

Xenia Municipal Court

MICHAEL K. MURRY, JUDGE

RULES OF COURT

Revision: January 15, 2019

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IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

RULES OF PRACTICING BEFORE XENIA
MUNICIPAL COURT

1

Originated: 1/2/08

Revised: 2/1/16

* * * * *

Complete copies of these rules and any additions or changes shall be sent by the Clerk to the following at no cost:

Ohio Supreme Court
Xenia City Manager
Xenia City Prosecutor
Greene County Law Library
Greene County Jail
Greene County Parks
State Parks
Dayton Bar Association
Greene County Sheriff's Department
Xenia Police Division
Ohio State Highway Patrol, Post 29
Bellbrook Police Department
Sugarcreek Police Department
Yellow Springs Police Department
Cedarville Police Department
Jamestown Police Department
Bowersville Police Department
Greene Memorial Hospital (Grandview Police Department)
Xenia City Commission

FILED
XENIA MUNICIPAL COURT
2016 JAN 29 PM 1:59

Copies of these Rules of Court and any additions or changes thereto shall be sent to any other persons/entities upon request at a cost of \$0.25 per page, payable in advance, unless sent by electronic form at no cost. A list shall be kept, on a page attached to this Rule, of all persons/entities to whom these rules are given, unless they desire that this not be done, so that additions or changes may be mailed as they occur. These additions or changes shall be sent free of charge absent further order of this Court once the Rules in existence at the time of original mailing to that person/entity has been made.

All Rules shall remain in effect until ordered by this Court to be deleted or superseded.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:35

IN THE MATTER OF:

RULE OF COURT

JUDICIAL SIGNATURES

.2

* * * * *

No signature stamp for the presiding Judge, or any visiting/acting Judge or Magistrate for Xenia Municipal Court shall be used on any court document or paperwork. Any document stamped in contravention of this Rule shall be null and void and of no effect.

No employee shall sign any document for any judicial officer of this Court without the authorization of that judicial officer. Original or authorized signatures of judicial officers of XMC will give judicial authority of this Court.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2011 DEC 30 AM 8:22
RULE OF COURT

IN THE MATTER OF:

WEAPONS IN COURT AREA

3

Originated: 1/2/08

Revised:

* * * * *

No person other than a law enforcement officer or duly authorized Xenia Municipal Court employee shall enter the lobby, hallways, courtroom, Clerk's office, Probation Department or any other office of Xenia Municipal Court with any weapon in his or her possession. For purposes of this Order, "weapon" includes any gun, taser, knife, razor or razor blade, mace or other aerosol-type defensive spray, saw, nunchakus, brass knuckles, or any object carried or used as a weapon.

All persons are subject to search in any of the areas designated in this Rule, and the possession of any such weapon in contravention of this Rule shall constitute consent to seizure of that weapon by the Xenia Municipal Court staff or any law enforcement officer and immediate forfeiture of said weapon to the Court for disposition in accordance with law.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

ELECTRONIC & FAX FILINGS

4

Originated: 1/2/08

Revised: 1/18/11

* * * * *

DEFINITIONS – As used in these rules:

1. A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
2. A "facsimile machine" means a machine that can send and receive a facsimile transmission.
3. 'Fax' is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
4. An "Electronic Filing" refers to the transmission of a source document by email or some other electronic means directly to the Court's email address or website.

ORIGINAL FILING

1. A document filed by electronic means or by fax shall be accepted as the effective original filing. The person making an electronic or fax filing need not file any source document with the Clerk of Court but must, however, maintain in his / her records and have available for production on request by the Court the source document filed electronically or by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the cover sheet used for the subject filing.
2. The source document filed electronically or by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

A. COVER PAGE

1. The person filing a document electronically or by fax shall also include a cover page containing all of the following information: (See appendix for sample cover page form)
 - a. name of the court
 - b. name, title, telephone number, fax number, and e-mail address of person filing the fax document;

- c. title of the case;
 - d. case number;
 - e. title of the document being filed (e.g., Defendant Johns' Answer to Amended Complaint; Plaintiff Smith's Response to Defendants' Motion to Dismiss);
 - f. name of the judge to whom the case is assigned, if any;
 - g. date of electronic or fax transmission;
 - h. indication of the number of pages included in the transmission, including the cover page;
 - i. if applicable, a statement explaining how costs are being submitted
2. If a document is sent electronically or by fax to the clerk without the cover page information listed above, the clerk may do either of the following:
 - a. enter the document in the case docket and file the document;
 - b. deposit the document in a file of failed faxed documents or an electronic folder with a notation of the reason for the failure (omission of cover page). The document shall **not** be considered filed with the clerk.

B. FAILED ELECTRONIC OR FAX SUBMISSION

The Clerk of Court is not required to send any form of notice to the sending party of a failed electronic or fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed filing.

C. SIGNATURE

1. A party who wishes to file a signed source document by electronic or fax means shall either:
 - a. Email or fax a copy of the signed source document; or
 - b. Email or fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.
2. A party who files a signed document by electronic means or fax represents that the physically signed source document is in his / her possession or control.

D. EXHIBITS

1. Each exhibit to an electronic or facsimile produced document that cannot be accurately transmitted via electronic or facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the Court, as a separate document, not later than five (5) business days following the filing of the electronic or facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the Court striking the document and / or exhibit, or imposing other sanctions.
2. Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the Court, title of the case, the case number, name of the Judge and the title of the exhibit being filed (e.g., Plaintiff John Smith's Notice of Filing Exhibit 'G' to Plaintiff John Smith's Response to Defendant's Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

E. TIME OF FILING

1. Subject to the provisions of these rules, all documents sent by electronic or fax means and accepted by the Clerk shall be considered filed with the Clerk of Court as of the date and time the Clerk time-stamps the document received as opposed to the date and time of the electronic or fax transmission. The office of the Clerk of Court will be deemed open to receive electronic or facsimile transmission of documents on the same days and at the same time the Court is regularly open for business. Therefore, an electronic or fax filing received after the Court closes on a given business day will be deemed received by the Clerk of Court as of the opening of the next business day. Each page of any document received by the Clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the document will determine the time the electronic or fax filing was received, provided the document is deemed accepted by the Clerk.
2. Electronic or Fax filings may NOT be sent directly to the Court for filing but may only be transmitted directly through the Court general email box or facsimile equipment operated by the Clerk of Court.
3. The Clerk of Court may, but need not, acknowledge receipt of an electronic or facsimile transmission.
 - a. The risks of transmitting a document by electronic means or fax to the Clerk of Court shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court through whatever technological means are available. It is highly recommended that

the sending party always use a "Request a Read Receipt" option with all electronic email filings.

F. FEES AND COSTS

1. No document filed electronically or by facsimile that requires a filing fee at the time of filing shall be accepted by the Clerk for filing until Court cost and fees have been paid in full. Documents tendered to the Clerk without payment of Court cost and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules will not be filed.
2. No additional fee shall be assessed for electronic or facsimile filings.

G. LENGTH OF DOCUMENT

1. Facsimile filings shall not exceed 25 pages in length. There is no page limit on electronic filings.

H. SERVICE COPIES

1. The filer shall not transmit service copies electronically or by facsimile filings.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:36

IN THE MATTER OF:

RULE OF COURT

FILING DEPOSIT ABOLISHED IN CRIMINAL CASES

5

* * * * *

No Complainant shall be required to post any Court cost deposit when filing criminal charges in this Court.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

WARRANTS AND PERSONAL IDENTIFIERS

7

Originated: 2/21/2018

Revised:

* * * * *

Effective this date, all warrants issued out of The Xenia Municipal Court must include the following personal identifiers provided by the filer & listed on each filing: 1. The last four (4) digits of the Defendant's Social Security Number, and 2. The Defendant's correct date of birth.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
2018 FEB 21 AM 10:12

FILED
XENIA MUNICIPAL COURT

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

2019 JAN 14 PM 3:49

RULE OF COURT

DRIVING UNDER THE INFLUENCE
ARRAIGNMENTS

8

Originated: 1/2/08

Revised: 1/15/19

* * * * *

At the time of arraignment for the offense of Operating a Vehicle under the Influence of alcohol or drugs (OVI), pursuant to Revised Code Section 4511.19 or similar ordinance, the Court will conduct the hearing required by Revised Code Section 4511.191 (C) to determine if the Defendant's operator's license shall be suspended pending final disposition of the charges filed, shall examine any Administrative License Suspension appeal, and shall examine issues related to any vehicle immobilization or license plate impoundment. The Defendant's appearance is mandatory with or without counsel. Motions filed as to the latter two issues may be raised after arraignment as provided by law.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT

2010 JAN 22 AM 11:37
RULE OF COURT

IN THE MATTER OF:

EXPEDITED CASES

9

* * * * *

Whenever a vehicle or other valuable property has been seized from the Defendant or held as evidence in a case, or where the case involves an allegation of violence against any person, such cases involving that property or alleged victim shall be given scheduling preference. This Rule is made in the interest of justice and creates no additional speedy trial rights of a Defendant.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:37

IN THE MATTER OF:

RULE OF COURT

VICTIMS OF CRIME

-10

* * * * *

Pursuant to the Ohio Victims of Crime Act, alleged victims shall not be required to speak in open court at arraignments, at disposition or at sentencing, but may rely on the Victim Assistant or other person designated by the alleged victim to speak on his or her behalf. The victim's presence at court shall not be required except insofar as necessary pursuant to subpoena or for trial.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

CRIMINAL/TRAFFIC PRE-TRIAL CONFERENCES

11

Originated: 1/2/08

Revised: 1/15/14

FILED
XENIA MUNICIPAL COURT
2014 JAN 15 PM 3:58

* * * * *

No criminal/traffic pre-trial conferences shall be scheduled by the Court unless there is a waiver of speedy trial right.

All criminal/traffic pretrial forms shall be returned to the Clerk's office within two (2) business days of the pre-trial.

Pre-trial conferences shall be scheduled through the Court's assignment clerk. Only one (1) pre-trial shall be scheduled per case, absent good cause shown.

All Defendants must appear at the pre-trial conference unless otherwise excused by the Court.

Failure to appear for a pre-trial, absent good cause shown, may result in a warrant being issued for that Defendant's arrest.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:37

IN THE MATTER OF:

RULE OF COURT

CONTINUANCES GRANTED

12

* * * * *

No continuances of any pre-trial hearing or trial shall be granted by any person other than the Judge or a visiting or acting Judge assigned to the case, and then only for good cause shown. When a date for hearing has been cleared in advance on both counsels' schedules, the Court will not be inclined to continue a case.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

C

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF: 2019 JAN 14 PM 3:49 RULE OF COURT

TRAFFIC VIOLATIONS BUREAU

13
Originated: 1/2/08
Revised: 1/15/19

* * * * *

Pursuant to Rule 13 of the Ohio Uniform Traffic Rules, there is hereby established within the jurisdiction of this Court a Traffic Violations Bureau.

The Court hereby designates the Clerk of this Court as the violations Clerk of the Traffic Violations Bureau.

The Traffic Violations Bureau shall accept appearance, waiver of trial, pleas of guilty, and payment of fine and costs for offenses set forth herein.

Traffic offenses by said Defendant may be disposed of by the Traffic Violations Bureau on any date in advance of that upon which Defendant's arraignment is scheduled, except as to the following offenses:

1. Offenses resulting in accident (if Proof of Insurance WAS NOT shown to the officer and marked or if "Injury" is marked on the citation).
2. Operating a Vehicle under the Influence of alcohol or any drug of abuse
3. Reckless driving
4. Leaving the scene of an accident
5. Driving while under suspension or revocation of driver's license
6. Driving without being licensed to drive
7. Exceeding the speed limit by more than 20 miles per hour or by any amount in a school zone
8. A third or more moving traffic offense within a 12-month period
9. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child
10. Willfully eluding or fleeing a police officer
11. Drag racing
12. Resisting or obstructing an enforcing officer on a traffic arrest
13. Vehicles transporting explosives
14. Failure to comply with a lawful order of a school crossing guard
15. Any offense otherwise eligible for processing by the Traffic Violations Bureau where the officer, by reason of unusual circumstances, marks the ticket as "Personal Appearance Required."

