee request it will be capped at the state maximum, signed and submitted for payment.
5. If the judge does support the extraordinary fee request, Court Administration will draft an entry to be submitted to the entire Court for approval at its next monthly Judges Meeting. A majority of the judges (8 judges) must approve the extraordinary fee request or it will be capped at the state maximum. The request may be approved, modified or denied by a majority of the judges.

## **The Franklin County Municipal Court Clerk's Criminal/Traffic Department**

### **A. The Franklin County Municipal Clerk of Court's Criminal/Traffic Department.**

- I. Open for all business twenty-four hours a day, three hundred and sixty-five days a year.
- II. Located on the second floor of the Municipal Courthouse at 375 South High Street, Columbus, Ohio 43215.
- III. The most convenient way to review all Criminal, Traffic, Civil, and Environmental cases is to utilize the Clerk's website at [www.fcmcclerk.com](http://www.fcmcclerk.com).
- IV. The number to contact the office by telephone is (614) 645-8186; (614) 645-8449
- V. Another convenience is to file all motions or requests on a case via fax: (614) 645-6948.
- VI. Certain matters that are handled only during normal business hours Monday through Friday:
  - a. The refunding of bond money (8:00 a.m. – 3:00 p.m.)
  - b. The filing for an expungement or sealing of a case (8:00 a.m. – 4:00 p.m.)
  - c. The filing for Limited Driving Privileges on Noncompliance BMV suspensions (8:00 a.m. – 4:00 p.m.)

### **B. There are five arraignment courtrooms and fifteen Judges in the Franklin County Municipal Court.**

- I. Traffic Arraignment Court is held each day Monday through Friday at 9:00 a.m. on the first floor of the courthouse. The courtrooms are 1A (defendant's last name begins with the letter A through K) and 1B (defendant's last name begins with the letter L through Z).
- II. Courtroom 4C, in which the presiding Judge rotates each week, has a docket that consists of all criminal cases, OVI cases, and Preliminary Hearings in which the defendant is out of jail. The court starts at 9 a.m.
- III. Courtroom 4D, also called prisoner arraignment court, is held every morning at 9:00 a.m. except Sunday.
  - a. All defendants that have a case that qualifies for Municipal Court and was arrested the previous day or night appear in this courtroom
  - b. The Judge, who also presides on a rotating weekly basis, also handles Preliminary Hearings. Most dockets run from 90 to 150 defendants per session.
- IV. The Environmental Court holds arraignment sessions on Wednesday mornings at 9:00 a.m., Judge Daniel Hawkins presides.
- V. Any environmental case (dog violations, truck overloads, littering, etc.) are held in Courtroom 15B, when the defendant is out of jail. When there is a criminal case and an environmental case on one defendant, the Environmental Court will hear the Criminal case as well.

### **C. In the Criminal/Traffic Department, there are certain policies and procedures that have proven over time and in many cases must be followed to meet the legal mandates.**

- I. The 2<sup>nd</sup> floor file room requires a blue affidavit withdraw card (supplied by the Clerk)

when removing an unassigned case file for review or to be taken to a Judge. A yellow withdraw card is required when removing an assigned case file.

- II. A payable traffic citation will remain on the first floor for up to 30 days after the arraignment date.
  - III. All criminal and environmental cases will be housed in the 2<sup>nd</sup> floor Clerk's office. To gain access to the files, the criminal department may need an advance notice if a list of cases is being requested.
- D. Local Court Rules currently mandate that bail set in felony cases and any cases covered by the Victim Rights law will be set in public sessions in Courtroom 4D.
- I. On a rotating basis, one Judge is assigned to Courtroom 4D from 4:30 p.m. on Friday until 4:29 p.m. on the next following Friday. In the absence of the 4D Judge, the Judge assigned to Courtroom 4C would set the bond, and in the absence of both, the Duty Judge for the week is next. If all three Judges are unavailable any Judge of this court can set bond.
  - II. The approval of search warrants follows a similar path. The order for the granting or denying of search warrants is the Duty Judge, the Courtroom 4D Judge, the Courtroom 4C Judge, and then any Judge of this Court.
  - III. The Judges assigned to the "special sessions" described above can be supplied by the Clerk's Office. The criminal department will ask that you supply your Supreme Court Registration number to confirm your identity. The Clerk has all pagers, cell phones, and telephone numbers to contact the particular Judge after normal business hours.
- E. Temporary Protection Orders issued on Victim Rights cases can be obtained at any time while the case is pending, as long as both the defendant and victim, or the counsel for either is present.
- I. When a misdemeanor case is adjudicated, the clerk recalls the order.
  - II. If the case is a felony, the TPO will remain in effect until we receive notice from the Court of Common Pleas.
- F. The Clerk's office works closely with the Franklin County Sheriff's Office as well as all local police agencies to verify the validity of warrants and process the slating and releasing of prisoners.
- I. The criminal department currently has a remote clerking station at the main jail to file all complaints and determine probable cause on new charges that are filed upon arrest.
  - II. When bond is posted, the accounting department will complete the necessary release forms, receipt any monies, and then fax the release papers to the jail for release.
- G. Bonding Companies
- I. Bondsmen's services are needed for Cash or Surety bonds or simply Surety Bonds. The Clerk's office remains impartial and will never recommend a surety company if you need them for any reason.

**COURT-APPOINTED COUNSEL  
FREQUENTLY ASKED QUESTIONS AND ANSWERS**

- Q. I received a notice of appearance regarding a revocation hearing for a client I previously represented. What should I do?**
- A. Contact the Court Appointed Counsel Coordinator in advance of the hearing. Just because a defendant was previously qualified for appointed counsel does not automatically mean they still qualify for representation, or that a conflict still exists. The defendant would need to go to the Franklin County Public Defender's Office for a determination of indigency and conflict screening, and you must be reappointed. Do not enter your appearance on the case until the Court Appointed Counsel Coordinator tells you to.
- Q. I received a notice of appearance for a previous appointment where the defendant failed to appear. What should I do?**
- A. Contact the Court Appointed Counsel Coordinator in advance of the court date. Depending on the amount of time lapsed, the defendant may need to go to the Franklin County Public Defender's Office for a determination of indigency and conflict screening. Do not enter your appearance on the case until the Court Appointed Counsel Coordinator tells you to.
- Q. I contacted the defendant and she/he said they have retained their own attorney. What should I do?**
- A. Verify that said attorney has entered as attorney of record. You may turn in a motion for payment for the time you have worked.
- Q. I was appointed to a case and discovered this defendant has an additional open case (or has a warrant on another case). Should I just handle the new case?**
- A. No. First, contact the Court Appointed Counsel Coordinator, who will check with the Franklin County Public Defender's Office and verify that a conflict exists for any additional cases. If a conflict exists, the Court Appointed Counsel Coordinator will file the necessary paperwork to appoint you. Do not enter your appearance on any case until the Court Appointed Counsel Coordinator tells you to.
- Q. I represent a defendant on a juvenile (or felony) case and they have a case in municipal court. May I be appointed?**
- A. Maybe. An appointed-counsel case in another court does not automatically mean the Public Defender's Office has a conflict of interest in this court. The defendant would need to go to the Franklin County Public Defender's Office for a determination of indigency and conflict screening. If the defendant qualifies for representation and there is a conflict with the Public Defender's Office for the municipal case, the defendant may request a particular attorney. Requests are honored when it will also assist the Court.

**Q. A defendant I previously represented on a court-appointed case contacted me regarding a new case.**

A. Contact the Court Appointed Counsel Coordinator in advance of the court date. Just because a defendant was previously qualified for appointed counsel does not automatically mean they still qualify for representation, or that a conflict still exists. The defendant would need to go to the Franklin County Public Defender's Office for a determination of indigency and conflict screening, and you must be reappointed. Do not enter your appearance on the case until the Court Appointed Counsel Coordinator tells you to. If the defendant qualifies for representation and there is a conflict with the public defender's office, the defendant may request a particular attorney. Requests are honored when it will also assist the Court.

**Q. Does the attorney need to submit a Financial Disclosure Form with a motion for payment?**

A. Sometimes. You will be told at the time you are appointed whether or not you will need to submit a Financial Disclosure Form with your motion for payment.

Often, defendants have already completed a Financial Disclosure Form with the assistance of the Franklin County Public Defender's Office. These completed affidavits are then sent over to the Court Appointed Counsel Coordinator and kept until the appointed attorney submits a motion for payment.

However, defendants appearing in courtroom 4D do not usually sufficiently complete the Financial Disclosure Forms, and you will have to assist these defendants in completing a Financial Disclosure Form that you will submit with your motion for payment.

