

23.0 CRIMINAL CASE MANAGEMENT

The purpose of this rule of criminal practice is to effect the expeditious administration of justice within the confines of the Ohio Rules of Criminal Procedure; the Ohio Revised Code; the Ohio Constitution; and the U. S. Constitution. This rule shall be construed and applied to eliminate delay, unnecessary expense and all other impediments to just determination in criminal cases. The rules of this Court for civil cases apply to criminal proceedings, except where clearly inapplicable.

PRESENTMENT OF MATTERS

(A) (1) It shall be the function of the Cuyahoga County Prosecutor's Office, in concert with the Clerk of Courts and the Sheriff's Department, to prioritize the presentment of matters to the Grand Jury commencing with the defendants being held in jail and thereafter, depending upon the severity of the alleged crime pursuant to the potential penalty per the Ohio Revised code. Capital cases shall have first priority. Crimes of violence and those involving harm to person shall take precedent over property crimes. Criminal case bound over for grand jury presentment shall be submitted within thirty (30) days of the bindover.

(2) Failure to act. Prisoners in the Cuyahoga County Jail who either have been bound over to the Cuyahoga County Grand Jury for indictment or are proceeding through the Court's ECM process, shall be released by the Cuyahoga County Sheriff without the requirement of bond, if an indictment has not been returned within 30 days of the bind over, or, in the case of ECM prisoners, within 30 days of being booked into the Cuyahoga County Jail. Such a prisoner's release without bond is mandatory at the expiration of 30 days, unless the Sheriff receives an order from the Administrative Judge of the Court of Common Pleas granting the Cuyahoga County Prosecutor for good cause shown additional time to obtain final Grand Jury action as to that prisoner. Upon release of an ECM prisoner for failure to indict within 30 days, the prisoner's case number shall be terminated.

PRE-INDICTMENT

(B) The Cuyahoga County Sheriff's Department shall provide a list of its inmates to the Prosecutor's office, Clerk's Office, the Bond Commissioner, the Administrative Judge and the Court Administrator on a weekly basis to assist in insuring compliance with 23 (A).

PRE-ARRAIGNMENT

(C) The Clerk of Courts shall schedule arraignments within five (5) days of indictment, including weekends and holidays for all defendants being held in jail, within fourteen (14) days, including weekends and holidays, for all defendants released on bond. Arraignment lists shall be provided to the Prosecutor's Office, the Bond commissioner, the Administrative Judge, the Court Administrator and the Probations Department.

POST ARRAIGNMENT

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(D) The Clerk of Courts shall forthwith transmit the file to the courtroom of the assigned judge to insure compliance with O.R.C. 2945.71 and 2945.72. It shall be the responsibility of the Prosecutor's Office to immediately notify the assigned Court of "time problem" cases.

PRETRIAL

(E) The Court shall schedule pretrials within seven (7) days of arraignment, including weekends and holidays, for all defendants being held in lieu of bond; within fourteen (14) days of arraignment, including weekends and holidays, for all defendants released on bond. The Court shall notify counsel for the state and defense for pretrial dates and times. Where practicable, it shall be the policy of the Court to conduct one (1) pretrial and, thereafter, schedule the trial pursuant to 23(F).

TRIALS

(F) Trials, where practicable, shall be scheduled within thirty (30) days of the pretrial.

WAIVERS

(G) All waivers of speedy trial shall be accepted in writing and incorporated by reference in the Court's docket. The Court shall not accept open ended waivers, but only waivers to a date certain.

CONTINUANCES

(H) No continuances will be granted except by way of written motions approved by the assigned judge and reflected in the Court's docket. Requests for continuances shall be signed by the counsel and, if requested by the defense, signed by the defendant.

TIME GUIDELINES

23.0 (A)(1) - Grand Jury Presentment - within thirty (30) days of bindover.

23.0 (C) - Arraignments:

- Incarcerated - within five (5) days of indictment
- Bonded - within fourteen (14) days of indictment

23.0 (E) - Pretrials:

- Incarcerated - within seven (7) days of indictment
- Bonded - within fourteen (14) days of indictment

23.0 (F) - Trial: within thirty (30) days of pretrial

Local Rule 23 - Criminal Case Management - is to have no effect on Court policy relative to probation violation hearings, shock and super shock hearings, post-conviction requests, time frames for procurement of presentence reports (jail v. bond), setting of sentencing dates, capias request unexecuted after thirty (30) days, bonding (C.S.R., cash, surety, personal, 10%), or disposition of defendants returned from institutions for cleanup cases.

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Effective 09/24/1992.

Amendment to paragraph (A)(1) and the addition of paragraph (A)(2) effective 04/14/2008.