

Appendix C

VERMILION MUNICIPAL COURT
VERMILION, OHIO

IN RE: The adoption of Local Rule 9(A)(3)
Appendix 3 Release Rules for Prisoners
pre-conviction.

W. Zack Dolyk, Judge

JOURNAL ENTRY

The Court hereby adopts Local Court Rule 9(A)(3) Appendix 3 effective 08/13/2020. Pursuant to Superintendence Rule 5(A)(2) the court finds that there is an immediate need for the rule to provide for the release of persons unable to post bond.

A copy of this entry adopting the rule along with a copy of the rule shall be provided to the Lorain and Erie County Bar Associations for publication and comment and a copy of the Rule will be filed with the Supreme Court of Ohio.

Rule 9(A)(3) Appendix 3 Release Rules for Prisoners pre-conviction.

I. Applicability of Rule

This rule applies to persons accused of a Felony or Misdemeanor crimes prior to conviction and prior to the person's initial appearance in court.

This rule does not apply to persons who have failed to appear for a court appearance. In such cases an appropriate bond will be set based upon information then available regarding the reason for the person's failure to appear including, but not limited to, the person's history of appearances in this and any other court, whether a person has an outstanding warrant and/or is wanted in this or other jurisdictions for other offenses.

This rule does not apply to persons convicted of a crime including persons who are alleged to be in violation of the terms and conditions of the persons' community control or conditions of a suspended sentence.

II. Misdemeanor Crimes – Presumption of Release Rule

There shall be a presumption of release of persons' charged with misdemeanor crimes. All misdemeanants shall be released upon arrest, after booking and fingerprinting as may be required by law, on a \$500.00 personal bond, unless one the following exceptions applies:

1. The arresting officer indicates in a police report or other document accompanying the complaint any of the following:
 - a. The person requires medical care or is unable to provide for his/her own safety and is referred to the probate court or otherwise held pursuant to the laws of the State of Ohio permitting or requiring persons to be held under these circumstances;

- b. The person cannot or refuses to offer satisfactory evidence of his/her identity;
- c. The person refuses to sign the personal bond;
- d. The person refuses to be booked and processed as required by law;
- e. The person has an outstanding warrant or warrants for failure to appear for a court appearance;
- f. The person has a history of the issuance of warrants for not appearing in court.

In any case for which one of the exceptions applies the law enforcement agency or officer that made the arrest shall document the reasons in his or her report or in some other writing that is filed with the court which the charge or charges.

2. For any offense provided by law where the appearance of the person before the court is required for the setting of bail including, but not limited to,: O.R.C §2907.41 Persons charged with subsequent sexually oriented offense – setting of bail, and O.R.C.§2919.251 Bail in certain domestic violence cases. For any offense provided by law where the appearance of the person before the court is required for the setting of bail including but not limited to: O.R.C §2907.41 Persons charged with sexually oriented offense – setting of bail, and O.R.C.§2919.251 Bail in certain domestic violence cases.
3. If the person is not a resident of Erie or Lorain County, Ohio and the law enforcement officer making the arrest has reason to believe that the person will not appear to answer the charge and the arresting officer provides the reasons in his or her report in or some other writing that is filed with the court with the charge or charges. For persons held for this reason the following bond schedule may be used:

Misdemeanor – other than as specified	All minor misdemeanors that do not have a jail penalty should be citations unless there is cause pursuant to O.R.C.§2953.26.
M-4	\$250.00
M-3	\$500.00
M-2	\$750.00
M-1	\$1,000.00
Serious Misdemeanor	\$1,500.00

4. If the person is arrested on an arrest warrant issued by a judge or magistrate and a bond is set forth in the arrest warrant.

III. Felony Crimes and other Persons held without bond.

All non-violent F4 & F5 felony charges shall be released on a \$5,000.00 personal recognizance bond.