**Q. I was appointed to a case and subsequently discovered that the defendant is not actually indigent. What should I do?**

A. Contact the Court Appointed Counsel Coordinator, who will verify that the defendant does not qualify for court-appointed counsel. Once this is verified, you can file a motion to withdraw from the case. Please also contact the defendant and advise him or her to attend all future court dates and hire their own counsel. You will be appointed to a replacement case.

**Q. What expenses may I bill for?**

A. Copies and postage are most the frequently claimed. Parking and travel are generally not reimbursable. If in doubt, ask the Court Appointed Counsel Coordinator. Also, don't forget that all expenses must be itemized. Expenses totaling \$1.00 or less do not require a receipt. Expenses totaling between \$1.00 and \$100.00 require a receipt, but do not require prior approval. Expenses totaling between \$100.00 and \$2,500.00 require a receipt and prior approval of the assigned judge. Expenses over \$2,500.00 require a receipt and prior approval of both the assigned judge and the Administrative Judge.

Q. **Do I need to attach the conflict entry to my fee request?**

A. No. The Court Appointed Counsel Coordinator maintains copies of conflict entries for reference, if needed.

SAMPLE

MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES

the Municipal Court of Franklin County, Ohio

Plaintiff: State of Ohio

Case No. 2013 CRB 1234

Appellate Case No. (if app.) \_\_\_\_\_

v. John Doe

- Capital-Offense Case (check if Capital Offense case)
- Guardian Ad Litem (check if appointed as GAL)

Defendant/Party Represented

In re: \_\_\_\_\_ Judge: John Justice

MOTION FOR APPROVAL OF PAYMENT OF APPOINTED COUNSEL FEES AND EXPENSES

The undersigned having been appointed counsel for the party represented moves this Court for an order approving payment of fees and expenses as indicated in the itemized statement herein. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion. I, or an attorney under my supervision, have performed all legal services itemized in this motion.

Periodic Billing (check if this is a periodic bill)

As attorney/guardian ad litem of record, I was appointed on August 2, 2013. This case terminated and/or was disposed of on September 18, 2013. I am submitting this application on October 10, 2013

Name Sam Attorney Signature Sam Attorney

Address 111 S. High St. Columbus OH 43215 SSN/Tax ID 6 digit vendor #  
No. and Street City State Zip OSC Reg. No. 0011111

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING

OFFENSE/CHARGE/MATTER	ORC/CITY CODE	DEGREE	DISPOSITION
1.) <u>Domestic Violence</u>	<u>2919.25</u>	<u>M1</u>	<u>dism.</u>
2.) <u>ASSAULT</u>	<u>2903.13</u>	<u>M1</u>	<u>dism.</u>
3.)			

\*List only the three most serious charges beginning with the one of greatest severity and continuing in descending order.

Grand Total Hours From Other Side:	IN-COURT			GRAND TOTAL
	OUT-OF-COURT	PRE-TRIAL HEARINGS	ALL OTHER IN-COURT	
	<u>1.20</u>	<u>1.70</u>	<u>3.50</u>	<u>5.20</u>
			<u>5.20</u>	<u>6.40</u>

Flat Fee Hrs:In 5.20 X Rate 60.00 = \$ 312.00 Tot. Fees \$ 372.00

Min Fee Hrs:Out 1.20 X Rate 50.00 = \$ 60.00 Expenses \$ 0.92 Total \$ 372.92

JUDGMENT ENTRY

The Court finds that counsel performed the legal services set forth on the itemized statement on the reverse hereof, and that the fees and expenses set forth on this statement are reasonable, and are in accordance with the resolution of the Board of County Commissioners of Franklin County, Ohio relating to payment of appointed counsel, that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

IT IS THEREFORE ORDERED that counsel fees and expenses be, and are hereby approved, in the amount of \$ \_\_\_\_\_. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment.

Extraordinary fees granted (copy of journal entry attached) Judge \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

CERTIFICATION

The County Auditor, in executing this certification, attests to the accuracy of the figures contained herein. A subsequent audit by the Public Defender Commission and/or Auditor of the State which reveals unallowable or excessive costs may result in future payments against reimbursement or repayment of audit exceptions to the Ohio Public Defender Commission.

County Number 25 Warrant Number \_\_\_\_\_ Warrant Date \_\_\_\_\_

County Auditor \_\_\_\_\_



# The Ohio Association of Criminal Defense Lawyers

www.oacdl.org

Become a member of the only state-wide attorney organization dedicated solely to defending the Constitution and protecting the Bill of Rights...for everyone! OACDL Membership benefits include:

**Listserv** Encourages members to communicate by email immediately with other members and defense practitioners around the state. Available to members in trial, in hearings, or with general questions. Also serves as a platform for members to summarize court decisions from Ohio's twelve appellate districts, the Supreme Court of Ohio, and United States District Courts of Appeal.

**Continuing Legal Education** The most up-to-date CLE topics and substantive material presented by nationally recognized experts, as well as nationally renowned and state distinguished OACDL members providing current OACDL members with significant registration and CLE credit discount.

**Strike Force** Are you in trouble in Court as an attorney? Is a judge threatening, or even hinting at throwing you in jail? Are you being bullied by the court (or the state) in any fashion? Veteran, brave, and aggressive OACDL Strike Force Members will be ready and available to assist and/or save you.

**Amicus Assistance** Important criminal issues will arise in your practice. The OACDL provides amicus assistance from a panel of experienced appellate counsel to advise and/or assist in the litigation and/or success in the criminal issues you identify.

**Legislative Affairs** The OACDL monitors pending legislation and government activities that affect the criminal defense bar in addition to participating in the input and consideration for the passage of new legislation in Ohio pertaining to the criminal justice system.

**Vindicator** The OACDL paper publication that keeps you informed and excited about criminal defense with articles written for and by criminal defense attorneys, including but not limited to members interested in providing content.

## Join us!

The OACDL believes in strength in numbers. We know that with more of us involved in an organization dedicated to protecting our clients' rights we make each other stronger, we make each other better, and we serve our clients in the way we want to – the way justice intended.

For information on membership, including trial membership, contact Susan Carr, Executive Director, at [susan@oacdl.org](mailto:susan@oacdl.org).

**Meredith O'Brien, President**

The Ohio Association of Criminal Defense Lawyers  
713 South Front Street Columbus, Ohio 43206  
1.800.443.2626  
Visit us at [www.oacdl.org](http://www.oacdl.org)

**OHIO ASSOCIATION OF CRIMINAL DEFENSE LAWYERS  
MEMBERSHIP APPLICATION**

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Fax \_\_\_\_\_

Email \_\_\_\_\_

Attorney Registration No \_\_\_\_\_ Member of the Bar since \_\_\_\_\_

Committee Interests (Check as many as apply to you):

- Amicus  DUI  Publications  Membership  CLE Seminars  Strike Force  
 Legislation  Ethics  Technology  Indigent Defense/Public Defender

Membership is open to all attorneys in good standing, or their associated employees, who have an interest in criminal defense.

Regular Member  \$195.00/year

Regular Public Defender Member/New Member of the Bar (must be employed full time with a public defender office or member of the bar for two (2) years or less)  \$75.00/year

Retired Member  \$75.00/year

Retired Board Member  \$195.00/year

Public Defender Board Member  \$195.00/year

Board of Director Member  \$375.00/year

President's Club Member  \$500.00/year

Life Member  \$5,000.00/one-time fee

Associate Member (no office-holding or voting privileges) for allied professionals in the criminal justice systems including legal secretaries, paralegals, investigators, social workers, and expert witnesses  \$35.00/year

To pay by credit card:  MasterCard  Visa  Discover  American Express

Credit Card Number \_\_\_\_\_

Billing Address \_\_\_\_\_

Name on Credit Card \_\_\_\_\_

Expiration Date \_\_\_\_\_ Security Code \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

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## INTERPRETER SERVICES

FRANKLIN COUNTY IS VERY DIVERSE, A MOSAIC OF MANY CULTURES, A WELCOMING PLACE TO IMMIGRANTS.

<https://municipalcourt.franklincountyohio.gov/Departments-Services/Interpreter-Services>

**The Franklin County Municipal Court provides interpreting services for parties and witnesses appearing in Municipal Court in more than 45 languages and American Sign Language.**

The Interpreter Services Department supports the Judiciary's goal of ensuring that persons who are limited English proficient (LEP) or who are deaf or hard of hearing have equal access to all proceedings for both verbal and written communication. Franklin County Municipal Court functions in accordance with the [Court's Language Access Plan](#) and the [Rules of Superintendence for the Courts of Ohio](#). Court interpreters are not advocates and therefore cannot provide legal assistance or advice. On-staff interpreters interpret Spanish, Somali, French, MayMay, Swahili, and Italian. The Interpreter Services Department contracts with external language services for other languages as well as for American Sign Language and Certified Deaf Interpreters. Captions are also available. For the blind and deaf-blind, Print on Palm, Protactil, and Haptics are available.