16. Allowing an unlicensed driver to drive.
17. Physical control of a motor vehicle.
18. Texting (deleted – now payable)
19. "Distracted Drive" is noted on the citation.

The Court has heretofore scheduled the amount of fine and costs for the cases to be disposed of by the Traffic Violations Bureau. The same is hereby made a part of this Rule by reference. A copy of this schedule shall be posted in the office of the Clerk of the Traffic Violations Bureau and a copy mailed to each law enforcement agency operating within the jurisdiction of this Court.

The Court hereby appoints the dispatchers of Greene County Central Communications, as Deputy Traffic Violations Bureau Clerks.

IT IS SO ORDERED.



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2011 DEC 30 AM 8:22

IN THE MATTER OF:

RULE OF COURT

JURY TRIALS, PLEA NEGOTIATIONS

14

Originated: 1/2/08

Revised: 12/27/11

* * * * *

All Traffic and criminal pre-trial negotiations shall be completed by noon on the last Monday immediately preceding the date for any jury trial. The final offer from the Prosecutor shall be delivered to the Defense Counsel/Defendant by noon on that date. No offers of reduction or amendment made after that day and time will be honored by the Court, absent good cause shown, and with court approval.

The Clerk must receive a Withdrawal of Jury Demand from the Defense Counsel/Defendant by 4:00 p.m. the Tuesday before the jury trial to avoid jury fees.

In all cases where the jury has been summoned and has appeared for duty, costs shall be assessed to the Defendant unless found not guilty by the jury.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT

2010 JAN 22 AM 11:38
RULE OF COURT

IN THE MATTER OF:

TRANSPORT OF PRISONERS

15

* * * * *

In addition to all other duties of the Bailiffs of the Xenia Municipal Court, said Bailiffs shall be responsible for the transport of prisoners to and from jail and the Xenia Municipal Court courtroom.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
2019 JAN 14 PM 3:49

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

BENCH WARRANTS

16

Originated: 1/2/08

Revised: 1/15/19

* * * * *

All bench warrants issued by this Court will include the following additional information, if available:

- Amount of bond
- Physical description of Defendant, where available
- Date of birth
- Social Security Number
- The following sentence at the bottom of the warrant: "May be served by teletype."

Bench warrants will be directed to the following agencies:

1. All warrants shall be issued to the arresting agency (or the law enforcement agency for that charging entity) with the following exceptions – which will be issued to the Greene County Sheriff's Office:
 - a. Greene Co. Animal Control
 - b. Greene County Parks
 - c. Central State PD
 - d. Ohio Nature Preserve
 - e. Ohio Dept. of Parks
 - f. Division of Watercraft
 - g. Ohio Dept. of Wildlife
 - h. Wilberforce PD
 - i. Bowersville PD
 - j. Jamestown PD
 - k. Ohio State Patrol – all warrants except FTA arraignments on M1's.
2. The Court, in its discretion, may redirect a warrant in contravention of this Rule.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

COST OF DRUG TESTING

17

Originated: 1/2/08

Revised: 1/21/14

FILED
XENIA MUNICIPAL COURT
2014 JAN 21 AM 8:45

* * * * *

Unless otherwise agreed with the consent of the Judge, court costs in all traffic and criminal cases involving drugs shall include the costs of all drug testing in such cases. These costs also shall be assessed in all applicable cases even when such charges are reduced, amended or dismissed as part of a plea agreement.

No part of the costs of drug testing shall be assessed against any defendant who is found "not guilty" of a drug-related offense.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
APR 26 6 AM 7:49

IN THE MATTER OF:

RULE OF COURT

REFUND OF OVERPAYMENTS

18

Originated: 4-26-10

Reviewed: 1-6-12

* * * * *

For the efficient operation of the Court, any overpayment received for \$10.00 (ten dollars) or less with the exception of "shall be" language regarding fines, the overpayment will be receipted as a City of Xenia fee and disbursed at the end of the month into the City of Xenia general fund as "miscellaneous costs".

Overpayments in excess of \$10.00 (ten dollars) will be refunded by check to the payee in a reasonable time period.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT

2010 JAN 22 AM 11:38

IN THE MATTER OF:

RULE OF COURT

DISPOSITION OF CRIMINAL AND TRAFFIC CASES

19

* * * * *

The disposition of all criminal and traffic cases will occur on the record in open court and will occur at a time scheduled in advance, with written or actual notice to the Prosecutor and any victim. The right of allocution at sentencing shall be limited to the victim, defendant, defendant's attorney and the prosecuting authority (R.C. 2929.22). Any victim may elect to have someone from Victim Assistance or another person to speak on his or her behalf pursuant to Ohio law.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

PAYMENT OF FINES AND COSTS

20

Originated: 1/2/08

Revised: 1/11/17

* * * * *

All fines and costs will be due when assessed. Any request for additional time to pay shall be granted only when such additional time is deemed by the Court to be warranted, and only upon conditions granted by the Court. Failure to comply may result in the defendant being turned over to a Court approved collection agency.

FILED
XENIA MUNICIPAL COURT
7 JAN 11 PM 12:33

The following forms of payment are acceptable:

1. Cash
2. Money Order
3. Certified Check
4. Visa, Mastercard, Discover & American Express
5. Personal checks with approval of Clerk of Court or designee.
6. Epayments (through the Court Website)

The following forms of payment will not be accepted:

1. Loose, or rolled change in excess of \$5.00.
2. Any check, money order, or cash that appears to be damaged, soiled, or otherwise compromised beyond what normally results from routine usage.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:38

IN THE MATTER OF:

RULE OF COURT

TRANSCRIPTS

21

* * * * *

All requests for transcripts of proceedings in the Xenia Municipal Court shall be filed in writing.

Deposit shall be paid to the Court Reporter in an amount deemed appropriate by the Court Reporter. The compensation of Reporters for making transcripts and copies of proceedings shall be paid forthwith to the Reporter and prior to release of the transcripts by the party for whose benefit the same is made.

The preparation of transcripts for indigents shall be governed by Ohio law.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF: 2019 JAN 14 PM 3:49 RULE OF COURT

XENIA MUNICIPAL COURT IMPROVEMENTS FUND 22

Originated: 1/2/08
Revised: 1/15/19

* * * * *

WHEREAS, the judge of the Xenia Municipal Court has determined that for the continued efficient and effective operation of the court, including the office of the Clerk of Court, that a Municipal Court Improvements Fund is necessary,

IT IS THEREFORE ORDERED that the Clerk of Xenia Municipal Court shall charge and collect an additional court cost to collectively cover prescribed fees outlined in Section 2303.20(B) through (Y) and as provided by Section 1901.26, on each traffic, and criminal, small claims, civil suit and sealing of record case filed to fund the Xenia Municipal Court Improvements Fund.

IT IS FURTHER ORDERED that the costs to be collected shall be in addition to any other court costs imposed in a case and shall be collected at the time of the disposition on criminal and traffic cases.

IT IS FURTHER ORDERED that all such monies shall be transmitted each month by the Clerk of Xenia Municipal Court to the City of Xenia Finance Director. The monies then shall be deposited and credited to the Municipal Court Improvements Fund established and maintained by the City of Xenia, Director of Finance. Monies deposited in the Municipal Court Improvements Fund shall be invested by the City of Xenia, Director of Finance, and interest earned on those investments shall be credited to the Municipal Court Improvements Fund. The expenditure of Municipal Court Improvements Fund monies shall only be made upon a purchase requisition from the Clerk of Xenia Municipal Court, together with an Order of the presiding Judge of the Court, for capital acquisitions, improvements, and replacements for the Court and also building improvements, acquisitions, and replacements used and shared by the Court with other city divisions and departments. In addition, such funds shall be used for special projects of the Court in any rule passed by the Court in conformity with Ohio Revised Code Section 1901.26 and Ohio Attorney General's Opinion 97-049. Absent a purchase order from the Clerk of the Xenia Municipal Court, expenditures shall be made only on court order of the Judge of the Court.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT

18 JUL 27 AM 11:56

IN THE MATTER OF:

RULE OF COURT

COST SCHEDULE FOR CRIMINAL / TRAFFIC
DIVISION

23

Originated: 1/2/08

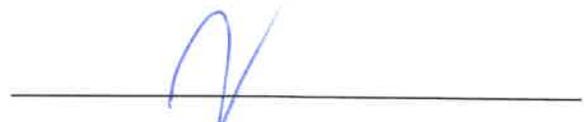
Revised: 7/27/18

Effective as of the file stamp date, the Clerk of the Xenia Municipal Court shall charge the following fees in the Criminal/Traffic Division:

Basic costs (Criminal cases)	\$ 53.00
Basic costs (Traffic violations)	\$ 43.00
State mandated HB 562 court cost (Traffic moving violations)	\$ 10.00
Municipal Court Improvements Fund	\$ 10.00
Municipal Court General Special Projects Fund	\$ 14.00
Indigent Defense Support Fund	\$ 20.00
State of Ohio Reparations Fund	\$ 9.00
Victim Fund	\$ 4.00
Seat Belt & Pedestrian (Indigent Defense Support Fund)	\$ 10.00
Issuing Bench Warrants	\$100.00
Issuing Event Notices	\$ 10.00 each
Issuing Subpoenas	\$ 15.00 each
Issuing Subpoenas Duces Tecum	\$ 15.00 each
Jury Demand	\$ 20.00
Witness Fees (ea. Party \$12 full day. \$6-half day) + (mileage per IRS current rate if out of Xenia city limits)	
Juror fees – Appeared but not seated	\$ 10.00
Juror fees – Appeared and seated (per day)	\$ 15.00
Commitments After Conviction and Sentence to County Jail	\$ 8.00
Initial Limited Driving Privileges Order and Entry (Application)	\$ 60.00
Unlimited Driving Privileges Order and Entry (Application)	\$ 85.00
Renewal of Driving Privileges	\$ 25.00
Release “Declaration of Forfeiture”	\$ 30.00
Pretrial License Suspension	\$ 15.00
Entry and Order Lifting Pretrial Suspension	\$ 10.00
Certified Mail	\$ 10.00
Motion for Administrative License Suspension hearing and filings	\$ 10.00
Motion for Impoundment and Immobilization hearing and filings	\$ 10.00
Immobilization (“clubbing” of a vehicle)	\$ 50.00
Immobilization Waiver Fee	\$ 50.00
Work Release Entry and Order (each order)	\$ 25.00
Entry and Order in Contempt Action	\$ 30.00
Entry and Order to Show Cause	\$ 15.00

Deposit for Court of Appeals (separate check payable to Clerk of Courts)	\$125.00
Transcript of Docket and Journal Entries to Court of Appeals	\$100.00
Copies (per page) (file contents only)	\$ 0.25
Violator Compact	\$ 30.00
Faxes to Bureau of Motor Vehicles	\$ 5.00
Record Checks (First 100 pages additional pages .25 per page)	
(No Charge to Public Agencies)	\$ 20.00
Probation Supervision, \$200.00 (\$50 per month – 4 months) no fees beyond	\$ 200.00
Entry nullifying Administrative License Suspension	\$ 10.00
Payment Review Agreements (including Community Service enrollment)	\$ 50.00
Indigent Application Fee	\$ 25.00
Bad (Nonsufficient fund) Check	\$ 30.00
Sealing of Record (fee per case - conviction)	\$ 50.00
Sealing of Record (Dismissal or Not Guilty)	\$ 0.00
Motion to re-open a Sealed Case	\$ 50.00
Attorney Status Hearing Order (ASHO)	\$ 10.00
Return to Court Notice for Money Due	\$ 10.00
Motion for Continuance	\$ 20.00
Copy of database (per month)	\$ 30.00
Certified Copies (each)	\$ 5.00
Entry to renew Operator's License when Suspended	\$ 25.00

