

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

<b>STATE OF OHIO</b>	)	<b>CASE NO.</b>
	)	
<b>Plaintiff</b>	)	
	)	<b><u>ORDER</u></b>
<b>vs</b>	)	
	)	<b>JUDGE PATRICK J. CONDON</b>
	)	
<b>Defendant</b>	)	

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 no later than at the pretrial and provide a copy to the Court. At the time of the pretrial, dates for a trial and tentative 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 bond 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, defense counsel must be familiar with the defendant's record and be sure that the defendant is eligible for Intervention in Lieu of Conviction. A Motion for Intervention in Lieu of Conviction must be accompanied by an indefinite time waiver if one has not already been filed in the case.
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 have exhibits marked prior to trial. Plaintiff is to mark its exhibits with numbers and the defendant is to mark its exhibits with letters. The parties shall provide

the Court with three (3) copies of their witness list and three (3) copies of their exhibit list prior to jury selection.

7. The Court will provide the jury with written jury instructions using OJI. 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. Any requested instructions must be presented to the Court by e-mail ([CommonPleasCourtV@lakecountyohio.gov](mailto: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. Absent unusual circumstances, 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. The defendant and defense 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.
13. The Court employs the “struck” method for jury selection.
  - a. The Court will do a limited voir dire prior to turning the questioning over to counsel;
  - b. Each side will be asked to provide the jurors with names of witnesses and/or other names that the jurors may hear during the course of trial to determine if any juror is familiar with those people;
  - d. Questioning will be done of the entire panel. If follow up questioning is appropriate, individual jurors may be questioned;
  - e. Jurors will be identified by number only;
  - f. When all questioning is completed, the jurors will be excused from the courtroom. At that time, challenges for cause will be considered followed by peremptory challenges;
  - g. Alternate juror(s) will be chosen. The Court and the parties will know the identity of the alternate juror(s), but the jurors will not be notified of the identity of the alternate juror(s) until the jury is about to begin their deliberations.

14. At a jury trial, motions or objections to evidence or procedure shall not be accompanied by explanation or reason for the motion or objections in the jury's presence and hearing. So-called 'speaking objections', which attempt to justify the objections to the jury, will not be permitted. If the court wishes to know the grounds for any motion or objection, counsel will be asked to present such grounds at the bench, at side bar, in chambers, or after the jury has been dismissed from the courtroom. If any counsel wishes to present grounds for a motion or objection, he or she shall so advise the court at the bench outside the jury's hearing.
15. The Court will instruct the jury on the law prior to the closing arguments of counsel. After closing arguments, the Court will provide concluding instructions to the jury.

**IT IS SO ORDERED.**

**/s/ PATRICK J. CONDON, JUDGE**