For more information about the [Interpreter Code of Conduct](#), [roster of interpreters](#), [common misconceptions about deaf people](#), and other [general resources](#), visit the [Supreme Court of Ohio](#). ↗

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**Parties may have the right to a court-appointed interpreter. If one is not provided, please contact us!**

## FAQ

### What is an interpreter?

- An interpreter orally conveys a message from one language to another. Interpretation is spoken or signed. **Court Interpreters are not advocates, consultants on culture or customs, nor can they help with forms or instructions. Interpreters cannot provide legal assistance or advice.**


### What is the role of Interpreters in the Legal System?

- Court Interpreters serve as a conduit between non-English speakers and English-speaking participants for court functions and official court proceedings. Interpreters have a critical role in making it possible to ensure the rights of due process and participation in the court system for all parties involved. The goal is to enable the Judge, jury, and all participants to interact and react in the same manner to a non-English speaking party as they do with parties who speak English. **Court interpreters are not advocates and therefore cannot provide legal assistance or advice.**
- Learn more about [The Role of Interpreters in the Legal System](#) 

### What are the different Modes of Interpretation?

- **Simultaneous Interpretation** - The rendering of a speaker's or signer's message into another language while the speaker or signer continues to communicate.
- **Consecutive Interpretation** - The rendering of a speaker's or signer's message into another language when the speaker or signer pauses to allow interpretation.
- **Sight Translation** - The rendering of a written document directly into a spoken or signed language, not for purposes of producing a written document.
- Interpreters provide their service for the Court most often in person, but can also work by video or by telephone.



### How do I know if a party or witness needs an interpreter?

- The services of an interpreter are needed when the Court determines a party, witness, or juror is limited in communication due to limited English proficiency or being deaf or hard of hearing. If deemed necessary, an Interpreter will be appointed by the Court when requested by a non-English speaking party. [Read More](#) 
- **Requests for an interpreter should be made as soon as the need is identified, preferably fourteen (14) days in advance of the court date. An interpreter will be assigned or accommodations for hearing, speech, or visual impairment will be made with notification provided to the individual making the request.**

### Who is responsible for payment of interpreter services?

- The Court provides court-interpreting services free of charge to individuals who are deaf, hard of hearing, or have limited English proficiency during all hearings, trials, motions, and court functions. Typically, this service is limited to plaintiffs, defendants, victims, next of kin, guardians, and witnesses.

### How do I become a certified court interpreter?

- Being a credentialed (certified or registered) interpreter shows courts that the interpreters have demonstrated their ability and competency to interpret in a court setting.
- [Supreme Court of Ohio Court Interpreter Certification Program](#) 
- [National Center for State Courts Language Access Services](#) 

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## Contact

Franklin County Municipal Court  
375 S. High St.  
Columbus, Ohio 43215

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## Top Ten Advice for Judges, Magistrates and Attorneys

1. Inform everyone in the courtroom about the presence and role of the interpreter, as a neutral party can interpret only what is said without adding, omitting or summarizing anything. The interpreter says everything that the speakers say in their languages.
2. All participants have to speak loudly and clearly and allow only one person to speak at a time. When more than one person is speaking it is difficult for the interpreter to do a complete and competent job.
3. If the interpreter interrupts a proceeding to request repetition due to a fast-speaking lawyer, auditory difficulties or to clarify a meaning the court should look kindly on this. The interpreter is striving to do an accurate job to the best of his/her capabilities and has to address the court using the third person.
4. Instruct defendant / witness to speak directly to the court and the attorney. They should not ask the interpreter for advice. The court proceedings can be confusing and intimidating, if the non-English speaker does not understand the interpreter; need a question or answer repeated - please instruct the speaker to tell the court.
5. Judges and lawyers should understand the difference between simultaneous and consecutive interpretation and when each type is used in a courtroom setting.
6. The court has to speak directly to the party or witness, not to the interpreter. Do not ask the interpreter to explain or restate anything said by the party. Always direct the interpreter to interpret in the first person for the record to be accurate.
7. Out of respect, the interpreter will not remind the court to Voir Dire and administer the oath. It is very important to ensure due process to determine the interpreter's qualifications. Sample Voir Dire – What trainings or credentials do you have? How do you learn new legal terminology? How often do you read the O.R.C.? Are you familiar with the National Association for Judiciary Interpreters and Translators? What are three canons from the Code of Professional Responsibility? Are you related to or close friends with anybody in this case?
8. If you could not repeat in the same language (shadowing) what a fast-talking or a fast-reading lawyer pronounces during a hearing, you can be fairly certain that the interpreter might be having a hard time keeping up with such a pace.
9. The interpreter must convey all questions, answers and courtroom dialogue to ensure the transparency of the interpretation. Due to this, the interpreter has to inform the court when breaks are needed. If the interpretation will last longer than two hours a second interpreter will be needed.
10. In order to do a better job, an interpreter should prepare by knowing as much about the subject matter of a proceeding as possible. Pertinent information should be made available to the interpreter such as the nature of the hearing, names of the parties involved, charges, minimum and maximum punishments, dates, police reports or "facts", etc. The more an interpreter knows, the better s/he will be able to interpret.



National Association of Judiciary Interpreters & Translators

## NAJIT POSITION PAPER DIRECT SPEECH IN LEGAL SETTINGS

The information provided in NAJIT position papers offers general guidance for court administrators, judiciary interpreters and those who rely on interpreting services in legal settings. This information does not include or replace local, state or federal court policies. For more information, please contact: National Association of Judiciary Interpreters & Translators, 206-267-2300, or visit the NAJIT website at [www.najit.org](http://www.najit.org).

### ■ Introduction

When the participants in the judicial process do not speak the same language, an interpreter is used to relay messages. Interpreters use industry standard techniques to maintain accuracy and impartiality and ensure clear communication. These interpretation techniques are especially important in legal settings. The purpose of this paper is to illustrate one such technique — the use of direct speech as opposed to indirect speech — and to explain why all interpreters and users of interpreter services should speak to each other directly, rather than in the third person.

### ■ What is indirect or third-person speech?

Some people believe that indirect speech, which is sometimes referred to as third-person speech, is the best way to communicate through an interpreter (e.g., *Ask him... She is saying...*); but, in fact, the opposite is true. The most effective way to work across language barriers is for all speakers to use direct speech. Even when the communication has to pass through an interpretation process, people should address each other directly.

Participants in the judicial process — attorneys, judges, courtroom personnel, witnesses — or inexperienced interpreters may resort to indirect speech occasionally, unwittingly or as a matter of habit. However, it is essential to be vigilant against this practice. To understand why, consider the differences between direct and indirect speech in the following examples:

### • DIRECT SPEECH

*Judge:* "Could you state your full name?"

*Interpreter (in foreign language):* "Could you state your full name?"

*Witness (in foreign language):* "My name is John Doe."

*Interpreter:* "My name is John Doe."

### • INDIRECT SPEECH (by interpreter)

*Judge:* "Could you state your full name?"

*Interpreter (in foreign language):* "He's asking you to state your full name."

*Witness (in foreign language):* "My name is John Doe."

*Interpreter:* "His name is John Doe."

The use of indirect speech in the example above is an instance of unwarranted interference by the interpreter. The interpreter could have simply relayed the message directly, as it was said, without making any independent contribution to the communication process. The behavior of an interpreter using indirect speech may be compared to that of a narrator who reports to the participants what the speaker has said. The message is restated from the interpreter's narrative point of view (e.g., *He's asking... His name is...*), but the speaker's actual words are never rendered.

Notice how the use of indirect speech by other participants in an exchange can easily create communication problems:

### • INDIRECT SPEECH (by judge)

*Judge:* "Ask him to state his true name."

*Interpreter (in foreign language):* "Ask him to state his true name."

*Witness (in foreign language):* "Who?"

*Interpreter:* "Who?"

*Judge:* "Doesn't the interpreter know who I'm talking to?"

• **INDIRECT SPEECH** (by attorney)

*Attorney:* "Ask her if she went to Mrs. Smith's house?"

*Interpreter* (in foreign language): "Did you go to Mrs. Smith's house?"

*Female Witness* (in foreign language): "Yes."

*Interpreter:* "Yes."

*Attorney:* "Was she with anyone?"

*Interpreter:* "Would counsel clarify for the interpreter who she refers to?"

In the first example, the judge uses indirect speech. The interpreter restates the message exactly, as, in fact, interpreters are required to do. But communication quickly gets derailed. This can happen with the simplest of questions.