There shall be a presumption of release of persons' charged with non-violent F4 & F5 felony charges. All non-violent F4 & F5 charged persons shall be released upon arrest, after booking and fingerprinting as may be required by law, on a \$5000.00 personal bond, unless one the following exceptions applies:

1. The arresting officer indicates in a police report or other document accompanying the complaint any of the following:
 - a. The person requires medical care or is unable to provide for his/her own safety and is referred to the probate court or otherwise held pursuant to the laws of the State of Ohio permitting or requiring persons to be held under these circumstances;
 - b. The person cannot or refuses to offer satisfactory evidence of his/her identity;
 - c. The person refuses to sign the personal bond;
 - d. The person refuses to be booked and processed as required by law;
 - e. The person has an outstanding warrant or warrants for failure to appear for a court appearance;
 - f. The person has a history of the issuance of warrants for not appearing in court.

All persons charged with a F3, F2 or F1 felony offense shall be held until the circumstances are reviewed by a Judge.

All persons charged with an offense of violence ONLY IF THE CRITERIA BELOW ARE MET:

Any offense of violence in which the alleged victim is a household or family member at the time of the offense – O.R.C.§2919.251 situations. An "Offense of Violence" is defined under O.R.C.§2901.01(A)(9)(a).

Offenses of Violence are summarized here:

2903.01	Aggravated Murder
2903.02	Murder
2903.03	Voluntary manslaughter
2903.04	Involuntary manslaughter
2903.11	Felonious assault
2903.12	Aggravated Assault
2903.13	Assault
2903.15	Permitting Child Abuse
2903.21	Aggravated Menacing
2903.21 1	Menacing by stalking
2903.22	Menacing
2905.01	Kidnapping
2905.02	Abduction

2905.11	Extortion
2905.32	Trafficking in persons
2907.02	Rape
2907.03	Sexual Battery
2907.05	Gross Sexual Imposition
2909.02	Aggravated Arson
2909.03	Arson
2909.24	Terrorism
2911.01	Aggravated Robbery
2911.02	Robbery
2911.11	Aggravated Burglary
2917.01	Inciting to Violence
2917.02	Aggravated Riot
2917.03	Riot
2917.31	Inducing Panic
2919.25	Domestic Violence
2921.03	Intimidation
2921.04	Intimidation of attorney, victim or witness in a criminal case or delinquent child action proceeding
2921.34	Escape
2923.161	Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function
2903.04 division (A)(1)	Patient abuse or neglect
2911.12 division (A)(1), (2), or (3)	Burglary
2919.22 division (B)(1), (2), (3), or (4)	Endangering Children
Former section 2917.02	Felonious sexual penetration

An offense of violence also includes:

1. A violation of existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offense listed in division (A)(9)(a) of section 2901.01 of the Ohio Revised Code;
2. An offense, other than a traffic offense, under existing or former municipal ordinance or law of this or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to person; and,
3. A conspiracy of attempt to commit or complicity in committing any offense under division (A)(9)(a), (b), or (c) of section 2901.01 of the Ohio Revised Code.

Criteria for No Bond Hold – Offense of Violence Involving a Family or Household Member

1. A person that has a prior conviction of domestic violence or criminal damaging, criminal mischief, burglary or aggravated trespass or any offense of violence if the victim of the violation was a family or household member at the time of the violation; or
2. A person subject to the terms of a protection order or previously convicted of or plead guilty to violating a protection order; or
3. The arresting officer indicates in the police report or other document accompanying the complaint any of the following:
 - a. That the arresting officer observed on the alleged victim objective manifestations of physical harm that the arresting officer reasonably believes are a result of the alleged offense;
 - b. That the arresting officer reasonably believes that the person had on the person's person at the time of the alleged offense a deadly weapon or dangerous ordnance;
 - c. That the arresting officer reasonably believes that the person presents a credible threat of serious physical harm to the alleged victim or to any other person if released on bail before trial.

The officer shall include a copy of the lethality assessment with the report when applicable.