IT IS SO ORDERED:


 JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

2019 JAN 14 PM 3:49

RULE OF COURT

COST SCHEDULE FOR CIVIL DIVISION

24

Originated: 1/2/08
Revised 1/15/19

* * * * *

Effective as of the file stamp date, the Clerk of the Xenia Municipal Court shall charge the following fees in the Civil Division:

Alias Service (each party/service address – by Certified Mail.	\$ 20.00
Alias Service (each party/service address – by Bailiff, Sheriff or Process Server.	\$ 30.00
Alias Service (each party/service address – by Ordinary Mail w/ Certificate of Mailing)	\$ 10.00
Amended Complaint	\$ 30.00
(Additional Parties)	\$ 20.00
Appeal (both of the following apply)	
(Check made payable to “Greene County Clerk of Courts”)	\$125.00
(Cash/check made payable to XMC)	\$100.00
Assignment of Judgment Creditor	\$ 25.00
Bank Attachment	\$ 60.00
Fee to Banking Institution	\$ 1.00
Capias / Warrant	\$100.00
Certified Copies (each)	\$ 5.00
Certificate of Judgment Praecipe	\$ 20.00
Civil Suit (includes initial service)	\$130.00
Additional Defendants	\$ 20.00
Contempt Action – per defendant (Includes initial Service)	\$ 30.00
Counterclaim / Cross-claim (No service required by the court)	\$ 30.00
Copies (per page)	\$.25
Credit Bureau Report (per month)	\$ 30.00
Debtor Examination – per defendant (Includes initial Service)	\$ 30.00
Dog Designation Hearing	\$125.00
Entry to Renew Driver’s License When Suspended	\$ 25.00
Executions (Includes Service / Publication)	\$250.00
(Deposit)	
Exemplified Copy of Judgment Entry	\$ 10.00
Forcible Entry and Detainer Action (Includes initial Service)	\$140.00
Additional Defendants	\$ 25.00
Jury Deposit (must be paid at the filing of the Jury Demand)	\$500.00
Jury List	\$ 15.00
Jury Summons	\$ 1.00
** (Usually 80 per jury trial - \$80.00)	
Witness Fees (ea. Party: \$12 day / \$6 half day) + (mileage@ IRS current rate if out of Xenia city limits)	
Juror fees – Appeared but not seated	\$ 10.00
Juror fees – Appeared and seated (per day)	\$ 15.00

Landlord/Tenant Action (Rent must be current & deposited with fee for escrow acct)	\$ 25.00
Motion to Continue	\$ 20.00
Motion for Default Judgment	\$ 10.00
Motion for Summary Judgment	\$ 20.00
Motion to Re-Open Sealed Case	\$ 50.00
Order to Transfer Title	\$ 60.00
Ordinary Mail w/ Certificate of Mailing	\$ 10.00
Peace Bonds	\$130.00
Petition for Driving Privileges for BMV Payment Plans	\$130.00
Petition to Appeal License or FR Suspension	\$130.00
Post Judgment Motions (e.g. Rule 60B, Vacate, Re-open)	\$ 25.00
Praecipe for Subpoena (excludes witness fee & mileage)	\$ 15.00
Record Checks (first 100 pages, additional pages \$.25 per page)	\$ 20.00
Renew or Revise Driver's License Privileges	\$ 25.00
Replevin Action (Includes Service)	\$130.00
Revivor Action – per defendant (Includes Service)	\$ 40.00
Sealing of Record (fee per application)	\$ 50.00
Sealing of Record (Dismissal or Not Guilty)	\$ 0.00
Small Claims Complaints (Includes initial Service)	\$ 70.00
Additional Defendants	\$ 20.00
Third-Party Complaint	\$ 50.00
Transfer from Small Claims Docket to Civil Division	\$ 50.00
Transfer to Another Court	\$ 50.00
Transfer from Another Court	\$130.00
Trusteeships	\$130.00
Wage Garnishment	\$140.00
Weddings	\$ 50.00
Writ of Restitution (Includes Service)	\$ 60.00

IT IS SO ORDERED:


 JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2011 DEC 30 AM 8:21

IN THE MATTER OF:

RULE OF COURT

ACTING JUDGES

25

Originated: 1/2/08

Revised: 12/27/11

* * * * *

From time to time a qualified person may be given the authority to act as Acting Judge or Visiting Judge of this Court to perform any judicial duty which might require the service of the Judge, if the elected Judge is unable to serve for any reason.

The compensation of Acting Judges shall be set by the court and of Visiting Judges at the statutory rate and such appointments shall be made when necessary to maintain the orderly schedule of the Xenia Municipal Court.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT

IN THE MATTER OF:

RULE OF COURT

2018 JAN 22 AM 11:39

CHIEF PROBATION/PROGRAM DIRECTOR

26

* * * * *

The Chief Probation/Program Director shall have the following duties and powers:

1. The duties and powers incumbent upon a Deputy Bailiff as those that are defined in Ohio Revised Code Section 1901.32 & 1901.33(c).
2. Development of innovative programs for Xenia Municipal Court's enforcement of penalties, to provide alternatives for service of jail space and payment of fines, as deemed appropriate by the Xenia Municipal Judge, and to assist in efforts at rehabilitation of offenders.
3. Development and implementation of staff training and other programs.
4. Development and monitoring certification as required for Probation Officers and any other court employees with regard to the use or possession of weapons.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:39

IN THE MATTER OF:

RULE OF COURT

XENIA MUNICIPAL COURT VICTIM
ASSISTANCE FUND

27

* * * * *

WHEREAS, the Judge of the Xenia Municipal Court has determined that in the past the only funding for the Victim Assistance Program has been generated by tax dollars allocated from State grants and, therefore, payable by the general taxpayers of this jurisdiction; and

WHEREAS, the Judge of the Xenia Municipal Court believes that instead at least some of the funding to assist victims of crime should come from convicted offenders;

THEREFORE, it is hereby ordered that effective January 1, 2010; the Clerk of Xenia Municipal Court shall charge and collect an additional court cost of Four Dollars (\$4.00) in all criminal and traffic cases filed in this Court.

This cost shall be in addition to any other court cost imposed in a criminal or traffic case and shall be collected at the time of disposition in those cases.

IT IS FURTHER ORDERED that such monies shall be transmitted each month by the Clerk of Xenia Municipal Court to the City of Xenia Finance Director for deposit and credit to the Xenia Municipal Court Victim Fund established and maintained by the City of Xenia's Finance Director.

Monies deposited in the Xenia Municipal Court Fund shall be invested by the City of Xenia's Finance Director and interest earned on those investments shall be credited to the Xenia Municipal Court Victim Fund. The City Solicitor shall have complete control over expenditures of said fund, and said expenditures shall be made upon a purchase requisition from the City Solicitor or his or her legally authorized designee without any direction from Xenia Municipal Court.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
17 JAN 11 PM 12:34

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

WEDDINGS

28

Originated: 1/2/08

Revised: 1/11/17

* * * * *

Weddings shall be performed only at a pre-arranged time by the Court. The court cost for weddings shall be fifty dollars (\$50.00) and shall be payable to the Clerk's office at the time the wedding is scheduled. This fee is for use of the Court's facility and no fee shall be paid to the Judge performing the wedding ceremony. Failure to pay in advance as specified herein shall result in cancellation of the wedding.

1. Appropriate dress is required. The Judge performing the wedding ceremony shall have absolute discretion regarding what is appropriate dress.
2. Cameras are permitted in the court room for wedding ceremonies.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT

IN THE MATTER OF:

RULE OF COURT

2018 JAN 22 AM 11:39

POSTING OF BAIL FOR THE XENIA MUNICIPAL COURT

29

* * * * *

Whereas, the amount of bail is established by this Court, and is intended to serve as security for the appearance of the accused in open court to answer specific charges; And,

Whereas, the Court does take into consideration several factors prior to establishing the amount of bail for a case; And,

Whereas, the Greene County Jail does from time to time release prisoners from confinement pursuant to Criminal Rule 4(F) of the Ohio Revised Code;

Now, Therefore, it is the Order of this Court that at such times when an agency ordered to serve a bench warrant for the Xenia Municipal Court knows that the Greene County Jail will release the prisoner pursuant to Criminal Rule 4(F), then anyone authorized to act as a Deputy Clerk of this Court may accept as bail an amount other than the amount ordered by this Court.

There shall never be a change in the amount of the bail in any case where the bail amount is listed as "No Bond." Only in cases where the bench warrant was issued for "Failure to Comply" and a specific bail amount is included with the warrant shall the procedures in this Entry be employed.

In any situation where the Greene County jail is operating under procedures leading to the release of prisoners, then the supervisor on duty for the arresting agency shall be authorized to determine the amount of bond to be accepted. This determination is to be made on a case by case basis, and the sufficiency of the bail will be determined at the discretion of the supervisor.

IT IS SO ORDERED.



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
17 JAN 11 PM 12:34

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

PRISONER RETENTION REVIEW

30

Originated: 1/2/08

Revised: 1/11/17

* * * * *

From time to time issues arise regarding whether prisoners should be released for overcrowding, or due to requests for lower bonds, or for other reasons. The Court may need to be involved in this decision.

It is the ORDER of this Court that only a Judge is permitted to make such determinations on behalf of the Court. The jail personnel may contact the Judge by telephone or otherwise to advise him of any problem needing review on the issue of release or detention. The Clerk of Court or Chief Deputy Clerks, in the Clerk's absence may sign warrants to discharge.

In the event that Judge Murry is unavailable for any reason, a duly appointed Acting Judge, the Clerk of Court or Chief Deputy Clerk may issue an order with the same authority and in the same manner.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

COURT RECORDS MANAGEMENT & RETENTION

31

Originated: 1/2/08

Revised: 11/20/17

FILED
XENIA MUNICIPAL COURT
2017 NOV 20 AM 11:28

* * * * *

In all matters of the proper filing, retention and purging of all Court documents, The Xenia Municipal Court will comply with Ohio Revised Code Section 1901.41, 9.01, and the Ohio Rules of Court, Rules of Superintendence for the Courts of Ohio, Rule 26 & 27.

As necessary equipment is added, The Xenia Municipal court will begin retaining Court case records in electronic media format, including text and digital images, as an alternative to a paper record. Paper media may be destroyed after it is imaged and saved to the electronic case recording. Rule 26 (C) & (D).

The Clerk of Court will provide the computer hardware and software equipment necessary to allow for inspection and copying of public records, including public records that are maintained, recorded, copied or preserved by an electronic records and information management process in accordance with division (D)(2) of Rule 26.

Destruction of Records

1. A record and any back-up copy of a record produced in accordance with Rule 26 (D) (2) may be destroyed after the record and its back-up have been retained for the applicable retention period set forth in Sup. R. 26.01 to 26.05.
2. If a record was created prior to 1960 and has a retention period greater than ten (10) years, the Court shall notify the Ohio Historical Society in writing of the Court's intention to destroy the record at least sixty (60) days prior to the destruction of the record. Rule 26 (E) (2).
3. In regards to Court records/documents not covered by Rule 26, the Judge will make a specific ruling regarding record retention. Such records/documents are as follows:
 - a. Supreme Court Monthly Reports: The Clerk will preserve hard copies for a period of twelve (12) months after which original copies can be destroyed – warranting the ability to retrieve such reports electronically.
 - b. Audio records when recorded and stenographer notes of courtroom proceedings, may be deleted or destroyed after a period of five (5) years.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
MUNICIPAL COURT

IN THE MATTER OF:

RULE OF COURT 2010 JAN 22 AM 11:39

FORFEITED BONDS

32

* * * * *

Effective immediately, forfeited bonds shall be treated as such and shall be added to applicable fines, costs or restitution.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:39

IN THE MATTER OF:

RULE OF COURT

JAIL TIME FOR FINES AND COURT COSTS

33

* * * * *

Absent Court Order to the contrary in a particular case, no Defendant shall be permitted to serve jail time as payment for fines and Court costs. Fines and Court costs must be paid unless waived by the Court pursuant to law.