In the second example, it is the attorney who uses indirect speech. The interpreter is attempting to "clean up" the attorney's indirect questions and make them direct. But the danger in doing so is that the attorney may continue asking questions in the third person. This will not only muddy the record, it may also lead to a situation where the interpreter does not know to whom the attorney is referring when third-person pronouns are used.

All of the examples above indicate that participants in interpreted-assisted exchanges should address each other directly, as though there were no interpreter present. The interpreter should assume the voice of the speaker for whom s/he is interpreting and, accordingly, use the same grammatical person as that speaker (i.e., the same pronouns and verbs).

■ **Why is indirect speech unacceptable in legal settings?**

As the examples above have already suggested, indirect speech should never be used in legal settings when interpreters are involved, because it hinders both communication and the judicial process. The following specific problems can be identified:

**MISCOMMUNICATION.** The use of the third-person pronouns *he*, *she* and *they* in indirect speech is a common source of confusion. For instance, when the attorney uses indirect speech in the last example above, the interpreter has no way of knowing who *she* refers to: Is it the female witness or Mrs. Smith? In the worst-case scenario, misunderstanding can take place if the recipient of the message, that is, the interpreter, makes the wrong assumption. The consequences can be serious because the credibility of witnesses depends on the consistency and accuracy of the information they provide.

**DELAYED COMMUNICATION.** The confusion created by the use of third-person pronouns needlessly slows communication down, since the speakers will have to interrupt each other often to ask for clarification. Any type of exchange, from the relatively informal attorney/client meeting to the highly formal presentation of courtroom testimony, can fall victim.

**ADVERSE EFFECT ON INTERACTION BETWEEN THE PARTIES.** Indirect speech focuses too much on the interpreter and reinforces the parties' natural tendency to talk to, make eye contact with and turn toward the interpreter, rather than to focus on each other while speaking. When communication is indirect, the parties may be more likely to seek clarification, make comments and solicit extra-linguistic information from the interpreter, none of which are part of a court interpreter's role. If the interpreter is no longer a conduit, s/he is assuming or being allowed to occupy a position of considerable power, which undermines the relationships between the parties (e.g., the rapport between defense attorneys and their clients during out-of-court meetings or the adversarial relationship between prosecutors and defendants during cross-examination.)

**INTERPRETATION NOT LEGALLY EQUIVALENT.** Court interpreters are bound by a code of ethics to provide a complete and accurate interpretation, without altering, omitting, or adding anything to what was stated. Likewise, their duty is to preserve the speaker's language level and discourse features, such as pauses, hedges, false starts and repetitions.<sup>1</sup> Once all these requirements are met, the message transmitted by the interpreter will have the same effect on the target-language audience as the original message had on the source-language audience.

The court interpreter's strict conservation of the content, form, and style of a message is known as legal equivalence,<sup>2</sup> and it is ultimately grounded in the due process and the equal protection clauses of the United States Constitution. The role of the interpreter is to put non-English speakers on an equal footing with individuals who do speak English during their interactions with the judicial system. However, interpreting rendered through indirect speech cannot be legally equivalent for the following reasons:

The interpreter has to modify the speaker's original words from a grammatical point of view, at the very least, to reflect the interpreter's narrative point

of view: "I regret what I did" → "She regrets what she did."

Messages lose their immediacy when transmitted through indirect speech. Some messages, particularly those involving emotive language, become less forceful: "I didn't do it. I swear to God I didn't. Please, believe me." Now, compare this utterance with the following: "He says he didn't do it. He swears to God he didn't. Please, believe him." In English, statements like *he/she says (that)*... can suggest a certain degree of speaker disbelief.

Direct speech readily allows the interpreter to put her/himself in the speaker's frame of mind, which in turn facilitates the faithful transmission of the message. Indirect speech is one step removed and thus immediacy is lost, which may affect the interpreter's memory of the original message.

**POSSIBLE VIOLATIONS OF DUE PROCESS.** Pursuant to the Federal Rules of Criminal Procedure and the Rules of Criminal Procedure for state and municipal courts, a guilty plea must be entered into knowingly and voluntarily. When a defendant enters a plea of guilty or no contest, s/he waives important rights:

In order for such waiver to be valid under the due process clause of the United States Constitution, it must be shown to have been an intentional relinquishment or abandonment of a known right or privilege. If a guilty plea is not knowingly, voluntarily, and intelligently made, it has been obtained in violation of due process and is therefore void.<sup>3</sup>

When an interpreter uses indirect speech (i.e., "He says he's guilty, Your Honor." Or, "Yes, she understand her rights.") the record reflects the conclusion of the interpreter, not of the defendant. This key linguistic and legal distinction has led to the nullification of a number of guilty pleas.<sup>4</sup>

**INTERFERENCE WITH PRESERVATION OF THE RECORD.** The integrity of the record is of utmost importance, whether a proceeding be in-court (e.g., a trial) or out-of-court (e.g., a deposition). The ambiguity that arises from the use of third-person pronouns in indirect speech hinders the court reporter's task of maintaining a clear record. Transcripts, particularly those that are prepared

from recordings after the fact, will be less intelligible. They are bound to contain statements such as, "INTERPRETER: He doesn't understand."

Furthermore, the legal equivalent provided by the interpreter is the record. If the interpreter fails to faithfully render the speaker's message by using indirect speech, one cannot meaningfully speak of an accurate and complete record: There is no record of the speaker's actual words and justice has not been served.

#### ■ Recommendations

Canon 5 (Protocol and Demeanor) of NAJIT's *Code of Ethics and Professional Responsibilities* explicitly bans interpreting in the third person, "...Court interpreters are to use the same grammatical person as the speaker..."<sup>5</sup>

NAJIT recommends that all indirect speech be excluded from interpreted-assisted exchanges in legal settings. The following guidelines are intended to help interpreters and the other participants in the judicial process comply with professional standards:

#### JUDGES

- Judges should not permit the use of indirect speech during interpreted-assisted proceedings. At every opportunity, judges should instruct the parties to speak directly to each other, instead of to the interpreter. The parties should never say to the interpreter, "Tell her (that)..." or "Is he asking me...?"
- Judges should support an interpreter's request that all parties address each other directly.
- When a judge addresses a non-English speaking defendant or witness, it should always be done directly rather than speaking to the interpreter. Judges should not say to the interpreter, "What is his name?" or "How does she plead?"
- When the judge needs to address the interpreter, the record should be clear. For example, "Would the interpreter raise his voice?" If a judge says, "Would you raise your voice?" the interpreter is required to interpret exactly what was said; the witness will raise her/his voice, instead of the interpreter.

#### ATTORNEYS

- Attorneys should speak directly and maintain

eye contact with the non-English speaking client/defendant/witness, just as with someone who speaks English. Attorneys should not ask the interpreter, "Does he understand?" but ask the non-English speaker, "Do you understand?"

- If this is the first time the non-English speaker is communicating through an interpreter, attorneys are well advised to take a minute to explain how the process works (i.e., "talk to me and speak as though there were no interpreter present"), or allow the interpreter to instruct the speaker about the correct mode of address.
- If addressing the interpreter at any point, attorneys need to make it clear (e.g., "Does the interpreter know where that is?"). Even during an informal meeting, the interpreter should not have to decide whether a particular remark is an aside or not meant for the non-English speaker.

#### INTERPRETERS

- The interpreter should always use the same grammatical person as the speaker.
- If there is time in advance of the proceeding, the interpreter should instruct the parties to speak to each other directly. The interpreter may explain that direct speech avoids confusion and ensures that the parties will be fully understood by everyone, including the interpreter.
- If any of the participants (including the attorneys or the judge) addresses the interpreter instead of the speaker, or if the speaker addresses the interpreter instead of the other participants, the interpreter, referring to her/himself in the third person, should politely remind everyone to use direct speech. This modus operandi includes any requests for clarification. Some suggested ways of making this request are:

"Your Honor, to maintain the accuracy of the record, the interpreter requests that counsel be instructed to address the witness rather than the interpreter."

"The interpreter requests that the deponent not address her, but rather that he respond directly to counsel so as to protect the integrity of the record."

"Your Honor, so as not to confuse the record, the interpreter requests that you address the defendant directly."

"Counsel, please speak directly to your client to avoid any misunderstandings."

