

LEXINGTON MAYOR'S COURT RULES

Rule 1 – Scope and Effective Date

All rules are adopted as local rules of the Lexington Mayor's Court governing practice and procedure, pursuant to the inherent authority as set forth in the Ohio Rules of Criminal Procedure, Supreme Court Rules of Superintendence, and the Charter and Ordinances of the Village of Lexington. These rules may be cited as Lexington Mayor's Court Rule, i.e. "M.C. Rule 1, etc.) They are effective as of this revision, 02.18.2025, and govern all proceedings filed subsequent to that date. These rules may be amended from time to time by orders of the Mayor.

Rule 2 – Jurisdiction

The jurisdiction of Lexington Mayor's Court includes traffic and criminal offenses within the Village of Lexington.

Rule 3 – Court Sessions and Hours

Court sessions will convene with a staff of the Mayor or Council President; Village Law Director; the Clerk of Court or clerk staff; a court bailiff; and a security officer to maintain order both in and out of the court room.

Court will convene twice a month, every other Wednesday, following the first Monday of the month, unless scheduled on a holiday. The Mayor will revise the court date schedule as necessary. Court will begin at 7:00 PM for traffic and criminal cases and fine review cases.

All persons entering the court room are to turn their cell phone off or place it on silent. Each person is subject to search by the bailiff and/or security officer on duty. Failure to follow orders of the Court may result in contempt of court, resulting in a fine and/or confinement in jail.

Interpreters will be provided for persons that do not speak, hear, or understand the English language. The Court utilizes Language Line and, unless other arrangements are made, will be handled via a phone call.

Rule 4 – Court Costs

The court costs in Lexington Mayor's Court are \$100.00 for criminal cases, \$100.00 for traffic moving violations, and \$61.00 for traffic non-moving violations. The sum shall be distributed as follows, unless ordered waived by the Mayor:

\$20.00 Indigent Defendant Support Fund (State)

\$10.00 Indigent Defendant Support Fund (State)

\$9.00 Victims of Crime (State)

\$5.00 Indigent Defense Support Fund (State)

\$1.50 Indigent Driver Alcohol Treatment Fund (State)

\$3.50 Drug Law Enforcement Fund (State)

\$6.00 Computer Cost

\$3.00 Dare/GREAT/Safety Town

\$10.00 Technology Fee

\$42.00 Lexington Mayor's Court General Fund (moving)

\$32.00 Lexington Mayor's Court General Fund (non-moving)

\$52.00 Lexington Mayor's Court General Fund (criminal)

In addition to court costs above, the following additional costs will be assessed unless otherwise waived by the Mayor:

\$20.00 Warrant Fee

\$50.00 Expungement/Record Sealing application fee

\$35.00 Bad Check fee

\$10.00 Certified Mail fee

\$26.00 Transfer fee

\$.10 Copies

\$25.00 State Fee on warrants (non-refundable)

Rule 5 – Transfers

Not guilty pleas in arraignment court will result in the cases being transferred to Mansfield Municipal Court. The Clerk of Court is responsible for processing transferred cases to Mansfield Municipal Court. The case file, in its entirety, will be delivered to Mansfield Municipal Court within one working day, either by USPS mail or delivered in person. Any bond posted to the Lexington Mayor's Court will be transferred to Mansfield Municipal Court. A case may also be transferred due to Ohio Revised Code guidelines, including: lack of jurisdiction, the Mayor's option, demand for jury trial, or if the defendant enters a plea of Not Guilty.

Rule 6 – Facsimile Filing

The Court provides for the filing of pleadings and other paperwork by electronic means via facsimile at 419-884-1640. The documents filed via facsimile will be accepted as original, and all signatures therein will also be accepted as original. The clerk will notify the transmitter should the documents not be accepted.

Rule 7 – Payment of Fines and Costs

Any payment of \$5.00 or less for fines/costs will not be refunded.