The Court may offer community service for payment of fines and court costs. Whenever a Defendant's jail time has been served, he or she will be released and he/she forthwith shall appear at Xenia Municipal Court clerk's office to arrange for payment of all fines and Court costs.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:39

IN THE MATTER OF:

RULE OF COURT

NOTIFICATION TO COMPLAINANTS OF
PROPOSED SETTLEMENT AGREEMENT IN
CRIMINAL OR TRAFFIC CASES

34

* * * * *

In all criminal and traffic cases involving charges involving or related to "Domestic Violence," "Violation of Protection Orders," "Assault," and certain "Operating a Vehicle under the Influence of Alcohol or Drugs," the Prosecutor, or his/her designee, shall notify (to the extent practicable) the Complainant/victim/arresting officer regarding plea offers. Any objections to the pre-trial plea offer by the Complainant/victim/arresting officer shall be noted on the Pre-Trial Report Form.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

FILING OF TRAFFIC TICKETS BY
ELECTRONIC MEANS

35
Originated: 4/26/10
Revised:

FILED
XENIA MUNICIPAL COURT
10 APR 26 AM 10:58

* * * * *

Pursuant to Rules of Superintendence for the Courts of Ohio, Rule 27, Traffic Rule 3(F), and Ohio Revised Code Section 1306, provision is hereby made for the filing of traffic tickets by electronic means, subject to the following terms and conditions:

- A. Law Enforcement Officers may use a ticket that is produced by computer or other electronic means, providing the ticket conforms in all substantive respects, including layout and content, to the "Ohio Uniform Traffic Ticket," as required by Traffic Rule 3.
- B. Law Enforcement Officers may file a ticket with the Clerk of Courts by electronic means. However, if a ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket pursuant to Traffic Rule 3(E).
- C. A Law Enforcement Officer who files a ticket electronically shall be considered to have certified the ticket, and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to Ohio Law.
- D. The Clerk of Courts shall maintain records of electronically filed tickets in accordance to the requirements of Ohio Law, including Ohio Revised Code Section 1306.11, and Sup. R 27.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

2016 JAN 29 PM 1:59

RULE OF COURT

SUPREME COURT PORTAL
FOR ESTATS

36
Originated: 2/1/16
Revised:

* * * * *

Pursuant to Rules of Superintendence for the Courts of Ohio, Rule 37, provision is hereby made for the submission of caseload statistics by electronic means. The Court ID and Password for the Ohio Supreme Court Estats Portal shall be managed and maintained by the Judge, Clerk and Chief Deputy Clerk(s) only. These parties shall take all necessary steps to ensure and maintain the security of The Supreme Court Estats portal login credentials.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

COURTROOM ATTIRE AND
CHILDREN IN THE COURTROOM

37

Originated: 5/11/10

Revised:

FILED
XENIA MUNICIPAL COURT
2010 MAY 11 AM 10:15

* * * * *

A. Defendants / Witnesses / Spectators

Casual Business attire is appropriate and preferred. All clothing, including shoes must be free of excessive dirt, grease or oil. Any clothing that lacks proper modesty or openly displays undergarments is unacceptable.

Clothing should be free of graphics or language which displays or depicts gang activity, drugs, alcohol, sex, vulgarity or disrespect for the law or the Court.

B. Attorneys

Business attire for both male and female attorneys is required.

C. Jurors

Casual business attire is required for jurors.

D. Non-Compliance

Anyone not properly dressed may be refused access into the courtroom or be asked to leave if already assembled to return in appropriate attire.

E. Children in the Courtroom

Defendants, witnesses and spectators are encouraged to find other arrangements for small children rather than bringing them to court. If a child is brought into the courtroom, respect and quiet behavior is expected.

The parent or guardian of any child that is, in the opinion of the Judge or Court Bailiff misbehaving or creating a distraction may be denied access to the Courtroom or asked to leave if already present.

The XMC Bailiffs have complete authority to enforce and monitor all aspects of this Rule. Anyone refusing to comply may be held in contempt by the Court.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
OCT 14 AM 10:52

IN THE MATTER OF:

RULE OF COURT

ENTRY OF APPEARANCE OF COUNSEL

38

Originated: 1/2/08

Revised: 10/13/10

* * * * *

Any Attorney with business in this Court who desires to receive notices of Court proceedings in a particular case is required to file with the Court in that particular case an Entry of Appearance on behalf of the party. That form will include his or her Ohio attorney registration number, complete address, telephone number, fax number and business e-mail address, if available. The Clerk shall not send any notices of Court proceedings to any Attorney who does not file such an Entry of Appearance.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
2011 DEC 30 AM 8:21

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

INMATE COMMUNICATIONS REGARDING EARLY
RELEASE

39
Originated: 1/2/08
Revised: 12/27/11

* * * * *

The Xenia Municipal Court receives numerous communications from inmates requesting early release – sometimes from the same inmate.

It is therefore the ORDER of this Court that these communications will receive a response from the Court no more than once monthly absent good cause shown.

This Rule pertains only to inmate communications to the Court and not to any communication made by jail staff or other professionals regarding the health problems or other problems incurred by inmates at the jail.

Any Motions For Early Release filed by Counsel shall be dealt with expeditiously by the Court.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
MUNICIPAL COURT
IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF 17 FEB 15 PM 2:19

RULE OF COURT

BAD CHECKS OR
EPAYMENT CHARGEBACKS

40
Originated: 1/2/08
Revised: 2/15/17

* * * * *

It is hereby ORDERED that for any bad check written to this Court there will be a NSF (non-sufficient fund) fee of Thirty Dollars (\$30.00) charged to the person writing the check. In addition, the Clerk of Court, or designee will determine whether to request the filing of criminal charges.

In the case of a chargeback of an electronic payment, the fee charged the court will be placed back on the defendant's case as a restitution fee and must be paid before the case can be closed.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT

IN THE MATTER OF:

RULE OF COURT 2010 JAN 22 AM 11:40

COURT SECURITY SEARCHES

-41

* * * * *

It is hereby ORDERED that the Court Security Officers of the Xenia Municipal Court are hereby authorized to conduct searches of all bags, parcels, packages, sacks, valises, briefcases, or any other container attempted to be transported within any area where XMC court proceedings are conducted.

It is further ORDERED that anyone refusing to submit to such search shall be refused admission into any area where XMC court proceedings are conducted.

It is further ORDERED that no packages, bags, sacks, or other containers of any kind shall be allowed in any courtroom or other room where court proceedings are being conducted at any time by anyone not in attendance on official business.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

2019 JAN 14 PM 3:50

IN THE MATTER OF:

RULE OF COURT

MOVE-OUTS IN FORCIBLE ENTRY AND DETAINER
ACTIONS

42

Originated: 1/2/08

Revised: 1/15/19

* * * * *

All writs of restitution requested by Property Owners or their Counsel in Xenia Municipal Court shall be arranged in the following manner:

1. After the granting of a judgment of eviction, the Plaintiff will file its writ for restitution of the premises. Accompanying this writ will be the phone number at which the Plaintiff's representative can be reached by the Court Bailiff.
2. The Plaintiff will then have the obligation of hiring the moving company directly. The Court will only permit Court-approved, bonded companies to be used. The Bailiff will be responsible for ensuring that the Plaintiff secures and uses such companies.
3. The Property Owner shall negotiate its own arrangement for moving and storage of the property in question.
4. When an agreement has been made with the moving and storage company, a representative of the Plaintiff/Property Owner shall contact the Xenia Municipal Court to notify the Bailiff of the identity of the selected mover.
5. The Plaintiff will contact the selected moving company to arrange a date for the move-out and advise the Bailiff of this date and time.
6. No bond shall be required to be posted by the Plaintiff for the payment of the move-out. The matter of payment of the mover is a matter of negotiation between the Plaintiff and the mover.
7. The Bailiff will be present at the move-out at the designated time and throughout the move-out.
9. Payment of the moving company shall be the sole responsibility of Plaintiff. The Court assumes no responsibility for payment of the moving company.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

SCHEDULE FOR BAIL PRIOR TO ARRAIGNMENT

43

Originated: 1/2/08

Revised: 11/16/17

FILED
XENIA MUNICIPAL COURT
2017 NO 16 AM 11:22

UNIFORM BOND SCHEDULE – (Adopted Pursuant to Ohio Criminal Rule 46 (G))

DEGREE OF OFFENSE	IN-STATE BOND	OUT-OF-STATE BOND
1 st Degree Misdemeanor and M1 Traffic	\$3,500 Cash/Surety/10%	\$7,000 Cash/Surety/10%
2 nd Degree Misdemeanor	\$2,500 Cash/Surety/10%	\$5,000 Cash/Surety/10%
3 rd Degree Misdemeanor	\$1,500 Cash/Surety/10%	\$3,000 Cash/Surety/10%
4 th Degree Misdemeanor	\$500 Cash/Surety/10%	\$1,500 Cash/Surety/10%
Minor Misdemeanors	\$250 Cash/Surety/10%	\$500 Cash/Surety/10%

EXCEPTIONS TO ABOVE BOND SCHEDULE

OFFENSE	IN-STATE BOND	OUT-OF-STATE BOND
Domestic Violence DOES meet criteria ORC §2919.251(A) "Amy's Law"	<ul style="list-style-type: none"> ➤ No bond IF Judge will see w/in 24 hours ➤ \$25,000 Cash/Surety + No contact with Victim if Judge will NOT see w/in 24 hours 	<ul style="list-style-type: none"> ➤ No bond IF Judge will see w/in 24 hours ➤ \$50,000 Cash/Surety + No contact with Victim if Judge will NOT see w/in 24 hours
Domestic Violence Does NOT meet criteria ORC §2919.251(A) "Amy's Law"	\$5,000 Cash/Surety/10% + No contact with Victim	\$10,000 Cash/Surety/10% + No contact with Victim
Menacing by Stalking	\$10,000 Cash/Surety/10% + No contact with Victim	\$20,000 Cash/Surety/10% + No contact with Victim
Violating Protection Order	\$10,000 Cash/Surety/10% + No contact with Victim	\$20,000 Cash/Surety/10% + No contact with Victim
Intimidation of Victim/Witness	\$10,000 Cash/Surety/10% + No contact with Victim	\$20,000 Cash/Surety/10% + No contact with Victim
Voyeurism (M1 – M3)	\$10,000 Cash/Surety/10% + No contact with Victim	\$20,000 Cash/Surety/10% + No contact with Victim
Child Enticement w/sexual motive (M3)	\$10,000 Cash/Surety/10% + No contact with Victim	\$10,000 Cash/Surety/10% + No contact with Victim
Domestic Violence Threats (M4)	\$3,500 Cash/Surety/10% + No contact with Victim	\$7,000 Cash/Surety/10% + No contact with Victim
OVI – Third Offense (UM)	\$10,000 Cash/Surety/10%	\$20,000 Cash/Surety/10%
OVI – Second Offense	\$5,000 Cash/Surety/10%	\$10,000 Cash/Surety/10%
Driving Under Suspension under ORC §4510.14 (M1)	\$5,000 Cash/Surety/10%	\$10,000 Cash/Surety/10%
Driving Under Suspension under ORC §4510.11 (M1)	\$1,500 Cash/Surety/10%	\$3,000 Cash/Surety/10%

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT

18 JUL 27 AM 11:56

IN THE MATTER OF:

RULE OF COURT

SPECIAL PROJECTS

44

Originated: 1/2/08

Revised: 7/27/18

* * * * *

The Judge of the Xenia Municipal Court has determined that for the continued efficient and effective operation of the Court, additional funds are necessary to maintain the technological needs of the court in the following areas:

1. Records Scanning: Due to insufficient physical storage space for hard copy files, the Court is committed to digital scanning for all court records.
2. Technology Advances for Improved Customer Service: The Court seeks to provide greater customer service in check-in, online services, payments, etc.