- In open court, if a judge addresses the interpreter instead of the witness or the defendant, it should be corrected immediately. It is not easy to point out to judges that they may have misspoken. However, it happens to everyone and judges generally appreciate the clarification. Some interpreters may prefer to address the issue at sidebar; others choose to do so in open court with a phrase similar to the ones that appear above. Most important is to be polite and to convey that the main concern is the accuracy of the interpreting process and/or the record.
- If a party continues to use indirect speech after several polite requests, then one technique to highlight the problem is simply to interpret the utterance exactly, "Ask him where he was living." The witness is likely to respond, "Ask who?" This is an indirect way of getting the parties to rephrase the question using direct speech.
- Interpreters should resist the temptation to ignore the use of indirect speech by other parties so as not to be disruptive. Not only would the interpreter be failing to comply fully with the requirement of accuracy and completeness, s/he might also get into trouble down the line (as in the last example on page 1). It is best to address the problem as soon as it comes up.
- To ask for clarification or request that the court instruct the parties, interpreters should always use the third person. This practice is essential to identify the interpreter as the speaker. A comment from the interpreter should be clearly distinguishable from one coming from the witness. Compare: "The interpreter didn't hear the question" to "I didn't hear the question."
- Occasionally, speakers will use the interpreter as a point of reference. For instance, a witness might say in the foreign language, "The man was as tall as you are." If the interpreter becomes aware (either through linguistic information and/or body language) that the speaker is referring to

the interpreter, this fact should be placed on the record by saying, "The man was as tall as you are (indicating the interpreter)."

#### ■ Conclusion

When words are especially important and clarity is sought, all parties need to be aware that the interpreter is not a narrator but a repeater. Clear communication is essential in legal settings where the rights of others and life itself are at stake. For the communication process to be effective and objective, the parties should at all times use direct speech.

#### Footnotes

1. National Center for State Courts. *Model Code of Professional Responsibility for Interpreters in the Judiciary*. See Canon 1 ([www.ncsconline.org/wc/publications/Res\\_CtInte\\_ModelGuidePub.pdf](http://www.ncsconline.org/wc/publications/Res_CtInte_ModelGuidePub.pdf)).
2. González, D. G., Vásquez, V. F., & Mikkelsen, H. (1991). *Fundamentals of Court Interpretation: Theory, Policy and Practice* (p. 16). Durham, NC: Carolina Academic Press.
3. 26 Ohio Jurisprudence 3d section 1097 Pleas.
4. The Racial Fairness Project, Cleveland, OH ([www.racialfairness.org/interpreters.htm](http://www.racialfairness.org/interpreters.htm)) lists several cases under the heading *Speaking in the Third Person*. See also: U.S. v. Gregorio Camejo (333F3d. 669) appealed in 2003 before the U.S. Court of Appeals for the Sixth Circuit.
5. *NAJIT Code of Ethics and Professional Responsibilities* ([www.najit.org/ethics.html](http://www.najit.org/ethics.html)).

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National Association of Judiciary Interpreters & Translators

## NAJIT POSITION PAPER

### MODES OF INTERPRETING: SIMULTANEOUS, CONSECUTIVE, & SIGHT TRANSLATION

The information provided in NAJIT position papers offers general guidance and practical suggestions regarding the provision of competent language assistance to persons with limited English proficiency. This information is intended to assist in developing and enhancing local rules, policies and procedures in a wide range of settings. It does not include or replace local, state or federal policies. For more information, please contact: National Association of Judiciary Interpreters & Translators, 206-267-2300, or visit the NAJIT website at [www.najit.org](http://www.najit.org).

#### Introduction

The modes of interpreting have evolved through time. Three modes are now recognized by the interpreting profession and have been adopted in federal and state statutes and court rules: simultaneous interpreting, consecutive interpreting, and sight translation. Each mode fits particular needs and circumstances in the judicial process and in legal and quasi-legal settings. This paper explains the use of each mode of interpreting, gives reasons for the use of each one, and provides practical suggestions for effective use of interpreters when working with individuals with limited English proficiency (LEP).

#### What is simultaneous interpreting?

Simultaneous interpreting is the rendering of one spoken language into another when running renditions are needed at the same time as the English language communication. The interpreter speaks virtually at the same time as the LEP person. When done properly, it is a true and accurate interpretation of one language to another, done without omissions or embellishments<sup>1</sup>, so that the parties can understand one another quickly.

#### When is simultaneous interpreting used?

The simultaneous mode is used whenever participants, most often defendants, are playing a passive role in court proceedings such as arraignments, hearings, or trials.

The LEP speaker needs to hear what is being said but is not required, at that particular stage of the proceedings, to speak herself. In order to preserve the defendant's due process rights<sup>2</sup>, everything spoken in open court must be interpreted to her simultaneously<sup>3</sup>. This enables the defendant to be truly present and take an active part in her defense.

#### Keys for proper simultaneous interpreting

In the simultaneous interpreting mode, the interpreter must do several things at once:

- listen intently to whatever party is speaking
- accurately interpret from the source language to the target language
- be prepared to switch languages rapidly whenever the LEP party is directly engaged in the procedure and consecutive interpreting is required.

#### What is consecutive interpreting?

In consecutive interpreting, the interpreter waits until the speaker has finished before rendering speech into another language. Consecutive interpreting is a true and accurate interpretation of one language to another, spoken in brief sound bites successively, without omissions or embellishments, so that the parties can understand each other slowly and deliberately.

#### When is consecutive interpreting used?

The consecutive mode is used whenever LEP participants are playing an active role — when they must speak or respond — during examinations, cross-examinations, and other proceedings<sup>4</sup>. Consecutive interpreting is often used when parties are addressing a witness or defendant on the witness stand. In legal settings, such as attorney/client or prosecutor/witness/victim interviews, the consecutive mode is the preferred mode of interpreting, as it is in a question and answer session<sup>5</sup>. Consecutive interpreting should be used during police interviews of suspects and/or witnesses or victims, especially during recorded

interviews. The gaps in speech between the parties allow for a clear and accurate transcript to be prepared if necessary for further court proceedings.

### Keys for proper consecutive interpreting

In the consecutive interpreting mode, the interpreter must:

- listen intently to whatever party is speaking
- be prepared to take notes to aid in recollection
- accurately interpret after the party has completed her statement.

### What is sight translation?

Sight translation is the rendering of material written in one language into spoken speech in another language. It is a true and accurate verbal translation of written material into the spoken form so that the parties can understand what documents written in foreign languages say.

### When is sight translation used?

Sight translation is often used when LEP defendants are given forms in court that are written in English, such as rights forms, plea forms, and probation orders. It is also used when foreign-language documents such as birth certificates, personal letters, and identity documents are presented in court.

### Keys for proper sight translation

Recommended practice is to afford the interpreter sufficient time to review the document's contents before rendering it.

When performing sight translation, the interpreter must:

- possess a wide vocabulary and knowledge of the specific type of document presented
- have the ability to quickly scan and understand the main points of the document
- accurately interpret the document into its equivalent meaning in the target language.

### Summary interpreting

Summary interpreting, in which an interpreter offers a shortened or condensed version of what has been said, is not appropriate in legal or quasi-legal settings. See NAJIT's position paper on summary interpreting for more information on this point.

### Recommendations

In judicial, legal and quasi-legal settings, interpreters are obligated to interpret all communication made between

parties of different languages directly and accurately, without omissions or embellishments. All those involved, such as judges, defense attorneys, prosecutors, law enforcement, court staff, court support services, defendants, victims, and witnesses, can make best use of interpreting services by following these guidelines:

1. Talk *through* the interpreter, not to the interpreter. When using an interpreter to address a non-English speaker, speak directly to that person as if the interpreter weren't even there.
2. Use the first person when addressing the other party. Do not say, "Could you ask him if he is aware of the maximum penalty for this offense." Instead, turn directly to the party you are addressing and say, "Are you aware of the maximum penalty for this offense?" See NAJIT's position paper, "Direct Speech in Legal Settings," for more details on this point.
3. Do not ask the interpreter for his opinion or input.
4. Watch your speed. This goes both ways. When speaking extemporaneously, don't speak too fast, and don't speak too slowly. When reading something aloud (such as jury instructions, waiver of rights, or a specific evidence code section), keep your pace slower than normal.
5. Do not try to communicate with the interpreter or otherwise interrupt him while simultaneously interpreting. Simultaneous interpreting requires intense, high levels of concentration and accumulated skill in order to be performed properly. Distracting the interpreter during simultaneous interpreting can cause an immediate breakdown in communication for all parties.
6. Parties must refrain from talking at the same time in order for the interpreter to interpret court proceedings properly. Just as court reporters are duty-bound to stop parties from talking over one another during recorded proceedings, interpreters have an equal duty do the same in order to protect the due process right of the defendant<sup>6</sup>.
7. Do not direct the interpreter to convey information to the LEP individual when you are not present.

