

## **CRIMINAL CASE PROCEDURES**

**Decorum:** All persons entering the Courtroom shall show respect for the Court. All cell phones, pagers and noisy electronic devices must be turned off in the courtroom or they will be confiscated by the Bailiff. Gum chewing, eating and drinking is not permitted in the courtroom. Children are permitted in the courtroom as long as they do not disrupt proceedings. Parents whose children disrupt proceedings should inform the Bailiff that they will wait in the hallway until their case is called. The Bailiff will then find them in the hallway when Judge Dorrian calls their case.

**Arraignment:** From time to time Judge Dorrian will be the assigned arraignment judge. In Courtroom 4C, the non-prisoner arraignment court, Judge Dorrian will not accept pleas in absentia, including not guilty pleas, or grant requests for arraignment continuances in cases involving offenses of violence, including but not limited to domestic violence, endangering children, menacing or stalking and assault offenses. Defendants must appear personally before the Judge. Likewise, defendants who are charged with OVI offenses and who have prior OVI convictions must appear personally before the Judge. Defendants who are charged with OVI offenses and who have no prior OVI convictions must appear personally before the Judge if an injury accident resulted.

**Warrant Set Asides:** Warrants (order-in) will be issued for the arrest of persons who (1) do not appear as required in Court, or (2) do not pay fines and court costs by the date previously imposed by Judge Dorrian. Persons who wish to set aside a warrant for failure to appear on a non-violent offense or for failure to pay fines and court costs should contact the Bailiff and appear personally before Judge Dorrian. Persons who wish to set aside a warrant for failure to appear on a violent offense should contact the Prosecutor first and then must personally appear before Judge Dorrian.

**Extensions to Pay Fines and Court Costs:** A defendant who is not able to pay fines and court costs in full by the date previously imposed by Judge Dorrian may request one 60 day extension or authorization to pay by time payments. Time payments will be authorized upon defendant's payment of \$50.00 to the Clerk's office. The payment of \$50.00 includes a \$25.00 administrative fee and \$25.00 as a first payment toward what defendant owes in fines and courts costs. The \$25.00 administrative fee is imposed pursuant to Local Rule. The Defendant should request the extension or authorization of time payments prior to the expiration of the original due date.

**Pleas:** Defendants wishing to represent themselves without the assistance of an attorney, referred to as pro se defendants, must complete and sign a "Waiver of Right to an Attorney" form prior to entering any plea. All defendants who are charged with an offense which carries a possible jail sentence must complete and sign a "Waiver of Right to a Jury Trial" form prior to entering any plea. All defendants must indicate to the Court in writing whether they are a United States citizen by completing an "Advice for Non-U.S. Citizens" form. Defendants may access these forms at <http://www.fcmcclerk.com/officials/Dorrian/dorrian.htm> The forms will also be available in the courtroom on the hearing date. These forms are available in English, Somali and Spanish.

**Pleas in Absentia:** Guilty or no contest pleas in absentia for minor misdemeanors will be considered upon agreement of the Prosecutor and presentation by the defendant's counsel of written authority to plead. The written authority must be originally signed by the defendant and notarized. The defendant must also swear that he or she is a United States citizen. The Court will not accept pleas in absentia from non-U.S. citizens because Ohio Revised Code 2943.031(A) requires the Court to personally advise non-U.S. citizens of the potential consequences of entering a guilty or no contest plea pursuant to Ohio Revised Code 2943.031(A).

**Motions and Briefs:** Motions and briefs should be as succinct and detailed as possible. Remember that the Municipal Court Judges do not have law clerks assigned to them personally. Therefore, much legal research is performed by the Judges themselves. Consequently, accurate identification of issues and complete legal research in support of arguments made is carefully considered. Judge Dorrian requires accurate citations, including reference to the Court from which an opinion comes, i.e. does the case come from the 10<sup>th</sup> District Court of Appeals, the 2<sup>nd</sup> District Court of Appeals or another Court of Appeals? Does it come from the Franklin County Municipal Court, the Hamilton County Municipal Court or another Municipal or County Court. Furthermore, Judge Dorrian appreciates the parties providing copies of case law upon which they rely if the case law is not otherwise easily accessible to the Judge. The Court has access to Westlaw, but not to LEXIS, therefore if you reference LEXIS citations please provide as well the corresponding official court citations or Westlaw citations.