Timely and meaningful review by a Judge will be provided for persons held without bond according to the following protocol:

The Court will review arrests for persons held without bond upon the first of the following to occur:

1. As soon as possible upon the filing of the charge with the Clerk of Court (typically the next business day that the court is in session after the arrest);
2. Upon notification by law enforcement to the judge that a person has been arrested and held without bond. If a person is arrested and the next court date is more than 48 hours from the time of the arrest law enforcement is instructed to contact the Judge and make the Judge aware of the arrest so the Judge can review the matter to determine an appropriate bond.
3. As otherwise provided by law.

Upon review the court will set an appropriate bond and any conditions of bond.


Risk Assessment Tools and other Factors for Release

Whenever possible and/or whenever required by law the court will utilize and consider to the extent available any risk assessment tool and/or factors set forth in any Criminal Rule and/or statute or statutes governing bail and release of prisoners pre-conviction, e.g. Criminal Rule 46(C) factors.

IV. Other Rules

If this rule or any portion thereof is inconsistent with any statute or Supreme Court Rule, including but not limited to Rule of Superintendence, Criminal Rules, or the Ohio Code of Judicial Conduct, the provision or provisions in this rule that are inconsistent shall superseded by the statute or Supreme Court Rule.

August 13, 2020



W. Zack Dolyk, Judge

2020 AUG 13 PM 5:52
COURT REPORTER
5500 N. HIGHWAY 100
MARIETTA, OHIO 45750

Vermilion Municipal Court Bond Schedule

CRIMINAL OFFENSES:			
Felonies	No bond, with exceptions below		
Non-Violent F4 & F5 Charges (Drug possession, Theft, Forgery, Misuse of Credit Card, etc.)	\$5,000/Personal Recognizance		
Domestic Violence	No bond		
Sexually Oriented Offense	No bond		
Probation Violation	No bond		
Violation of Protection Order	No bond		
Flee & Eluding (misdemeanor)	No bond		
Any Firearms Charge	No bond		
TRAFFIC OFFENSES:	Lorain/Erie County Resident	Resident of other Ohio county	Out of State Resident
Operating a Vehicle Under the Influence	\$1,500/Personal Recognizance	\$1,500/10% cash/surety	\$1,500/10% cash/surety
Physical Control	\$1,500/Personal Recognizance	\$1,500/10% cash/surety	\$1,500/10% cash/surety
Driving Under OVI Suspension	\$1,000/Personal Recognizance	\$1,500/10% cash/surety	\$1,500/10% cash/surety
ALL OTHER CRIMINAL CHARGES:	Lorain/Erie County Resident	Resident of other Ohio county	Out of State Resident
1 st Degree Misdemeanor	\$1,000/Personal Recognizance	\$1,000/10% cash/surety	\$1,000/10% cash/surety
2 nd Degree Misdemeanor	\$750/Personal Recognizance	\$750/10% cash/surety	\$750/10% cash/surety
3 rd Degree Misdemeanor	\$500/Personal Recognizance	\$500/10% cash/surety	\$500/10% cash/surety
4 th Degree Misdemeanor	\$250/Personal Recognizance	\$250/10% cash/surety	\$250/10% cash/surety

If **NO BOND** is indicated, bond will be set by the Judge via phone, text, e-mail, OR on the next court day where video arraignments occur. Please call the Vermilion Municipal Court Clerk first and let her know you will be e-mailing/delivering paperwork. If the Clerk or a Deputy Clerk is unavailable please call or text the Judge and e-mail/deliver paperwork. Bond determinations can be made throughout any business day from 8AM-4:30PM. **CALLS FOR BOND SHOULD NOT BE MADE BETWEEN THE HOURS OF 11PM and 8AM.**

The bond amounts set herein are applicable whenever not otherwise contrary to Ohio law. The arresting law enforcement agency may hold a defendant when defendant has a record of non-appearance or the law enforcement officer has reason to believe that the amount set forth herein will not secure the defendant's appearance, or there is concern that violence is imminent.