### Conclusion

Certified court interpreters are highly trained individuals who are, in many ways, the "invisible hand" of justice. They are expected to be nearly invisible in the courtroom yet must maintain acute mental presence at all times. They are expected to possess a vast legal vocabulary as well as instant, accurate recall. Often, they are whisked from courtroom to courtroom, simultaneously interpreting

for defendants at the arraignment stage at one moment, consecutively interpreting for witnesses or victims at a trial at another, and simultaneously interpreting for parents of juveniles at a hearing in yet another. On many occasions, the interpreter is handed a document and is asked to “read it to the defendant.” Frequently the interpreter walks into courtroom situations without knowing any of the background or context, adding another layer of difficulty to the interpreter’s tasks. Parties occasionally ask their interpreter to simply summarize what is being said, allowing her to pick and choose what part of the conversation is relevant to interpret, which is never allowable.

For parties needing to communicate from English into another language, having some background knowledge of the interpreter’s role in the legal field is fundamental for the administration of justice. Understanding the three modes of interpreting is an essential part of helping ensure equal access to justice to all parties — including members of linguistic minorities — who find themselves in any judicial setting, whether inside and outside of the courtroom.

#### ■ Footnotes

1. *NAJIT Code of Ethics and Professional Responsibilities*, Canon 1 ([www.najit.org/ethics.html](http://www.najit.org/ethics.html)): Also see *Professional Ethics and the Role of the Court Interpreter*, 3d Edition, 1999. Judicial Council of California, pp. 2-4 (<http://www.courtinfo.ca.gov/programs/courtinterpreters/documents/ethicsman.pdf>).
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## NAJIT POSITION PAPER TEAM INTERPRETING IN THE COURTROOM

The information provided in NAJIT position papers offers general guidance and practical suggestions regarding the provision of competent language assistance to persons with limited English proficiency. This information is intended to assist in developing and enhancing local rules, policies and procedures in a wide range of settings. It does not include or replace local, state or federal policies. For more information, please contact: National Association of Judiciary Interpreters & Translators, 206-267-2300, or visit the NAJIT website at [www.najit.org](http://www.najit.org)

### Introduction

In court settings, team interpreting refers to the practice of using two rotating interpreters to provide simultaneous or consecutive interpretation for one or more individuals with limited English proficiency. Team interpreting is recommended for all lengthy legal proceedings and is an effective tool in the administration of justice. With team interpreting, the non-English speaker or person of limited English proficiency hears the proceedings without interruption or diminution in the quality of interpretation.

### How does team interpreting work?

Team interpreting is the industry standard in courtrooms, international conferences, negotiations and other venues where continuous interpreting is required for periods of over one hour. The typical team is comprised of two interpreters who work in tandem, providing relief every 30 minutes. The interpreter engaged in delivering the interpretation at any given moment is called the *active* interpreter. His job is to interpret the court proceedings truly and accurately. The other interpreter is called the *support* interpreter. His job is to (1) interpret any conversation between counsel and defendant while the proceedings are taking place; (2) assist the *active* interpreter by looking up vocabulary, or acting as a second ear to confirm quickly spoken

names, numbers or other references; (3) assist the *active* interpreter with any technical problems with electronic interpreting equipment, if in use; (4) be available in case the active interpreter has an emergency; and (5) serve as an impartial language expert in the case of any challenge to interpretation at the witness stand.<sup>1</sup> Team interpreting enables court sessions to proceed at the pace the judge requires without a need for extra breaks.

### Why use team interpreting?

The advantages of team interpreting are many, and the reasons for it are compelling. Team interpreting is a quality control mechanism, implemented to preserve the accuracy of the interpretation process in any circumstances.

Every defendant (and in some states, the plaintiff) in the United States has the right to hear and understand the proceedings against him at every stage of the legal process. When matters of life and liberty are at stake, a trained and qualified interpreter is a vital link in the provision of due process. To do his job, a court interpreter, under oath to provide a true and accurate interpretation, must maintain an intense alertness to all courtroom speech, including questions, answers, legal arguments and colloquy. The subject matter of court hearings varies, but may include legal arguments in a motion to suppress evidence; cross-examination of experts; syntactically dense jury instructions; nervous witness testimony; or a complex or under-articulated recitation of facts. There is a limit to the focused concentration needed to comprehend complex language at high speed and render it accurately in another language. Inattention, distraction or mental exhaustion on the part of the interpreter can have adverse consequences for defendants, litigants, witnesses, victims, and the judicial process in general.

Interpreters in the courtroom can play a dual role, interpreting the actual proceedings and also interpreting

for attorney-client consultations when needed. Especially in multi-defendant cases, working in a team allows one interpreter to continue interpreting the proceedings while the second interpreter assists during any attorney-client discussions at defense table.<sup>2</sup>

### **The interpretation process**

Interpreting is cognitively demanding and stressful, requiring many mental processes to occur simultaneously: the interpreter listens, analyzes, comprehends, and uses contextual clues to convert thought from one language to another in order to immediately render a reproduction in another language of each speaker's original utterances.<sup>3</sup> In courtrooms with imperfect acoustics, cramped seating, security requirements, miscellaneous noise, mumbled diction, interruptions, the tension of litigation, and lawyers or clients who may need the interpreter at any moment for a private consultation, interpreters need to channel dozens of stimuli and effectively sort them in order to fulfill the task at hand. Even thirty to sixty minutes of continuous interpreting leads to significant processing fatigue. Thus, simultaneous interpretation can be seen as a "cognitive management problem." After a certain amount of time on task, an interpreter inevitably reaches a saturation point, at which time errors cannot be avoided because mental circuits get overloaded.<sup>4</sup>

### **Interpreter error and fatigue**

Scientific studies have shown that mental fatigue sets in after approximately 30 minutes of sustained simultaneous interpretation, resulting in a marked loss in accuracy. This is so regardless of how experienced or talented the interpreter may be. A 1998 study conducted at the École de Traduction et d'Interprétation at the University of Geneva, demonstrated the effects of interpreting over increasing periods of time. The conclusion of the study was that an interpreter's own judgment of output quality becomes unreliable after increased time on task.<sup>5</sup>

Remarkably, these recent studies ratify the results obtained the very first time that simultaneous interpreting was attempted at an international conference, in 1928. The engineer's report stated: *"It was observed that an average of 30 minutes of consecutive work was the maximum time during which a satisfactory translation could be done; after this time, one runs the risk of deteriorating results, due to fatigue."*<sup>6</sup>

Empirical observations of interpreters at work in many

venues have borne out the need for a relay approach to simultaneous interpreting, for the protection of both the interpreter and the end user of interpreting services.

### **Minimizing possibility of interpreter error**

Due process guarantees the right of a litigant to see and hear all evidence and witnesses. Case law holds that on the basis of the 4th, 6th, and 14th Amendments to the U.S. Constitution, a non-English speaking defendant has a right to be provided with a complete interpretation of the proceedings rather than a summary.<sup>7</sup>

It is unrealistic to expect interpreters to maintain high accuracy rates for hours, or days, at a time without relief. If interpreters work without relief in proceedings lasting more than 30-45 minutes, the ability to continue to provide a consistently accurate translation may be compromised. Further, since an interpreter is under oath to provide a fair, complete and impartial interpretation, due process rights are best protected by a team of interpreters for all lengthy proceedings.<sup>8</sup>

Like a marathon runner who must maintain liquid intake at regular intervals during the race and not wait until thirst sets in, an interpreter needs regular breaks to ward off processing fatigue, after which the mental faculties would be impaired. Team interpreting allows the active interpreter to remain mentally fresh, while the support interpreter takes on other functions that would lead the active interpreter to cognitive overload.

Planning and coordination are needed to ensure a high level of reliability in interpreter output. Court proceedings are sometimes unpredictable. What may begin as a brief matter always has the potential to get more involved as new matters come to the court's attention. When a hearing is extended unexpectedly, if possible, a relief interpreter should be provided to rotate into the assignment. Alternatively, periodic breaks should be taken to prevent mental exhaustion by the interpreter.

### **Judges and interpreter administration**

Judges are uniquely situated to understand the importance of language skills in the courtroom, and different courts may view interpreter administration differently. However, it is universally recognized that the team approach is the best insurance policy against errors in the interpretation process. In some courts, team interpreting is established policy and automatically

coordinated by the interpreting department. In other courts, local rules state that judges "may appoint" multiple interpreters if the proceeding warrants it. Local guidelines and practices can establish team interpreting as a necessary technique of quality control in proceedings lasting more than a certain length of time. In general, it is recommended that simultaneous interpreters rotate every 30-45 minutes when conveying general court proceedings and every 45-60 minutes when interpreting for non-English-speaking witnesses.