In order to accomplish the above, the Court will charge, in addition to all other court costs already assessed, a \$14.00 fee on the filing of each criminal case (including all criminal and traffic cases) and each civil case. This fee is assessed in conformity with Ohio Revised Code Section 1901.26(B). Other fees to be added to the Special Projects fund include the following:

Traffic/Criminal Fees (Rule 23):

- \$5.00 (of the \$20.00) – Jury Demand Fee
- \$10.00 (of the \$60.00) – Initial Limited Driving Privileges Order & Entry (Application)

Civil Fees (Rule 24)

- \$10.00 (of the \$60.00) – Bank Attachment
- \$20.00 (of the \$25.00) – Renewal of Driving Privileges
- \$10.00 (of the \$40.00) – Revivor Action – per defendant
- \$3.00 (of the \$70.00) – Small Claims
- \$15.00 (of the \$140.00) – Wage Garnishment

It is further ordered that such monies shall be transmitted each month by the Clerk of the Xenia Municipal Court to the City of Xenia Finance Director. The monies then shall be deposited and credited to the General Special Projects Fund line item of the General Fund for the City of Xenia, which shall be established and maintained by the City of Xenia Director of Finance. The expenditure of funds from the General

Special Projects Fund line item shall be made only to fund the salaries and benefits of the two employees (each designated deputy bailiff or deputy clerk) assigned to these projects.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

2016 JAN 29 PM 1:59

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

EXTRADITIONS

45

Originated: 1/2/08

Revised: 2/1/16

* * * * *

Upon the arrest within this Court's jurisdiction of any person requiring extradition of that person in conformity with the Ohio Revised Code, the following procedures will be followed, in addition to any other procedures followed by the Greene County Jail or any law enforcement agency:

1. The case shall be reviewed as provided by law.
2. If the case is filed within this Court's jurisdiction, the Court shall hold a hearing and thereafter generate an entry defining whether the Defendant is disputing extradition or is available for pick up.
3. The Bailiff shall immediately transmit by the fastest available means a copy of this Court's entry and a copy of this rule to the initiating law enforcement agency and to the Greene County Jail.
4. If the Defendant waives extradition proceedings and is available for pick up, the initiating agency shall have the following time periods to pick up the prisoner.
 - A) If the charge and initiating agency are within the State of Ohio, 7 days.
 - B) If the charge and initiating agency are outside the State of Ohio, 30 days.
5. Where Defendant demands extradition, the initiating agency shall have the following time periods to file the required paperwork for hearing in this Court:
 - A) Where the charge and initiating agency are within the State of Ohio, 30 days.
 - B) Where the charge and initiating agency are outside the State of

Ohio, 30 days.

6. This Rule is designed to establish general operational guidelines to Court staff and agencies involved in extradition issues within this Court's jurisdiction. This Rule is not intended to, and does not, create additional rights for any Defendant or prisoner. The operation of this guideline may be varied by the Court on a case-by-case basis, as needed, based on the particulars of each case. This Rule is designed to put all involved agencies on notice that, absent separate orders of this Court made after evaluation of particular facts warranting changes, the above procedures will be the general procedures followed by this Court for all extraditions.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL CO
2010 JAN 22 AM 11:1

IN THE MATTER OF:

RULE OF COURT

SUBPOENAS

-46

* * * * *

Any praecipe(s) for subpoena(s) filed with this Court shall be filed not later than seven calendar (7) days before trial for any witness. In the event that any party, personally or through Counsel, submits a request less than seven calendar (7) days before the trial date or hearing date for which the subpoena is issued, said party and/or Counsel shall have the responsibility of obtaining a process server to serve such subpoena(s).

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
MUNICIPAL COURT

IN THE MATTER OF:

RULE OF COURT 2018 JAN 13 AM 8:06

COMMISSIONS ON CIVIL GARNISHMENTS AND
BANK ATTACHMENTS

-47

* * * * *

Pursuant to Ohio Revised Code 2303.21 and 2303.20 (V), the Clerk of the Xenia Municipal Court shall charge a commission on all civil garnishments and bank attachments of 2% on the first ten thousand dollars (\$10,000) and 1% on all exceeding ten thousand dollars in pursuance of an order of court or on judgments, including moneys invested by order of the court and interest earned on them.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

ADDITIONAL HOLIDAYS / DAYS OFF

48

Originated: 1/2/08

Revised: 1/21/14

FILED
XENIA MUNICIPAL COURT
2014 JAN 21 AM 10:46

* * * * *

It is hereby Ordered that in addition to the days granted by the City of Xenia for its employees, all employees of the Xenia Municipal Court shall have the following days off as additional paid holidays/days off:

1. Thanksgiving
 - a. From noon on the Wednesday immediately preceding Thanksgiving Day.
2. Christmas
 - a. From noon on the day immediately preceding the Christmas vacation days otherwise granted by the City.
3. Easter
 - a. From noon on the Friday immediately preceding Easter, known as Good Friday.

On the dates mentioned above, Xenia Municipal Court will be closed.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF: 2019 JAN 14 PM 3:50 RULE OF COURT

ACCESS TO CLERK'S OFFICE AND FILES

49
Originated: 1/2/08
Revised: 1/15/19

* * * * *

It is hereby Ordered that no person who is not employed by Xenia Municipal Court shall be permitted to enter the Judge's chambers, the Clerk's office or any other office of this Court when the Court is closed for business. (This Rule shall not apply to any authorized persons who clean the Court's facilities.)

At no time shall any of the Court's files be removed from the Court premises. Files taken to another approved office (e.g. Prosecutor's office) shall be officially signed out and dated using the Court's designated sign-out system, or another system that accounts for the files and is approved by the Judge.

Files may be removed to the Court's Probation Department provided the above system of accounting for the files is utilized.

The Clerk's office will furnish copies of the contents of any file in the Clerk's office at twenty-five cents (\$.25) a copy to all parties. Counsel, along with any member of the public, are welcome to review any public record in the Clerk's office, however, no file or its contents is to be removed from the Clerk's office. This includes open and closed files, money dues, or any file on a case.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:41

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

CASH BONDS

-50

* * * * *

In any criminal proceeding in this Court, the term "cash bond" shall mean "cash or surety."

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

MOTION TO SUPPRESS

51

Originated: 1/2/08

Revised: 3/18/10

* * * * *

In any criminal or traffic proceeding in this Court, the Defendant shall be permitted to file a Motion to Suppress within thirty-five (35) days after arraignment or seven (7) days before a trial, whichever is earlier; or within seven (7) days after pre-trial, whichever is later.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
10 MAR 18 AM 11:23

FILED
XENIA MUNICIPAL COURT
IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF: 2016 JAN 29 PM 1:59

RULE OF COURT

CIVIL CASES

52
Originated: 1/2/08
Revised: 2/1/16

* * * * *

Effective immediately, civil cases in this Court shall be governed by the following:

1. In cases with only pro se litigants or with only one Attorney, the matter shall be set for trial within one-hundred twenty (120) days of the filing of the Complaint. There shall be no pre-trial and discovery shall be completed not less than thirty (30) days before trial.
2. In cases involving two (2) or more Attorneys, the matter shall be scheduled for pre-trial within thirty (30) days of the filing of the Complaint. All Counsel shall file a pre-trial statement as directed by the Court. All Discovery shall be concluded as established at pre-trial.
3. For all pre-trials, Counsel with offices in Greene County shall attend the pre-trial in person. Counsel with offices outside Greene County may participate by telephone. Counsel participating by telephone conference shall call the Court at the time of the pre-trial.

IT IS SO ORDERED.



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT

IN THE MATTER OF:

2010 FF -9 PM 12:25
RULE OF COURT

MOTIONS FOR SUMMARY JUDGMENT

-52 A

* * * * *

Effective immediately, all Motions for Summary Judgment shall be heard not sooner than seventeen (17) days after filing.

IT IS SO ORDERED.



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:41
RULE OF COURT

IN THE MATTER OF:

CIVIL PRE-TRIAL STATEMENT

-53

* * * * *

Effective: January 14, 2008, not later than three (3) days prior to any civil pre-trial conference, all Plaintiffs and Defendants shall file with the Clerk's office a pre-trial statement that shall include the following:

1. Facts of the case.
2. Claims of the Plaintiff.
3. Defenses of the Defendant
4. Names and addresses of each party's witnesses, with a brief synopsis of each witness' expected testimony.
5. Law in support of each party's position, including citations.
6. Time each side expects to present his/her case.
7. Identify all exhibits for trial (Plaintiff to use numerals and Defendant to use letters).

* If a counterclaim is filed, Plaintiff shall list all defenses to the counterclaim, and Defendant shall list all claims in the counterclaim.

FAILURE TO FILE TIMELY A PRE-TRIAL STATEMENT MAY SUBJECT COUNSEL OR PARTIES TO SANCTIONS, INCLUDING DISMISSAL.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:41

IN THE MATTER OF:

RULE OF COURT

DEFENDANTS ORDER OF RESTITUTION

-54

* * * * *

Whenever a Defendant owes money to Xenia Municipal Court for fines, costs and restitution (medical bills, property damage or otherwise), all monies collected from such Defendant shall be applied to the full payment of fines and Court costs before restitution unless otherwise authorized by the Judge.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

2019 JAN 14 PM 3:50

RULE OF COURT

XENIA MUNICIPAL JUSTICE CENTER
JURISDICTION

55
Originated: 1/2/08
Revised: 1/15/19

* * * * *

The entire facility called Justice Center, City of Xenia, 101 N. Detroit St., Xenia, Oh. shall constitute the physical facility of The Xenia Municipal Court.

All persons in the Justice Center, City of Xenia shall be subject to all rules and regulations of The Xenia Municipal Court, and are subject to the lawful direction, search and authority of the Court, the Court's Bailiffs, staff, and other appropriate law enforcement officers.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:41

IN THE MATTER OF:

RULE OF COURT

TRUSTEESHIPS

-56

* * * * *

APPLICATION: The application for an appointment of a trustee shall include a complete and accurate statement, under oath, of: (a) the debtor's name, address and marital status; (b) the name and address of his employer(s); (c) the amount of his gross earnings for the previous thirty (30) days; and (d) a statement indicating the name of the creditor from whom the five (5) day written notice of proceedings against his earnings was received. Upon the filing of an application, the Clerk shall immediately become the trustee without formal order of the Court.

At the time of filing the application, the debtor or Attorney for the debtor shall deliver or mail to the Clerk two (2) copies of a notice of the appointment for each creditor listed in the application together with a stamped envelope properly addressed to each creditor. The debtor or Attorney for the debtor shall deposit such notices in the mail within twenty-four (24) hours and the Clerk shall indicate on the docket that notices were mailed to listed creditors. It shall be the responsibility of the debtor or Attorney to mail notices to creditor.

Each notice shall contain the name of the applicant, the sum the applicant claims is owing to the creditor, the time and place that objections to said application shall be heard and a place for the certification or objection of the creditor. Additional creditors may be listed in the trusteeship only upon application and the service of a notice to each additional creditor as heretofore provided. If such application is made by a creditor, a similar notice must be given to the debtor, unless the creditor has obtained a judgment in a court of record.

DISTRIBUTION: The trustee shall make no distribution to anyone except a creditor or an attorney for a creditor.

The Clerk of Courts, or designee, shall supervise payments of debtors and distribute the funds in each case at least every six (6) months unless the amount available does not equal ten percent (10%) of the claims listed. Where a debtor pays directly, the Clerk shall require the debtor to produce payroll stubs or similar records and the Clerk may refuse to accept payments or installments thereof, which do not equal the amount required by law. In event payments are not made for thirty (30) days, the trusteeship shall be dismissed and the proceeds distributed.

