

**IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO**

STATE OF OHIO)	CASE NO.
Plaintiff)	
vs)	ORDER
)	JUDGMENT ENTRY
Defendant)	

In the interest of the most economical and efficient use of the Court's time during trial and to speed the case to conclusion, the following order is hereby made in this cause and shall be binding on all parties hereto:

1. Counsel representing indigent defendants must be appointed by Judgment Entry. If counsel has not been appointed in this manner at arraignment, he must file a Motion for Appointment, together with an Affidavit under the defendant's signature, setting forth the facts of his indigency. Counsel shall also present the Court with a Judgment Entry.

2. Counsel, without exception, must have his client present at all stages of the proceedings. Failure of a defendant to appear **or stay in contact with his/her attorney and the court,** can result in revocation of bail and issuance of a bench warrant. **The Attorney shall notify the Court when contact with the client is lost.**

3. Upon the filing of a Motion for Treatment in Lieu of Conviction pursuant to R.C. 2951.041, defendant's counsel must file an Affidavit with the Court citing he has familiarized himself with the defendant's record and defendant is eligible for treatment in lieu of conviction or conditional probation.

The movant shall prepare a Judgment Entry directing the Lake County Forensic Psychiatric Clinic to conduct tests on defendant and submit a report based on those tests. The Lake County Adult Probation Department shall be directed to supplement said report by preparation of a Pre-Sentence Report. The Entry shall also direct the Probation Department to obtain a Victim Impact Statement pursuant to R.C. 2947.051.

The following applies to Motions for Treatment in Lieu of Conviction, Probation, Conditional Probation and Shock Probations.

Defense counsel shall present to the Court a program which will include all of the following:

A. The defendant has been evaluated by a bonafide treatment facility.

B. A report must be submitted to the Court stating:

1) The specific problem from which the defendant suffers.

2) The specific treatment required for the rehabilitation.

3) The specific program to be followed by the defendant in obtaining treatment.

4) The specific length of time treatment will be given. Only "LONG TERM IN-HOUSE DRUG PROGRAMS" will be considered by the Court. Long-term program is one of 90 days or more. 30-day programs are not acceptable.

5) If attendance at AA is appropriate, the defendant must show the Court an established relationship with an appropriate group and obtain a sponsor.

6) If other counseling appropriate, the defendant must show the Court an established relationship with an appropriate psychiatrist, psychologist, counseling program, or an appropriate mental health facility capable of giving required treatment.

7) The means by which the defendant will pay for his treatment.

C. The counsel must provide a written statement which explains the steps defendant will take to comply with the plan advanced to the Court.

4. Where a pre-trial is necessary or requested, one will be scheduled approximately forty (40) days after arraignment and a Jury Trial approximately one (1) month later.

5. Motions should be filed so as not to necessitate a delay in trial dates. All motions will be heard on briefs unless the Court, in its discretion, considers the issues to require a hearing.

6. Counsel shall present exhibits to the Court Reporter for marking at least one (1) day before trial. Plaintiff is to mark its exhibits with numbers and the defendant is to mark its exhibits with letters.

7. Special jury instructions requested by either party shall be in writing, filed and submitted to the Court prior to the conclusion of the case; (unless special instructions are requested, the Court will instruct pursuant to the standard instructions found in OJI).

8. The Court is to be notified by telephone immediately when a nolle prosequi is entered or when defendant wishes to change his/her plea. **If a plea is to be entered, it must be done before the trial date. NO PLEAS TO REDUCED CHARGES WILL BE ENTERTAINED BY THE COURT, UNLESS THE COURT IS NOTIFIED FOURTEEN (14) DAYS PRIOR TO TRIAL.** The only plea accepted on the day of trial shall be a plea of guilty to all counts of the indictment.

9. In the event the defendant is charged with violations of Sections 2907.02, 2907.03, 2907.04, 2907.24 or 2907.25, the defendant shall be tested for Venereal and A.I.D.S. diseases pursuant to Sections 2907.27 and 2907.30. It shall be the responsibility of both Prosecutor and defense counsel to make a determination whether the tests have been carried out and advise the Court accordingly.

10. Defendant and his/her counsel are obligated to notify the Court of any change of address and change of conditions of bond, **or failure of a client to stay in contact with his/her Attorney.**

11. On referral to the Adult Probation Department for a Pre-Sentence Report or Psychiatric Clinic for study, the defendant testing positive for drugs will have his bail revoked and will be committed to jail until the date of sentencing.

12. Probationers testing positive for drugs will be treated similarly and held without bail until disposition of the probation violation charge.

/s/ JOSEPH GIBSON, JUDGE

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Note: All Jury Instructions must be prepared in their entirety. This includes standard OJI instructions as well as any special instructions. The instructions are to be presented to the Court on a CD, Disc or by e-mail one week before trial (CommonPleasCourtII@lakecountyoio.gov) We accept jury instructions in either Word or WordPerfect formats.