

## **Chapter 11 – Criminal**

### **Rule 11.01 – Case Management/Assignment**

The Clerk of Courts shall assign each defendant to a numbered case file. If the defendant has more than one case on a grand jury report, this will be numbered separately. One case may have more than one count.

If a defendant has a pending case, and an additional case is filed for the same defendant, the Clerk of Court shall create a new numbered case file for the new case.

### **Rule 11.02 – Bail and Recognizance**

The purpose of bail is to ensure that the defendant appears at all stages of the criminal proceedings. Crim. R. 46 and R.C. 2937.22 (when applicable) will govern in all cases.

#### **A. Conditions of Release**

1. If the Court determines a defendant is to be released on the defendant's personal recognizance or an unsecured appearance bond, the release shall be effective upon the signature of the defendant and any other party determined by the Court.

The defendant and sureties, if any, shall execute the bond before the Clerk or a Deputy Clerk of Courts and pay any additional state mandated fees to the Clerk of Courts. A deputy sheriff may witness the bond and collect any and all funds in lieu of the Clerk of Courts when a defendant is incarcerated and transmit the funds to the Clerk of Courts except when bail bonds are being established by a surety. The clerk of courts shall approve the sufficiency of any surety bail bond prior to any release per Crim. R. 46(J).

2. If the Court determines a person is to be released, the following shall be considered:
  - a. If given a 10% feature the defendant shall be given the opportunity to post the 10% feature bond in the defendant's name. No additional surety is required.
  - b. If given a 10% feature the defendant may have another person post a 10% feature bond provided that the person provides sufficient financial responsibility in the amount of the bond.
  - c. In the absence of sufficient financial responsibility, the defendant may have a surety post the full amount of the bond in cash.
  - d. The defendant or any surety may post a property bond with property located within the county with sufficient value, double the full amount of the bond. The defendant or surety is required to deliver the deed and proof of sufficient value, as required by the Clerk of Courts, including a certificate of title search as to the sufficiency of the property to meet the value of the bond.

e. The defendant may have a professional bail bondsman post surety in the full amount of the bond.

**B. Forfeiture**

If there is a breach of the conditions of the bond, the Court may declare a forfeiture of the bond. Any surety shall be given notice by ordinary mail at the address shown on the bond of a show cause hearing on a date determined by the Court pursuant to R.C. 2937.36. The surety shall produce the defendant, cash equal to the full amount of the bond or show cause why judgment should not be rendered at the hearing. If the bond is secured by property, the Clerk of Courts shall proceed as in execution for the sale of the property to satisfy the bond.

**Rule 11.03 – Criminal Pretrial**

All criminal cases shall be set for a pretrial conference following arraignment.

**Rule 11.04 – Appointment and Withdrawal of Counsel**

When a defendant is unable to retain counsel, the Judge shall appoint counsel to represent the defendant pursuant to Crim. R. 44. The appointment shall be reflected in a judgment entry.

An attorney may not withdraw from representation without the permission of the Court. An attorney who desires to withdraw from representation of the defendant shall file a written motion and order with the Court. An attorney is not deemed to have withdrawn from the representation until it is reflected in a judgment entry.