The Clerk may not accept payments into a trusteeship where the debtor pays direct, unless the tender of payment is made by the debtor, his agent or attorney, within

four (4) days after the receipt of the personal earnings by the debtor. This requirement can be waived only by the Judge of the Court.

DISMISSAL/REINSTATEMENT: The dismissal of a trusteeship by rule of court or upon motion of counsel for one of the creditors listed therein shall make the debtor filing said trusteeship ineligible for reinstatement or re-filing of application for another trusteeship for a period of six (6) months from the date of such dismissal. Provided, however, that such trusteeship may be reinstated upon the tender and payment to the Clerk of Courts, as Trustee, the amount of money required by law to make such trusteeship current to the date of such tender, if the approval of the Judge of the Court is first obtained.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
JAN 22 AM 11:42

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

Small Claims/Civil
Corporations and Partnerships

57
Effective 3-14-08

* * * * *

Effective this date, the following shall apply to all Small Claims/Civil cases in Xenia Municipal Court where any party is a corporation or partnership:

- 1) Only an attorney, owner or salaried employee of a corporation or partnership can present a claim on behalf of a corporation or partnership.
- 2) While an owner or salaried employee may present a claim on behalf of a corporation or partnership, an owner or salaried employee may not question witnesses, engage in cross examination, make opening statements, make closing arguments or engage in any acts of advocacy.
- 3) Only an attorney may advocate on behalf of a corporation or partnership when presenting any claim or any defense.
- 4) Only an attorney may engage in collection proceedings on behalf of a corporation or partnership as such conduct is advocacy.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

FILED
XENIA MUNICIPAL COURT
2010 JAN 22 AM 11:42

IN THE MATTER OF:

RULE OF COURT

DIMINUTION OF SENTENCE
("GOOD TIME CREDIT")

-58

* * * * *

It is the ORDER of this Court that all jail sentences imposed by Xenia Municipal Court shall be served with NO GOOD TIME credit. No diminution of sentence shall apply to any sentence imposed by the Judge of Xenia Municipal Court unless specifically authorized in writing by said Judge.

IT IS SO ORDERED.



Judge Michael K. Murry

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

XENIA FILED
MUNICIPAL COURT
2010 JAN 22 AM 11:42

IN THE MATTER OF:

RULE OF COURT

CONSECUTIVE SENTENCES

-59

* * * * *

It is the ORDER of this Court that for Defendants serving more than one jail sentence imposed by the Judge of Xenia Municipal Court (for multiple cases and/or for multiple charges), all sentences shall be served consecutive to each other. No multiple sentences for the same Defendant shall be served concurrently unless specifically authorized in writing by the Judge of Xenia Municipal Court.

IT IS SO ORDERED.



Judge Michael K. Murry

FILED
XENIA MUNICIPAL COURT

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF: 2016 JAN 29 PM 1:59

RULE OF COURT

CONVENIENCE FEES ON CREDIT CARD
TRANSACTIONS

60
Originated: 1/2/10
Revised: 2/1/16

* * * * *

In accordance to Ohio Revised Code 2929.28 (F)(2), the Clerk of the Xenia Municipal Court shall charge a convenience fee for each credit card transaction in all Traffic/Criminal and Civil actions or filings of the court. A four percent (4%) convenience fee will be charged for all credit card transactions. This fee will be placed in the city treasurer's general fund to cover all bank, merchant service, resource and personnel expenses.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

JURY TRIAL TRANSCRIPTS

61

Originated: 4-6-11

Revised:

* * * * *

Jury trial transcripts prepared for appellate or other purposes shall not include voir dire, Introductory Instructions to the Jury, and/or Charge to the Jury unless Counsel or other person ordering the transcript show a particularized need for the inclusion of said items in the transcript.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
2011 AP -6 PM 3:21

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

PRO HACE VICE MOTIONS

62

Originated: 8-26-11

Revised:

* * * * *

All Pro Hac Vice applications or Motions to practice in the Xenia Municipal Court shall be governed by Gov.Bar R. XII.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

FILED
XENIA MUNICIPAL COURT
2011 AUG 26 PM 1:30

FACSIMILE/ELECTRONIC FILING COVER PAGE

RECIPIENT INFORMATION:

NAME OF COURT: XENIA MUNICIPAL COURT

FAX NUMBER: 937-376-7288

JUDGE: Michael K. Murry

SENDING PARTY INFORMATION:

CONTACT NAME: _____

CONTACT TITLE: _____

TELEPHONE NO.: _____

FAX NUMBER: _____

E-MAIL ADDRESS (if available): _____

CASE INFORMATION:

TITLE OF THE CASE: _____

CASE NUMBER¹: _____

TITLE OF THE DOCUMENT: _____

FILING INFORMATION:

DATE OF FAX TRANSMISSION: _____

NUMBER OF PAGES (including this page): _____

STATEMENT EXPLAINING HOW COSTS ARE BEING SUBMITTED (if applicable):

¹ If a case number has not been assigned, please state that fact in the space provided.

IN THE MUNICIPAL COURT OF THE CITY OF XENIA, OHIO

IN THE MATTER OF:

RULE OF COURT

JURY MANAGEMENT PLAN

APPENDIX 2

Revised: 1/19/10

* * * * *

RULE 1: SCOPE

This Local Rule of Practice for Jury Management shall govern petit jury assembly, selection and management in the Xenia Municipal Court. It addresses the mandates of Rule 5(B)(2) of the Rules of Superintendence for the Courts of Ohio, requiring each Court to adopt a Jury Management Plan. The Plan addresses the provisions of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio in 1993, and Title XXIII of the Ohio Revised Code, amended, effective May 18, 2005. The Rule also takes into consideration the Report and Recommendations of the Supreme Court Ohio Task Force on Jury Service (February 2004), and resulting amendments to the Ohio Rules of Criminal and Civil Procedure, effective July 1, 2005. Its purpose is to implement an efficient and comprehensive system of jury use and management for the Xenia Municipal Court.

RULE 2: JURY POOL

The Judge of the Xenia Municipal Court in conjunction with the Xenia Municipal Court Clerk of Court shall administer the jury assembly process. These officials may appoint clerical personnel to aid in the administration of the jury system. Any person appointed to administer the jury assembly process is a Jury Administrator. (Ohio Jury Management Standard 10). Jury service is an obligation of all qualified citizens of the city of Xenia, Ohio and surrounding municipalities, hereafter referred to as the Court's jurisdiction. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a recognizable group in the jurisdiction. (Ohio Jury Management Standard 1). Therefore, the Jury Administrator shall annually compile the jury pool or jury source list of registered voters in the Court's jurisdiction utilizing as its source the Greene County Board of Elections randomly sorted list of the names of all voters in the Court's jurisdiction registered to vote in the preceding election year. (Ohio Jury Management Standard 2). The Court's jurisdiction is comprised of the following areas:

Xenia City
Xenia Township
Bellbrook City
Sugarcreek Township
Spring Valley Township

Yellow Springs Village
Miami Township
Bowersville Village
Caesarcreek Township
Jamestown Village

Spring Valley Village
New Jasper Township
Ross Township
Jefferson Township

Silvercreek Township
Cedarville Village
Cedarville Township

RULE 3: RANDOM DRAW

The Jury Administrator shall randomly draw approximately 6,000 names from the jury pool or jury source list as needed to establish jury panels for jury selection. Prospective jurors shall not be drawn from bystanders or any source except the jury pool. The Jury Administrator, by use of automated data processing software, shall intermix and randomly select the names of a sufficient number of prospective jurors for the ensuing year. The software system shall be utilized to randomly assign, from the source list, sufficient prospective jurors to specific panels and for assignment during voir dire in a random selection process, while efficiently requesting the services of a minimally sufficient number of jurors needed to accommodate trial activity with a minimum of inconvenience to jurors. (Ohio Jury Management Standards 3 and 13).

RULE 4: MANAGEMENT STANDARDS PRIOR TO THE ISSUANCE OF JURY SUMMONS FOR TRIAL DATE CERTAIN

Prospective jurors shall be summoned only upon notice to the Jury Administrator from the assigned Judge or the Judge's designee. Such action shall be prompted by the filing of a written jury demand, if required by the Ohio Rules of Civil and Criminal Procedure, in cases that have not been resolved at pre-trial or other appropriate hearing.

In civil cases, a *jury demand fee*, in the amount set by said Administrative Entry shall accompany the filing of a complaint or of a responsive pleading. This *jury demand fee* (as listed in the Court's most recent Schedule of Court Courts), shall be used to pay the prospective jurors who have been called in response to the jury demand. The *jury demand fee* will not completely cover the juror expense. The remainder of the juror expense will be added to the court costs of the case at hand. In the event the *demand fee* is not made, this shall be deemed a waiver of the right to a trial by jury in the civil case. (RRMCT Local Rule 26). A person determined to be indigent may petition the Court for a waiver of the jury deposit requirement. No deposit shall be required of a party in a criminal / traffic case.

Every effort shall be made to resolve cases prior to summoning a jury. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial. The assigned Judge or his or her designee shall contact counsel, or the parties, whichever is appropriate, at least two weeks prior to the scheduled trial date. If it appears that trial is inevitable, a jury panel shall be summoned upon Court order, at least fourteen (14) days in advance of the trial, unless the time limitations in criminal cases pursuant to ORC §2945.71 are invoked, requiring summons to issue at least seven (7) days prior to the scheduled jury trial. Those costs associated with the summoning of a jury as set by the Court's most recent Administrative Journal Entry / Schedule of Costs shall be assessed to the party requesting the jury trial.

In cases where multiple civil trials are set for the same date, jury costs shall be assessed to the last case settled on the date of the jury trial, as substantial efforts have been made by the Court to have all issues resolved prior to trial. If a civil case is settled on the date of the jury trial all lawful costs shall be assessed against the party who requested the jury, unless otherwise agreed by consent entry. If a jury has been sworn at the trial of a civil case, the fees of the jurors shall be paid to the public treasury from which the jurors were paid.

In cases where multiple criminal / traffic trials are set for the same date, the individual jury service payment shall be assessed at the discretion of the judge per agreement of the parties. Ultimately, said costs will be assessed based on the motion of the prosecution. If the agreement is the defendant is to pay costs, all court costs shall be assessed to the defendant unless otherwise agreed. If the agreement is that the State or the City pay costs, the cost of summoning the Jury, as well as other court costs, including the cost of paying juror fees will be assessed to the State or City based on the complaint in the file unless amended, unless otherwise agreed by the parties.

ORC §2947.23(A)(2)(b) effective May 18, 2005 provides that if a jury has not been sworn at the trial of a criminal case, and the defendant fails to appear without good cause, the costs incurred for that morning's jurors for that particular trial may be included in the costs of prosecution. If the costs incurred in summoning jurors are assessed against the defendant, those costs shall be paid to the public treasury from which jurors were paid.

RULE 5: NOTICE OF SELECTION FOR JURY POOL AND SUMMONS FOR JURY SERVICE

As soon as possible after receiving the names from the jury pool, the Jury Administrator, on an ongoing as needed basis, shall mail to each person whose name is drawn a juror questionnaire or jury qualification form. The form shall indicate that a jury summons may issue in the ensuing year for service as a prospective juror (Attachment A).

Upon notice of a staff member of the Judge conducting the upcoming Jury Trial, the Jury Administrator shall send Summons upon Court Order at least fourteen (14) days in advance of the scheduled trial date. A Judge may order prospective jurors to appear upon less notice when, in the course of jury selection, it becomes apparent that additional prospective jurors are required in order to complete jury selection, or where there is not a waiver of speedy trial in a criminal case.

Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of no less than thirty persons per trial shall be summoned for service unless the Court determines that a lesser or greater number is necessary for a particular trial.

Persons summoned for jury service shall receive the same fees as jurors in the Greene County Court of Common Pleas. This Rule is in accordance with Section 1901.25 ORC. Such fees shall be promptly paid from the County Treasury, as

appropriate.

Any juror wishing to waive his or her fee for service shall be permitted to do so in writing in the Clerk's office. All waived fees shall be returned to the City Treasury, as appropriate.

