

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

STATE OF OHIO)	CASE NO.
)	
Plaintiff)	
)	
vs)	CRIMINAL TRIAL ORDER
)	
)	
Defendant)	

The following order is hereby made in this case and shall be binding on all parties hereto:

1. Counsel representing an indigent defendant must be appointed by Judgment Entry. If counsel has not been appointed in this manner at arraignment, a Motion for Appointment must be filed along with an Affidavit of Indigency. Counsel shall also present the Court with a Judgment Entry.

Pursuant to Loc.R. 3.01(C), every pleading, motion, brief or other paper filed in a case shall bear the name of the individual attorney, if any, who prepared such document, together with identifying information as set forth in Civ.R. 11, including in particular, an email address. All hearing notices, and Judgment Entries which are not final appealable orders, shall be sent to counsel by email.

2. As soon as practicable after arraignment, the case shall be set for pretrial. The State shall present its plea offer, in writing, to defense counsel prior to the pretrial and forward a copy to the Court. At the time of the pretrial, dates for a trial and potential change of plea will be established.
3. Counsel, without exception, must have the client present at all stages of the proceedings. Failure of a defendant to appear or stay in contact with their attorney can result in revocation of bail and issuance of a bench warrant.
4. Prior to the filing of a Motion for Intervention in Lieu of Conviction pursuant to R.C. §2951.041, defendant's counsel must be familiar with the defendant's record and be sure the defendant is eligible for Intervention in Lieu of Conviction.

Defendant's counsel shall prepare a Judgment Entry directing the Lake County Adult Probation Department to evaluate the defendant and submit a report based on the evaluation. 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 Adult Probation Department to obtain a Victim Impact Statement pursuant to R.C. §2947.051, if applicable.

5. Motions should be filed so as not to necessitate a delay in trial dates. All motions will be decided on briefs unless the Court, in its discretion, finds the issues 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. The Court will provide the jury with written jury instructions using OJI. Counsel shall submit to the Court proposed instructions for all charges, specifications, and affirmative defenses. The Court will use OJI wherever possible, but counsel may submit instructions outside of OJI for special situations or areas that OJI does not cover. The parties do NOT need to provide instructions for introductory or closing remarks or general topics such as the burden of proof, evidence, credibility, and verdicts, unless a particular instruction outside of OJI is warranted. Instructions must be presented to the Court on a CD or by e-mail (CommonPleasCourtV@lakecountyohio.gov) one week before trial. Word or Word Perfect are acceptable formats.
8. The Court is to be notified by telephone immediately when a nolle prosequi is entered or when the defendant wishes to change their plea. If a plea is to be entered, it must be done pursuant to the date assigned by this court at pretrial and before the trial date. Absent unusual circumstances, 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 thereafter shall be a plea of guilty to all counts of the indictment.
9. In the event the defendant is charged with violations of §2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 2907.25, the defendant shall be tested for sexually transmitted diseases pursuant to §2907.27. 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 counsel are obligated to notify the Court in writing and file with the Clerk of Courts any change of address.
11. On referral to the Lake County Adult Probation Department for a Pre-Sentence Report, a defendant who tests positive for drugs may have their bond revoked and a bench warrant may be issued.
12. Probationers testing positive for drugs may be held without bond pending disposition of the probation violation charge.

IT IS SO ORDERED.

/s/ PATRICK J. CONDON, JUDGE