

**- Vandalia Municipal Court -**  
**RULES OF CRIMINAL AND TRAFFIC PRACTICE**

Rule 33.00  
CRIMINAL PROCEDURE

All rules set forth above with reference to Civil Procedure shall, where applicable, be enforced in criminal proceedings before this Court. Further, this Court shall follow the Ohio Rules of Criminal Procedure and Ohio Traffic Rules. In addition thereto, the following rules and practices shall prevail.

Rule 34.00  
BAILIFF

The Bailiff or Deputy selected by the Judge shall formally open sessions of traffic and criminal court and shall enforce and maintain order.

Rule 35.00  
DOCUMENTS FILED WITH THE COURT

In all issued traffic citations, the Affidavit shall be filed within 48 hours of the offense and include a computer readout and statement of facts.

Rule 36.00  
ARRAIGNMENTS

- A. SCHEDULING: All arraignments will be held Monday through Friday at 9:00 a.m. except for those Defendants who are confined, in which case, video arraignments from the jail will be held Monday and Tuesday at 11:15 a.m. and Wednesday through Friday, video arraignments will be held at 9:30 a.m.
- B. Arraignment sessions shall include: initial appearances of all persons charged with felonies, criminal misdemeanors, and/or traffic offenses.
- C. PLEAS: At arraignment, the Defendant or his counsel may enter one of the following pleas: (1) guilty; (2) no contest; (3) not guilty; or (4) not guilty by reason of insanity. Prior to arraignment, Defendant's counsel may file a written appearance and a plea of not guilty pursuant to Crim. R. 10(B), except for those offenses listed in Vand. R. 36(D) below. No plea or appearance will be accepted by telephone.
- D. CONTINUANCES: The Court is opposed to needless delay in the handling of its business. In cases where a continuance is necessary, the limit of time allowed will be one (1) week, unless for good cause shown, a longer time is approved by the Judge or Magistrate. The date of continuance, and by whom granted, shall be noted on the file.
- E. Mandatory Appearances: All persons, regardless of residence, must appear in court if cited for the following offenses:
  - 1. Indictable offenses
  - 2. Operation of a motor vehicle while under the influence of alcohol or drugs
  - 3. Leaving the scene of an accident
  - 4. Reckless operation
  - 5. Driving under suspension or revocation of driver's license
  - 6. Driving without being licensed to drive

7. A third (or more) moving traffic offense within a twelve (12) month period
8. Failing to stop for a school bus
9. Willfully eluding or fleeing a police officer
10. Drag racing
11. Domestic Violence
12. Probation violation
13. Any drug offense or drug-related offense

FAILURE TO COMPLY WITH THIS RULE WILL RESULT IN THE ISSUANCE OF AN ARREST WARRANT OR A LICENSE SUSPENSION PURSUANT TO SEC. 2935.27 O.R.C.

**Rule 37.00**  
**PRELIMINARY HEARINGS**

Preliminary hearings in felony cases will be conducted within the time limits provided by law. Preliminary hearings shall be conducted in accordance with Crim. R. 5(B).

**Rule 38.00**  
**COST, FEES AND BAIL**

- A. **RELEASE:** Officers in charge shall release any person arrested and/or charged with any misdemeanors, who gives bail or executes bond according to law and satisfaction of the Clerk in the amount indicated in the Bail or Bond schedule of the Vandalia Municipal Court. Such persons shall be given an arraignment date in accordance with the normal procedures where an arrest is not made.

The arresting officer or any commanding officer may release arrested Defendants on their own recognizance if it appears that they will appear as directed.

The Court shall set bond in all felony cases.

- B. **BAIL CREDIT CARDS:** In accordance with Crim. R. 46, the Clerk of Courts is authorized to accept, for purposes of bail, VISA or MasterCard, so long as no service charge is made against either the Court or the Clerk. Personal checks will not be accepted.
- C. **BOND FORFEITURE:** All bond or bail will be declared forfeited for failure of appearance by the defendant. Where bond or bail has been declared forfeited by the Court, the forfeiture may be set aside if the Defendant in such case appears before the Judge or Magistrate and shows good cause for non-appearance.
- D. **COST, FEES AND BONDS:** Assessed and payable according to the schedule established by the Court.

**Rule 39.00**  
**PRETRIAL CONFERENCES**

All criminal and traffic cases, except minor misdemeanors, will be set for pretrial conference at the Court's discretion, and the following persons are required to attend: the Prosecutor assigned to the case, Trial Counsel for the Defendant and the Defendant.

**Rule 40.00**  
**PLEA BARGAINS**

All recommendations for withdrawal, reduction or dismissal of charges and the reasons therefor shall be made in open court by the Prosecuting Attorney, or shall be specifically set forth in writing upon the case file. No such recommendation shall be binding until, and if, approved by the Court.

**Rule 41.00**  
**MOTIONS**

All motions shall set forth clearly and specifically the grounds for the Motion and supporting citations (copies of foreign, federal and unreported decisions to be attached). In Motions to Suppress, the items of evidence shall be specified. Any motions filed, which are not in compliance with this Rule, or with the applicable Rules of Criminal procedure, or are untimely filed, shall be summarily overruled.

All motions requiring oral hearing shall be set within thirty (30) days of the date such filing is made and it shall be the responsibility of each party to secure the attendance of all witnesses necessary to establish his position.

**Rule 42.00**  
**TRIAL BY JURY**

Any demand for trial by jury must conform with the requirements of Crim. R. 23. Failure to demand a jury trial as provided therein shall be deemed a complete waiver of such right.

**Rule 43.00**  
**WITNESSES**

Failure of a witness to appear in court may subject said witness to prosecution for Contempt of Court.

**Rule 44.00**  
**VIOLATIONS BUREAU**

The Misdemeanor Violations Bureau is established. The Clerk of Courts is appointed to be the Violations Clerk, to collect fines, give receipts therefor and render accounts to the Bureau, and accept guilty pleas. The Violations Bureau shall prominently display a statement of Defendant's rights and a schedule of fines and costs.

**Rule 45.00**  
**CONVICTION RECORDS**

All traffic violation convictions are reported to the Bureau of Motor Vehicles.