The Summons shall include the following information: the date of service, a jury instruction form, a jury exemption form, directions to the Court, parking, per diem compensation set by the most current Administrative Journal Entry setting such rate, expected attire, and special needs instructions. It shall further explain how and when the recipient must respond, the consequences of a failure to respond, and how the recipient may check reporting status by phone. (Ohio Jury Management Standard 1 and 11) (Attachment B).

The Summons shall indicate that the term of service for any prospective panel shall be two weeks. (Ohio Jury Management Standard 5)

Departures from random selection shall be permitted only as follows:

1. To exclude persons ineligible for service,
2. To excuse or defer prospective jurors,
3. To remove prospective jurors for cause if challenged peremptorily, or
4. To provide all prospective jurors an opportunity to be called for jury service and to be assigned to a panel.

All prospective jurors shall be notified by regular mail of their requirement of service by the issuance of a summons directing them to appear on the date(s) assigned (see Attachment A). With that summons, all prospective jurors will be asked to complete and submit the basic jury questionnaire form included (see Attachment B).

The Summons shall also indicate that written forms for seeking disqualification, exception or deferral are available from the Court at the Clerk's Office or on the Court's Web Site at <http://www.ci.xenia.oh.us/> (Attachment C). Written records shall be kept pursuant to Rule 8 regarding Documentation. (Ohio Jury Management Standard 6).

RULE 6: QUALIFICATION

The Court shall determine if the prospective jurors are qualified to serve, or if disabled but otherwise qualified, could serve with reasonable accommodation. In order to qualify as a juror, a person shall state under oath or affirmation that he or she is:

1. A citizen of the United States,
2. At least eighteen (18) years of age,
3. A resident of the summoning territorial jurisdiction of the Xenia Municipal Court,
4. Able to read, speak and understand the English language,
5. Not suffering from a physical or mental disability that prevents him or her from rendering satisfactory jury service,
6. Not under a guardianship appointment because of mental incapacity, or

7. Not a person who has had rights to vote revoked by reason of a felony conviction and whose rights to vote have not been restored. (Ohio Jury Management Standards 4 and 6).

RULE 7: EXEMPTION

Only those exemptions expressly provided by statute, narrowly construed are permitted. A person who is over seventy-five (75) years of age is exempt if the juror requests to be excused. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public. Such individuals must be excused by the Judge presiding over the case for which they have been summoned or by the judge's designee, the Jury Administrator. Persons excused from service shall be deferred and may be subject to jury service at a later time. All requests for excusal, exemption or deferral must be made on the appropriate form described in Rule 4, and attached as an Appendix to this Rule. (Attachment C). Once a prospective juror has submitted his or her request for exemption or deferral, the prospective juror must report for service unless otherwise notified by the Court. (Ohio Jury Management Standard 6).

RULE 8: DEFERRAL

The Judge or Judge's designee may authorize deferral of jury service for up to six (6) months upon a showing of hardship, extreme inconvenience, or necessity (Ohio Jury Management Standard 6). All those deferred will remain in the jury source list or pool for the next year.

RULE 9: DEPARTURES FROM RANDOM SELECTION AND DOCUMENTATION THEREOF

Departures from random selection shall be permitted only as follows:

1. To exclude persons ineligible for service,
2. To excuse or defer prospective jurors, or
3. To remove prospective jurors for cause or if challenged peremptorily.

The facts supporting juror disqualification, exceptions, and deferrals shall be recorded under oath or affirmation. No disqualification, exemption or deferral shall be authorized unless the facts support it. These records shall be kept for a minimum of two (2) years. (Ohio Jury Management Standard 6).

RULE 10: TERM OF JURY SERVICE

A person who appears for service as a petit juror serves until the conclusion of the two weeks, regardless of whether he/she served as a juror the first week he/she was summoned or the length of the trial or the manner in which the trial is disposed. A person

who appears for service by reporting to the Courtroom and being recorded as present for jury service and not deferred, but is not selected and sworn as a juror, completes the person's service in Xenia Municipal Court when jury selection is completed.

A person who: (1) serves as a juror; or (2) serves until jury selection is completed but is not chosen to serve as a juror, may not be selected for another jury panel until all nonexempt persons in the jury pool for that year have been called for jury duty.

RULE 11: JUROR SAFETY AND PRIVACY

Personal information relating to a juror or prospective juror not disclosed in open Court is confidential, other than for the use of the parties and counsel. The Court shall maintain confidentiality to the extent consistent with constitutional and statutory rights of the parties, and with Ohio's Public Records laws. (Ohio Jury Management Standard 7 D).

Furthermore, it is hereby ordered that any Attorneys who participate in a case involving jurors in this Court shall not divulge to anyone any information about said jurors other than such as is necessary for any appeal in their cases, and then only as to the jury venire. Personal information about jurors contained on their questionnaires shall not be divulged without first obtaining leave of this Court.

No Attorney or other person shall make copies of juror questionnaires, except as necessary for use during voir dire of potential jurors. At the conclusion of all jury trials (or at such earlier time as directed by the Judge), all copies of juror questionnaires shall be returned to the Clerk of Court or designee. Failure to return the juror questionnaires as stated herein shall subject the offending Attorney or other individual to sanctions.

This order includes the sealing of the verdict forms signed by the jurors, the juror list, and the jury questionnaires completed by the entire venire.

RULE 12: JURY ORIENTATION

The Court shall provide prospective jurors with orientation prior to the selection process so that they may understand their role in the legal system. Jury Orientation shall include a standard presentation recommended by the Ohio Rules of Superintendence for the Courts of Ohio, Appendix B. Jury Management Standards, Standard 16.

RULE 13: RECORD SHALL BE MADE

Jury selection shall be recorded including all sidebar conferences. The parties may waive this process in civil matters, but only if the waiver is on the record. (Ohio Jury Management Standard 7)

RULE 14: JURY PANEL – OATH OR AFFIRMATION BY PROSPECTIVE JURORS

The jury panel consists of those prospective jurors who answered their Summons by reporting for jury service. The Judge or Judge's Bailiff shall administer the following to the prospective jurors of the jury panel:

"Do you swear or affirm that you will honestly answer any question asked of you during jury selection?"

RULE 15: INTRODUCTION TO CASE

After welcoming the jury panel, the Judge shall introduce the panel to the case. The Judge's introduction to the case shall include at least the following:

1. Introduction of the participants;
2. The nature of the case;
3. The applicable standard of proof;
4. The applicable burden(s) of proof;
5. The presumption of innocence in a criminal case;
6. The appropriate means by which jurors may address their private concerns to the judge;
7. The appropriate standard of juror conduct;
8. The anticipated course of proceedings during trial; and
9. The rules regarding challenges.

To facilitate the jury panel's understanding of the general nature of the case, with consultation of the parties, the Judge may give jurors a brief introduction to the case. The brief introduction may include a general description of the legal claims and defenses of the parties. Ohio Civil Rule 47(a) and Ohio Criminal Rule 24(A), effective July 1, 2005.

RULE 16: EXAMINATION OF PROSPECTIVE JURY PANEL (VOIR DIRE)

Examination of prospective jurors shall be governed by Ohio Rule of Civil Procedure 47(B) and Ohio Rule of Criminal Procedure 24(B).

Prior to the voir dire process, the Judge, Clerk or Bailiff shall administer the following oath or affirmation to all prospective jurors:

A. OATH:

"DO YOU SOLEMNLY SWEAR OR AFFIRM THAT YOU WILL TRULY AND FULLY ANSWER ALL QUESTIONS PUT TO YOU BY THE COURT AND COUNSEL IN THIS CASE NOW CALLED FOR TRIAL AND THIS YOU DO AS YOU SHALL ANSWER UNTO GOD OR UNDER PENALTY OF PERJURY?"

Examination of prospective jurors shall be limited to matters relevant to determining whether to remove a juror for cause, and to determine the juror's fairness and impartiality.

To reduce the time required for voir dire, the completed jury questionnaire forms shall be made available to counsel for each party on the day on which jury selection is to begin.

The Trial Judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

The Judge shall ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process (Ohio Jury Management Standard 7).

In the event there exists a potential for sensitive or potentially invasive questions, the Court or the parties may request a hearing preceding voir dire to consider their questions.

An examination of a prospective juror may be conducted outside the presence of other jurors in order to protect juror privacy, or to avoid juror embarrassment.

RULE 17: NUMBER OF JURORS

In all *criminal* cases in the Xenia Municipal Court, the jury shall consist of eight (8) persons, unless the parties agree to a lesser number of jurors before the jury is selected and with the Judge's consent. The Court shall determine the number of alternate jurors to be seated. The verdict shall be unanimous.

In all *civil* cases in the Xenia Municipal Court, the jury shall consist of eight (8) persons, unless the parties agree to a lesser number of jurors before the jury is selected. The Court shall determine the number of alternate jurors to be seated. The verdict shall conform to existing Ohio law.

RULE 18: CHALLENGE FOR CAUSE

In both civil and criminal cases, the parties shall make all challenges for cause before the jury is sworn to try the case, or upon a showing of good cause for the delay, before the jury retires to deliberate.

If the Judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the Judge (Ohio Jury Management Standard 8).

RULE 19: NUMBER OF PEREMPTORY CHALLENGES

Peremptory challenges shall be exercised alternatively as presently established by Ohio

Revised Code §2945.23, Ohio Civil Rule 47, and Ohio Criminal Rule 24. All challenges shall be made on the record. Peremptory challenges shall be limited to that number as established by the Rules of Civil and Criminal Procedure, and as governed by Procedure 41(C) challenges to prospective jurors, effective 7/1/2005, and Ohio Rule of Criminal Procedure (D) peremptory challenges, effective 7/1/2005.

RULE 20: OATH OR AFFIRMATION OF THE JURY

After the jury has been selected, but before commencement of the trial, the Judge, Clerk or Bailiff shall administer the following oath or affirmation to the jury, including alternate juror(s):

B. OATH:

“DO YOU SWEAR OR AFFIRM THAT YOU WILL DILIGENTLY INQUIRE INTO AND CAREFULLY DELIBERATE ALL MATTERS BETWEEN THE STATE OF OHIO AND _____ (DEFENDANT)? DO YOU SWEAR OR AFFIRM YOU WILL DO THIS TO THE BEST OF YOUR SKILL AND UNDERSTANDING, WITHOUT BIAS OR PREJUDICE, SO HELP YOU GOD?”

RULE 21: PRELIMINARY INSTRUCTIONS

The Court shall instruct the jury before opening statements by reading the appropriate instructions that shall include at least the following:

1. The issues for trial,
2. The credibility of witnesses and the manner of weighing the testimony to be received,
3. That each juror may take notes during the trial and paper shall be provided, but note taking shall not interfere with the attention to the testimony; Ohio Civil Rule of Procedure 47 (E) and Ohio Criminal Rule of Procedure 24,
4. The personal knowledge procedure under Rule 25,
5. The order in which the case will proceed,
6. If permitted by the Judge jurors may seek to ask questions of the witnesses by submission of questions in writing. (Ohio Rule of Civil. Pro. 47 (F)), and
7. That jurors are not permitted to discuss the evidence among themselves in the jury room during recesses from trial. The Court shall admonish jurors not to discuss the case with anyone other than fellow jurors in their jury deliberation when all has been presented to them, after the instructions.

RULE 22: OPENING STATEMENT

1. In *criminal* cases, the prosecution shall state briefly the evidence that supports its case. The defense may then state briefly the evidence in support of the defense, but has the choice to decline to make an opening statement.

2. In *civil* cases, the party with the burden of going forward may briefly state the evidence that supports its case. The adverse party may then briefly state the evidence in support of its case.

RULE 23: PRESENTATION OF EVIDENCE.

Unless the Court otherwise directs, the party with the burden of going forward shall present evidence first, followed by the presentation of evidence by the adverse party.