**Trial - Scheduling:** Bench and jury trials may continue for several days once commenced, as the Judge's docket permits and as jurors are available. Sometimes trials will continue early the following day after recess. Other times they will continue in the afternoon the following day. Trials may also continue into the evening. Parties, attorneys and witnesses, are expected to be flexible and available as the trial continues. Attorneys should advise their clients and witnesses accordingly.

**Trial - Preliminary Conference:** A preliminary conference will be held in Court chambers the day of commencement of a trial. At that time, attorneys are expected to provide Judge Dorrian the following information (1) witness lists; (2) pending or anticipated evidentiary issues; (3) estimate of time to try the case; (4) proposed jury instructions; and (5) other information as directed by Judge Dorrian.

**Trial - Exhibits:** Original exhibits will be marked and maintained by the Court reporter. When possible, copies of exhibits should be provided to Judge Dorrian so she may follow along during trial.

**Jury Trial - Voir Dire:** Upon request, attorneys may view, but not copy, prospective juror cards immediately before commencement of a jury trial. Judge Dorrian will ask jurors preliminary questions, then the attorneys will conduct voir dire.

**Jury Trial - Jury Instructions:** Attorneys are required to present proposed jury instructions to Judge Dorrian the first day of trial in order to provide the Judge and Court personnel sufficient time

to assemble a draft for attorneys to review prior to the charging conference. Attorneys are encouraged to submit electronic versions in addition to required hard copy versions of proposed jury instructions. Electronic versions may be sent to Judge Dorrian's secretary at [nyec@fcmcclerk.com](mailto:nyec@fcmcclerk.com).

**Requests for Sealing of Records/Expungements:** Applicants for sealing of records in criminal cases must obtain and complete an application form from the Clerk's office. The Court's Probation Department will initially review the application to determine if an applicant has met minimum criteria to be eligible for sealing of records pursuant to the Ohio Revised Code. The applicant will then come before the Court and, if he or she is eligible, Judge Dorrian will consider whether to grant the request for sealing of records. At that time the applicant and the Prosecutor will be given an opportunity to present arguments as to why or why not a record should be sealed. Applicants are not required to appear in person, however, they are very strongly encouraged to appear in person, particularly in the case of an offense of violence, stalking or menacing, whether a conviction or dismissal. Applications for sealing of records must be filed pursuant to Ohio Revised Code 2953.32 or Ohio Revised Code 2953.52 as required.

**Interpreters/Defendants who have Hearing Impairments or speak Foreign Languages:** The Court will appoint qualified interpreters to assist a defendant who does not understand the spoken English language either because he or she has a hearing impairment or speaks a foreign language. Due to the complexities of the Court system and the importance of ensuring that the defendant understands everything Judge Dorrian says and that Judge Dorrian understands everything the defendant says, family members or friends of the defendant will not be permitted to interpret during the Court proceeding. Families and friends will however be permitted to be present at the Court proceeding. A defendant who has a hearing impairment or speaks a foreign language may contact Judge Dorrian's Bailiff in advance of a court appearance to arrange for an interpreter. Judge Dorrian's Bailiff may be reached at (614)645-8707 or [rodgersm@fcmcclerk.com](mailto:rodgersm@fcmcclerk.com). Otherwise, Judge Dorrian, upon becoming aware of the need for an interpreter, will schedule an interpreter and ask the defendant to return to Court at a later date when the interpreter will be present. Spanish - English language interpreters are available every day.

**Local Rules/Ohio Rules of Criminal and Traffic Procedure and Evidence :** The Local Court Rules, including but not limited to Rule 4 addressing Criminal Practice and Local Rule 5 addressing Traffic Practice, the Ohio Criminal Rules of Procedure, the Ohio Traffic Rules of Procedure and the Ohio Rules of Evidence, as well as all other applicable rules, will be applied in Criminal and/or Traffic cases as required. The Local rules can be found at [www.fcmcclerk.com/rules/rules.htm](http://www.fcmcclerk.com/rules/rules.htm). The Ohio Rules can be found at [www.sconet.state.oh.us/Rules/](http://www.sconet.state.oh.us/Rules/).