The job of conveying meaning in two distinct languages at a moment's notice is unlike that of anyone else in the courtroom. It is a demanding task, and the cost of errors is high. When judges work together with interpreter administrators to ensure adequate working conditions for court interpreters, everyone benefits. From a human resources perspective, teaming also promotes the long-term effectiveness of interpreter departments by encouraging cooperation, sharing responsibility and preventing burnout or attrition.

### Conclusion

Due process rights are best preserved with faithful simultaneous interpretation of legal proceedings. Court interpreters work for the judiciary and their goal is accuracy and completeness, not a particular party's agenda. In a controlled study, it was shown that interpreters' work quality decreases after 30 minutes. In the challenging courtroom environment, team interpreting ensures that the comprehension effort required to provide accurate interpretation is not compromised. To deliver unassailably accurate language service, court interpreters work in teams.

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## **For Attorneys: Examining Witnesses Through an Interpreter**

*The following suggestions are made by the Interpreters Office of the Southern District of New York, in the spirit of aiding communication in the courtroom.*

Examining a witness through an interpreter is not identical to examining a witness directly: when moving between languages, the possibilities for misunderstanding, confusion, inexactitude or error increase substantially. Generally, extra time and patience are needed to prepare a non-English speaker to testify.

In court, American lawyers speak legalese ("*I'm moving to sever*"), not everyday English. While many Americans are bewildered by legal proceedings, people from other countries are even more at a loss because legal systems vary from country to country. In-court hearings, for example, are not commonly held in Roman law countries, where most legal issues are decided on the papers. Many terms used in U.S. courts are unfamiliar to foreigners: i.e., *grand jury*, *jury selection*, *charge to the jury*, etc. for the simple reason that there is no parallel concept or procedure in foreign legal systems. An interpreter will convey these terms in the closest equivalent (e.g., *indictment* will be called a '*formal accusation*' or '*accusation by the Grand Jury*') but on no account is an interpreter permitted to offer explanations of procedure because the interpreter's code of ethics prohibits giving legal advice.

Early on in a case, an attorney would do well to clarify to the witness or defendant the various stages the case will pass through and how long each stage may take.

People perceive the honesty and seriousness of legal proceedings differently, depending on a variety of factors and experiences. In countries with a tradition of corruption, bribery or judiciary inefficiency, the population has learned not to set great store by what happens in court. The American justice system is not universally revered, either, and may appear artificial, inflexible or absurd. Attitude toward the legal system may affect a witness's demeanor when testifying.

Among the foreign-born, mastery of English varies a great deal, and for matters of great seriousness, such as legal proceedings, defendants or witnesses frequently request an interpreter, if only to make them feel more secure.

The best interpreters will allow you to follow the natural rhythm of questioning, and will at the same time convey some of the "flavor" of the witness, contributing to a sensation that you are hearing the witness directly, despite the language barrier.

## **Getting the Right Interpreter for the Job**

Active court interpreters polish their skills every day, and generally, the more experience they have, the better they become. However, interpreters can also develop bad habits or have attitude problems. Some people who work as interpreters do it as an occasional sideline and are not well versed in the legal field. Interpreting ability and style vary, depending on experience, knowledge and attitude. Stress on an interpreter "to get it right" is significant, and even greater when a case is high profile. An excellent interpreter should have years of experience, be pleasant to work with, have good recall, smooth delivery, no hemming and hawing, call no attention to himself, and express no opinion on the merits of a case.

Consecutive interpretation is that done in Q and A format and differs from simultaneous in that it requires a different set of mental reflexes. Skill levels, interpreting style, and memory capacity vary, so it is wise to choose carefully the interpreter you will use with a witness. Some interpreters have better short-term memory, and will pause or interrupt less. Some are better than others in diction, performance ability, idiomatic expressions, street slang, or legal jargon. If you work through an Interpreters Office or coordinator, tell that person of any concerns or past experiences so as to avoid a repetition of problems.

In choosing an interpreter, it is best to plan ahead. If plans are not made until the day before, you will likely get a last-minute, patchwork arrangement, especially inadvisable if a witness will be testifying for a long period of time (a day or more). Freelance interpreters who work regularly in court are flexible, but cannot ignore other commitments when trial schedules change without notice. Interpreters are paid for their time, whether or not they are actually interpreting, so waiting time is costly.

If the testimony will be more than brief (over an hour), two interpreters should be assigned to rotate with the witness, so that the interpreter's mental fatigue does not adversely affect the accuracy of the testimony.

## **Most Important Step: Prep**

Making arrangements for an interpreter is only the first step; then both the witness and interpreter need to be prepped for what will ensue.

## **What to Tell the Interpreter**

Since words are interpreted not in isolation but in context, for reasons of logic an interpreter needs to have a broad-brush idea of the case. If you take a few minutes to brief the interpreter before starting the assignment, it will help avoid confusion later on, so that the interpreter doesn't imagine another scenario, which may be likely but inapplicable.

The essential material for the interpreter to see ahead of time: a copy of the major case documents such as the complaint, indictment, prior testimony, or relevant tape transcripts.

To ensure continuity and quality, inform the interpreter of *when* you will be needing an interpreter, *for how long*, in what *type of proceeding*, and *for whom*.

## **Attorney Checklist for Interpreted Testimony**

When briefing the interpreter, be sure to mention:

- 1.** What the case is about: names and nicknames, places, overall plot; what piece of the proceeding the interpreter will be needed for;
- 2.** Any documents likely to be referred to or shown to the witness;
- 3.** Where the witness is from, how many years he or she has lived in U.S. (The witness may use some Anglicisms, whether correctly or incorrectly, and the interpreter should be forewarned);
- 4.** Educational level of witness, any speech defects or particularities;
- 5.** Numbers that may come up: addresses, amount of drugs or money, telephone numbers that will repeatedly be referred to, account numbers, etc.;
- 6.** Any physical evidence that will be referred to or shown to the witness;

7. Any emotional factors that may affect the witness's concentration or delivery: mental problems, fear, jumpiness, etc.;

8. Any key words (descriptions, disputed dialog, slang, code-words, etc.) that may be elicited in the testimony.

## **What to Tell Witnesses Who Will Testify Through an Interpreter**

- Prepare the witness ahead of time, preferably with the same interpreter who will accompany the witness to the stand so that the witness's speech patterns will be familiar to the interpreter and vice versa. Just as a New Yorker might have to concentrate more when listening to an Alabama accent, a Spaniard may have to concentrate more when listening to a Caribbean accent. Accent variation and idiosyncratic speech abound. While interpreters, who are educated speakers, use standardized Spanish, Russian, French, etc., defendants or witnesses may hail from anywhere, and an uneducated speaker will be harder to follow than someone who expresses himself cogently. Interpreters have to "tune in" many different accents or speaking styles, and any lead time is helpful to the ear.
- Instruct witnesses not to direct any comments or questions to the interpreter during the testimony, but to act as though the interpreter were not there. Courtroom testimony is formal and stylized, and it is improper for the interpreter and witness to have any private conversation. If the witness has spoken with the interpreter before in informal settings, he may think there is nothing wrong with engaging the interpreter in conversation while on the stand: he should be told not to fraternize with the interpreter.
- Advise witnesses not to volunteer information but to limit themselves to answering the question, and to direct their answers to the examiner, not to the interpreter.
- Instruct the witness to look either at the attorney or at the jury, and explain that testimony is judged not only by words but by manner of testifying and body language. (Bear in mind that body language varies from culture to culture. In some cultures it is considered polite to answer questions with the eyes downcast, so a witness may have to be coached beforehand, to look up when answering the questions.)
- Instruct witnesses to wait for the question to be translated before they answer, and to answer in their native tongue.

- Advise witnesses to listen to the translation of the question even if they think they understand the English. Tell them to answer briefly, directly and to pause regularly so that the interpreter may render the testimony into English.

**WARNING:** Many witnesses forget to pause, and often interpreters cannot retain all detail in long narratives. It is a good idea to practice the rhythm of Q and A with the interpreter and the witness ahead of time so everyone can get accustomed to the procedure of waiting for the translation.

- Instruct witnesses that if they hear the word "objection," they should wait for the judge to rule, and then answer only if the objection is overruled.
- Construct questions with extra care. If you insert parenthetical remarks, or backtrack in your formulation of the question, room for misunderstanding increases greatly. It is easier to interpret logical questions and answers than rambling ones. If possible, refrain from questions with double negatives or ambiguous references. When using the word "you," clarify if you intend the singular or plural ("you yourself" or "yourself and others"). Remember to wait for the translation of the question and of the answer: even if you yourself can understand the foreign language response, the judge and jury need to hear it from the interpreter.

## What to Do about Mistakes

Interpreters are not immune to mistakes, slips of the tongue, mental blanks, or memory lapses. If an error in interpretation occurs, it should be corrected as soon as possible, hopefully without causing undue embarrassment to the interpreter.

