

From the offices of



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Franklin

MEDIA ADVISORY

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Tyack Speaks Out On Behalf of Citizens Right to Due Process and Appeals

Lori M. Tyack, Franklin County Municipal Court Clerk, offered proponent testimony today at the Statehouse before the House Criminal Justice Committee on House Bill 125. Representative Hearcel F. Craig is sponsoring this legislation.

In early 2013 the 129th General Assembly passed legislation to abolish Ohio's Mayor's Courts for villages with a population of less than 200 residents. As a result of this legislation, 908 cases were transferred to the Franklin County Municipal Court Clerk's Office between March and December of 2013. One Central Ohio village, the Village of Brice, transferred their open cases to the Franklin County Municipal Court Clerk's Office. More than 500 case files were received; most of which were incomplete with improperly documented payments – some were even recorded on post it notes with no formal accounting system. Originally, these files were to be transferred within a few months, but they trickled in until the end of 2013.

In May of 2013, Village of Brice officials passed civil penalties for violations of traffic ordinances. After observing what appeared to be a significant difference between fines and costs charged by the Village, Tyack's staff performed comparison of fines and costs using the Ordinance passed by the Village, the Ohio Revised Code, and the Columbus City Code for the same or similar infractions. The fines and costs assessed by the Village for civil citations far exceeded the fines and costs assessed by the Franklin County Municipal Court, and provided no option to appeal a conviction.

Recently, an individual visited the Franklin County Municipal Court Clerk's Office requesting to file an appeal on a civil speeding violation. They indicated the citation was issued as a result of a speed camera placed in an orange barrel in Brice. However, as previously stated, no avenue for appeal currently exists.

In contrast, the City of Columbus has a two-step process in place for civil citations issued as a result of a Red Light Photo Camera infraction. The process begins with a scheduled hearing date which

appears on the citation. Depending upon the decision, the defendant may then file an appeal with the Franklin County Municipal Court.

In 2016, Clerk Tyack met with the new Chief of Police for the Village of Brice. He assured the Clerk that citations would be filed with the Franklin County Municipal Court under the Ohio Revised Code. Since meeting, traffic cases received from the Village of Brice has dwindled. In 2016 only 14 traffic cases were filed and as of January, only 2 traffic cases have been filed with the Franklin County Municipal Court Clerk's Office in 2017.

Tyack stated, "This legislation is smart and timely as it limits the maximum fines and costs that can be assessed using the schedule of fines and costs established by local municipal and county courts in Ohio. House Bill 125 will ensure fairness, accountability, and the right to due process and to appeal for all citizens of Ohio".