RULE 24: JUROR TRIAL BOOKS

In both criminal and civil cases, the Court may authorize the use of juror trial books to aid jurors in the performance of their duties.

Juror trial books may contain:

1. All given instructions,
2. Information regarding the anticipated trial schedule,
3. Witness lists, and
4. Copies of exhibits admitted for trial.

RULE 25: PROCEDURE FOR JUROR WITH PERSONAL KNOWLEDGE IN CRIMINAL CASES.

If the Court receives information that a juror has personal knowledge about the case, the Court shall examine the juror under oath, concerning that knowledge, in the presence of the parties and their attorneys and outside the presence of the other jurors.

If the Court finds that the juror has personal knowledge of a material fact, the juror shall be excused, and the Court shall replace that juror with an alternate. If there is no alternate juror, then the Court shall discharge the jury without prejudice, unless the parties agree to submit the cause to the remaining jurors.

RULE 26: JURY VIEW

When the Court determines it is proper, the Court may order the jury to view:

1. The real or personal property which is the subject of the case; or
2. The place in which a material fact occurred.

The place shall be shown to the jury by a person appointed by the Court for that purpose. While the jury is absent for the view, no person, other than the person appointed to show the place to the jury, shall speak to the jury on any subject connected with the trial. Counsel for the parties shall have the right to accompany the jury but shall not speak to the jury.

RULE 27: FINAL INSTRUCTIONS

The Court shall read the appropriate final instructions. The Court shall reduce its final instructions to writing or make an audio, electronic or other recording of those instructions, provide at least one written copy or recording of those instructions to the jury for use during deliberations, and preserve those instructions for the record. Ohio Rule of Criminal Procedure 30(A) and Ohio Rule of Civil Procedure 51(A) effective July 1, 2005.

RULE 28: FINAL ARGUMENTS

When the evidence is concluded, the parties may, by agreement in open Court, submit the case without argument to the jury.

If the parties argue the case to the jury, the party with the burden of going forward shall open and close the argument. If the party with the burden of going forward declines to open the argument, the adverse party may then argue its case. In criminal cases, if the defense declines to argue its case after the prosecution has made its closing argument, then that shall be the only argument allowed in the case.

In criminal cases, the party with the burden of going forward is the prosecution. In civil cases, the party with the burden of going forward is the plaintiff.

RULE 29: ASSISTING JURORS AT AN IMPASSE.

If the jury advises the Court that it has reached an impasse in its deliberations, the Court may, but only in the presence of counsel, and in a criminal case, the parties, inquire of the jurors to determine whether and how the Court and counsel can assist them in their deliberative process. After receiving the jurors' response, if any, the Court, after consultation with counsel, may direct that further proceedings occur as appropriate.

RULE 30: SEPARATION DURING DELIBERATION

The Court in its discretion may permit the jury in civil and criminal cases to separate during deliberations. However, before the jurors are permitted to separate, the Court shall instruct them that while they are separated they shall:

1. Not discuss the case among themselves or with anyone else;
2. Not talk to the attorneys, parties or witnesses;
3. Not express any opinion about the case; and
4. Not listen to or read any outside or media accounts of the trial.

RULE 31: JUDGE TO READ THE VERDICT

When the jury has agreed upon its verdict, the jurors shall sign the appropriate verdict form in ink. When the jurors return to the Courtroom, the Judge or designee shall read the

verdict. Upon the request of either party, the Court may poll the jury. If a juror dissents from the verdict, the jury shall again be sent out to deliberate.

RULE 32: MONITORING THE JURY SYSTEM.

The Court shall collect and analyze information regarding the performance of this Jury Management Plan to evaluate the composition of the jury pool; the effectiveness of the summoning procedures; the responsiveness of individual citizens to jury summons; the efficient use of jurors; the cost effectiveness of this plan; and overall juror satisfaction.

To achieve these goals, the Court shall adopt and utilize a juror exit survey, (see Attachment D) along with maintaining regular data on all jury pools as maintained by the Jury Administrator.

IT IS SO ORDERED:



JUDGE MICHAEL K. MURRY

Xenia Municipal Court

MICHAEL K. MURRY, JUDGE

Justice Center - 101 N. Detroit St. • Xenia, Ohio 45385

937-376-7290 • 937-376-7288 (fax)

S U M M O N S F O R J U R Y

STATE OF OHIO)
) SS:
GREENE COUNTY)

«first_name» «middle_name» «last_name»
«addr1» «addr2» «addr3»
«city», «state» «zip»

You are hereby summonsed to appear before the Xenia Municipal Court, 101 North Detroit Street, Xenia, Ohio 45385, in the City of Xenia on each Thursday of the month of «begin»& «end», 2017 at 8:30 a.m. for the purpose of performing Jury Duty in that court. Jury Duty may continue through the following day, and any dates thereafter necessary to complete the trial of the case scheduled to be tried. Each Thursday represents a separate case with separate defendants and plaintiffs.

Witness my hand this January 10, 2017

DEPUTY CLERK

ATTACHMENT B

Xenia Municipal Court

MICHAEL K. MURRY, JUDGE

101 N. Detroit St. • Xenia, Ohio 45385

937-376-7290 • 937-376-7288 (fax)

INSTRUCTIONS FOR JURY SERVICE

YOU HAVE BEEN SELECTED TO SERVE ON A JURY IN THE XENIA MUNICIPAL COURT, GREENE COUNTY, XENIA, OHIO. YOU ARE REQUESTED TO READ THE FOLLOWING INSTRUCTIONS:

RETURN JURY QUESTIONNAIRE AS SOON AS POSSIBLE
KEEP INSTRUCTIONS AND SUMMONS

You should report to the Xenia Municipal Court by 8:30 a.m. on the morning your service is to begin. A parking map and pass is included. When you arrive, report directly to the City Council Room on the second floor of the Justice Center, at 101 North Detroit Street, Xenia, Ohio. An elevator is located on the first floor. Handicap accessible restrooms are also on the second floor. Please bring reading materials since there are frequently delays in the proceedings. Required attire is business casual.

Jury trials held in the Xenia Municipal Court are on Thursdays and normally only last for a period of one day and may extend past the normal 4:00 closing time. However, if one day is not sufficient to finish the case, the Court will be called back into session on Friday.

You are excused from Jury duty only if the Court has dismissed you. You must complete the exemption form, indicating the reason(s) you wish to be excused, and return it for review by the Judge of the Xenia Municipal Court. The Court will notify you if you are excused. If you are not notified, then you should contact the Court to determine if you are required to appear for jury service. Under penalty as prescribed by law, failure to comply could result in Contempt of Court proceedings against you.

<p>NOTE: SOMETIMES CASES ARE SETTLED PRIOR TO TRIAL. THEREFORE, ON THE WEDNESDAY PRIOR TO THE DATE OF YOUR SCHEDULED JURY SERVICE, PLEASE CALL THE COURT AT 376-7300, <u>AFTER 5:00 P.M.</u>, TO SEE IF YOU MUST APPEAR.</p>

**PLEASE BRING YOUR SUMMONS WITH YOU
WHEN YOU REPORT FOR JURY DUTY IN THE XENIA MUNICIPAL COURT**

ATTACHMENT C

XENIA MUNICIPAL COURT
101 NORTH DETROIT STREET
XENIA, OHIO 45385
(937) 376-7290

PLEASE RETURN PRIOR TO THE DAY YOU ARE TO SERVE, IF AT ALL POSSIBLE.

- 1 Name: _____
2. Date of Birth _____ 3. Phone: Work _____
Home _____
4. Marital Status _____ Spouse's Name _____
5. Number and ages of children _____ At Home _____
6. Your employment _____ Hours _____
7. Spouse's employment _____ Hours _____
8. Prior Jury Service _____
9. Have you ever been sued or sued another person? _____ Date _____
10. Do you or any member of your family have a handicap, illness or injury, for which you would need special assistance or would prevent you from performing Jury Service? _____
Please explain _____
11. Are you related to any police officer, court personnel or elected official? _____
Please explain _____
12. Have you ever been convicted of a criminal or traffic offense? _____
If yes, please indicate the date and court in which you were convicted _____

13. Have you or any member of your family ever been the victim of a crime? _____
If so, please explain _____
Person to contact in case of emergency. Give complete name, address and phone number.

Signature: _____ Date: _____
The Jury Commission of the Xenia Municipal Court has selected your name from the voter registration computerized system for prospective Jury Service.

JURY SERVICE EXEMPTION, EXCUSE, OR DEFERRAL REQUEST TEXT

Jury service is an important and valuable civic duty. Jury service in Xenia Municipal Court is usually completed in one day. If you are unable to serve as summoned, you may request that you be exempted, excused or deferred. If excused or deferred, you may be summoned again at a future date.

Instructions: ONLY IF YOU WISH TO BE EXCUSED FROM JURY DUTY, complete this form and return it to the Xenia Municipal Court Clerk of Court within two (2) DAYS OF RECEIPT (Court Fax Number: (937) 376-7288). If you do not hear from this Court, YOU MUST APPEAR AS SCHEDULED. If you have a question, please call (937) 376-7290. **Please print.**

Claim of Exemption from Jury Service

Please Circle

Yes No I am NOT a resident within the jurisdiction of the Xenia Municipal Court.
If yes, list current residence:

Yes No I have completed a term of jury service in the 24 months preceding my current selection for jury service and wish to be exempted from jury service.

Yes No I am over the age of 75 and wish to be exempted from jury service.

Yes No I will be necessarily absent from the county and will not return in time to serve.

Yes No The interests of the public or of myself will be materially injured by my attendance.
Explain: _____

Yes No My spouse or near relative has recently died or is dangerously ill.

Yes No I am a cloistered member of a religious organization or an active member of a recognized Amish sect that for religious reasons opposes such participation

Request for Deferral of Jury Service

I request deferral of my jury service due to undue hardship, extreme inconvenience or public necessity because: _____

I hereby affirm under the penalties for perjury that the foregoing information is true and correct.

Signature _____ Date _____

Name: _____

Address: _____

Telephone: _____ Date of Jury Duty: _____

Indicate how you would like to be informed of the Judge's decision for your request: (check one. If none are marked a postcard will be sent. If phone is checked a voicemail message will be left if available)

Email _____ ; phone postcard

FOR COURT USE ONLY

Comes Now the Court, having reviewed the request for Exemption or Deferral of Jury Service, does now GRANT or DENY (circle one) the request for Exemption or Deferral.

Judge or Judge's Designee: _____

Date: _____

ATTACHMENT E

JURY EXIT QUESTIONNAIRE

Your answer to the following questions will improve jury service. All responses are voluntary and confidential.

1. Approximately how many hours did you spend at the Xenia Municipal Court? _____
2. Of these hours in the Court, how many were spent in the jury room? _____
3. Have you ever served on jury duty before? _____
4. Did a Judge speak with you, other than during the initial orientation or the trial? Yes No
If so, when? _____
5. How would you rate the following factors? (Please answer all that apply)

	Good	Average	Poor	NA
a. Initial Orientation	[]	[]	[]	[]
b. Treatment by Court personnel	[]	[]	[]	[]
c. Physical comforts	[]	[]	[]	[]
d. Personal safety	[]	[]	[]	[]
e. Parking facilities	[]	[]	[]	[]
f. Eating facilities	[]	[]	[]	[]
g. Scheduling of your time	[]	[]	[]	[]
6. Did you lose income as a result of jury service? Yes No
7. Are you paid by your employer during jury service? Yes No
8. After having served, what is your impression of jury service? (Answer one)
 - a. The same as before – favorable []
 - b. The same as before – unfavorable []
 - c. More favorable than before []
 - d. Less favorable than before []
9. In what ways do you think jury service can be improved? _____

The following information is OPTIONAL, but will help evaluate the results and responses to this questionnaire:

10. Age: (please circle one) 18-20 21-24 25-34 35-44 45-54 55-64 65 – over

11. Gender: [] Female [] Male

12. Occupation: _____