- If you believe a witness's answer is in error, or that the witness was misunderstood by the interpreter, the best solution is immediately to follow up with a rephrased question.
- Even if you are fluent in the interpreted language, do not substitute your own notion of how the question or answer should be interpreted. Likewise, do not assume that an error has occurred if you don't hear the word you expect. There is not a one-to-one correspondence between words, but many ways to reproduce sentence content from one language to another.

It is helpful to use language appropriate to the background of the witness. An interpreter is under oath to repeat exactly what is said, at the same level of formality or informality, and cannot "correct" sloppy language, turn legalisms into simplified language, or correct others' slips of the tongue. Clear questions elicit clear answers. If the question is ambiguous, filled with double negatives ("You didn't say you wouldn't go there, did you?") or constructed with many subordinate clauses ("And then, although you knew it was wrong, you didn't, although you could have, stop him from what everyone knows was a mistake?"), it stands a good chance of being misinterpreted to the witness, which may result in an unresponsive answer.

If a problem persists, it may be on account of technical or culture-bound phraseology: Does the witness know what you mean by "pre-trial proceedings?" Does your question include terms of art, cant, legalese, intentional sarcasm or ambiguity? Perhaps the witness is unfamiliar with units of measurement, directions (north, south), or neighborhood names, which are often expressed differently in other cultures. Punctuality, concept of time, and precision about time are valued differently in different cultures. An ambiguous answer may be the result of an ambiguous question. The answer may be culture-bound rather than a deliberate attempt to mislead. In some cultures, it is considered polite to be *verbose*. In other cultures, especially in the Far East, it is polite to *assent*, but that is different from an *affirmative answer*: a "yes" answer may be equivalent to saying "Yes, I'm hearing you (but don't necessarily agree)." A questioner would do well to bear these cultural and psychological differences in mind so that the wrong impression is not created for the jury.

## Types of Error

The examples that follow will all be in English for illustrative purposes, but of course when rendered through an interpreter, the questions are interpreted from English to a foreign language and the answers, from a foreign language into English.

The error that most concerns us is the **material error**, or **error of substance**.

A substantive error would be "It was a blue car" when the witness said "It was a red car" or "I had 2 kilos" when the witness said "I had 12 kilos." This is also known as *lexical error* (wrong word).

Another type of substantive error is called *contre-sens*, [ French for "contradictory meaning"] where the interpretation conveys the exact

opposite of what the speaker said; e.g., the witness says "I don't know" and the interpreter renders it as "I know."

Other categories of interpreter error are:

**1.** Wholesāle omission of parts of the question or parts of the answer

A: "And then when I went downstairs, I mean upstairs, because the house had two floors, I heard something."

A: [through interpreter] "Then I heard something upstairs."

**2.** Distortion of meaning

A: "I was never convicted in that case."

A: [through interpreter] "I never got sentenced in that case."

**3.** Unfamiliar idiom

A: "She was afraid of dying."

A: [through interpreter] "She was scared to death."

**4.** Errors in what is called "register conservation," or appropriate level

Q: "Wouldn't they rat you out if they knew?"

Q: [through interpreter] "Wouldn't they talk about you if they knew?"

(However, it would not be wrong to interpret the question as "Wouldn't they tell on you if they knew?" )

**5.** Inclusion or elimination of "politeness markers" : e.g., It would be wrong if in interpreting the question "Where were you, sir?" the interpreter omitted the word "sir." Likewise, it is wrong for an interpreter to add honorifics or polite language if it is not in the original. Sometimes interpreters do this automatically, without thinking, but it is important that an interpreter not make a witness appear more polite (or less polite) than he is.

**6.** Conveying hesitancy or certainty where the opposite is expressed

Q: "Don't you know for a fact he didn't do it?"

Q: [through interpreter] "Don't you think you could be mistaken?"

7. Overly literal renderings, e.g., " I crossed the frontier." for "*I crossed the border.*"

8. Grammatical errors, e.g., "*We wasn't ready.*"

These few examples show the room for error even in simple sentences, and illustrate the many decisions about words' meaning, impact, and level of formality that interpreters must make thousands of times a day.

Interpreter errors may be caused by: gaps in knowledge or vocabulary; lack of concentration; fatigue; distraction; mishearing; cognitive overload; low memory retention (when an interpreter can't retain all the elements of the message), or "language interference" (An example of interference would be where the interpreter inadvertently or out of ignorance chooses an expression that sounds like the word used in the original, but means something different, e.g., using *deception* in English for "*decepción*" in Spanish would be wrong, since the Spanish word means *disappointment*, not *deception*).

Experience has shown that errors of substance are sometimes in the eye of the beholder, and great hay can be made by either side from seemingly unimportant details in a case. In any event, the burden is on the objecting party to show that an error has been made.

## **How to Correct the Record**

*If there appears to be a problem with the interpretation, request a side bar and include the interpreter, who will make a correction for the record if one is necessary.* If there is disagreement about the correct interpretation of a word or phrase, the judge will instruct the parties on how to proceed. An interpreter should not be dismissed outright due to a mistaken word or phrase, because it is impossible for anyone to know all words or variants of language usage.

## **Other Professional Considerations**

### **AN INTERPRETER MAY ASK TO APPROACH**

An interpreter may on rare occasion ask to approach the bench for a sidebar if a language issue has come up that may lead to a miscarriage of justice, or in the event that further clarification is required from the court as to how to proceed.

## **GESTURES BY THE WITNESS**

Interpreters should not repeat or characterize any gestures made by the witness. It is up to the attorney to describe for the record what the witness has indicated. If a gesture is very culture-specific, the witness can be asked directly what a particular gesture means in his culture.

## **EXPRESSING OPINIONS ON OTHER INTERPRETERS' ACCURACY**

Court interpreters should not offer or be asked to express an opinion on any other interpreter's accuracy unless the request comes from the judge. In the normal course, interpreters will consult or send notes to each other on terminology usage. A "checking" interpreter should not also be engaged in interpreting the very same proceeding. The court interpreters providing the simultaneous interpretation should never be called as witnesses, unless the judge specifically requests them to. Slight variations in the way interpreters render certain expressions are to be expected, and no two interpreters will coincide exactly in all their renditions.

## **TRANSLATIONS TO BE INTRODUCED INTO EVIDENCE**

Just as tape transcripts must be prepared ahead of time, any translation to be introduced into evidence should be done ahead of time. It is not a good idea to ask the interpreter to provide a sight translation of anything other than a simple or boilerplate document. The language of many legal documents is dense and syntactically complex, and to prepare an official translation, a translator needs to have reference material at hand and review it several times in order to produce a well-written text. Translation always takes longer than anyone expects, so please allow the translator to do the job properly. Translators who take pride in their work will not hand in an unrefined copy.

There is no legal requirement that documents be translated by a certified interpreter, although some courts have a standard practice to request that certified interpreters prepare the translations. The Court Interpreter's Act (28 USC 1827) does not specifically provide for the translation of documents by certified interpreters.

When seeking translators, it is advisable to give as much detail about the job as possible in advance, to specify the format in which you wish to receive the translation (diskette, hard copy, columns, etc.), and to request an

estimate before the translator begins the assignment. Many attorneys are surprised by the cost of translation, but have little awareness of how long it takes to do. Translations cannot be done word for word, but concept for concept, and a lot of structural reformulation must be done when transferring thought from one language to another. For this very reason, a machine is incapable of producing a reliable translation. Keep in mind that a sloppy translation is worse than none at all, because most of the time it will have to be redone, and the cost in the end will be double for the same product.

## **TAPE TRANSCRIPTS**

Tape transcripts are very time-consuming to produce, and nearly equally time consuming if one interpreter is checking another interpreter's work. The general estimate is that for every minute of tape (assuming good audibility) an interpreter needs 30 to 60 minutes to listen, transcribe and translate.

At the outset, a defense attorney ought to get an idea from the interpreter about how long it would take to complete the assignment (often the interpreter will not be able to tell until listening to a sample of the tape) and what the estimated cost would be. In most districts, defense attorneys need prior authorization from the judge for the

When requesting transcripts to be prepared or reviewed, attorneys should also be sure to specify exactly what they want to accomplish: get a general idea of the content of conversations, get a general opinion on accuracy, see if their client is mentioned, or prepare a transcript to introduce into evidence?

In general, experienced interpreters have special equipment that can slow down the tape speed if needed, and must listen to tapes many times in order to be sure of what was said.

Be sure to ask the interpreter's experience with producing tape transcripts: how many they have done, whether they have worked for both defense and prosecution, whether they have ever testified as an expert witness, etc.