Fines and costs may be paid 24 hours a day via the Village of Lexington website, in person at the municipal building, or over the phone. All payments should be made with the Clerk of Court, but if otherwise not available can be made with the Lexington Police Department, located in the municipal building. The court accepts check, cash, money order, and credit card payments (a 3.5% fee is assessed but based on the amount being paid. The credit processing company assesses this fee and it cannot be refunded for any purposes.) If paying at the police department, exact change must be produced. Please do not mail cash.

Rule 8 – Continuances

The court will not continue an assigned arraignment until the filing of a written request by the defendant or defense counsel is submitted. The form must affirmatively state that speedy trial rights are being waived by the defendant. If the defendant or defense counsel refuse to waive speedy trial rights, the clerk shall schedule the court hearing for the next court date. The written continuance request must be filed no later than twenty-four hours before the scheduled court date; a continuance request not received within the stated time period is subject to denial.

Rule 9 – Traffic Diversion

Defendants charged with a waivable traffic offense (offense in which a fine may be paid in lieu of appearing for court) may participate in the court's traffic safety program. The defendant must not have participated in this or another similar program within the last five years, have pending traffic charges against him/her, OR have any prior moving convictions within the last 12 months.

Should the case be eligible, paperwork must be filed with the Clerk of Court on or before the arraignment date. The defendant's application to participate in the program must include the payment of fine and court costs. The plea will not be ruled on pending successful completion of the program. If the traffic citation indicates that proof of insurance was not shown, it must also be provided with the application.

Once the application and waiver payment have been filed, the case will be stayed for 60 days while the defendant completes the online defensive driving course. Upon completion of the program, the course provider will file a certificate with the Clerk of Court, after which the case will be dismissed with costs assessed. The conviction will not be reported to the Ohio Bureau of Motor Vehicles. Should the defendant fail to complete the program within 60 days, the Court will set the case for further hearing and submit the record to the BMV. The waiver payment will not be refunded.

Rule 10 – Summons and Warrants

Pursuant to Rule 4 A 1 of the Ohio Rules of Criminal Procedure and ORC 1901.34, the Clerk of Court shall issue a summons upon a complaint for all misdemeanor offenses, not including traffic offenses, unless an arrest warrant is authorized or requested under this rule.

When a defendant fails to appear pursuant to a summons issued to him/her, the Mayor may issue a warrant.

When a defendant fails to pay fines and costs assessed by the court, the Mayor may issue a warrant.

A warrant block will be submitted to the Ohio Bureau of Motor Vehicles upon the issuance of a warrant. The block will be cleared upon service of the warrant.

The warrant should require the name of the defendant, the complaint, and the applicable ordinance. The warrant shall command that the defendant be arrested and brought before the issuing court without unnecessary delay. The amount of the bond is to appear on the warrant.

The court will allow a defendant to be released on a personal recognizance bond should the arresting officer find that the defendant is unable to pay the bond or payout. Upon a third warrant issued on the same case, the defendant is to be incarcerated; the Clerk of Court must be notified of the defendant's incarceration and arrange a special court hearing.

Should the warrant be issued for a traffic offense that is waiverable, the warrant must give the option to pay the waiver (plus warrant fee) or a bond to appear in court and enter a plea.

As required by LEADS, the clerk shall provide complete supporting documentation of the warrant entry prior to the initial entry and immediately notify the terminal agency (Lexington Police Department) when a record is to be cleared/recalled/canceled.

Rule 11 – Violations Bureau

A Traffic Violations Bureau is hereby established in accordance with Ohio Traffic Rule 13. The Traffic Violations Bureau may dispose of those traffic offenses for which no court appearance is required by law. In addition, pursuant to Criminal Rule 4.1, all minor misdemeanor offenses not otherwise covered by the Traffic Violations Bureau may be processed through the Minor Misdemeanor Violations Bureau. The Clerk of Court is hereby appointed as violations clerk.

All cases processed through the Violations Bureau shall be numbered and recorded for identification. All minor and fourth degree misdemeanors will receive a court date from the issuing officer at the time of offense. Should the officer fail to issue a court date, the Clerk of Court must send a notice to the defendant immediately. The notice shall contain a date to appear in court to answer to the charge.

Every seven business days, the Clerk of Court will transmit to the Bureau of Motor Vehicles by electronic submission the court abstract listing all convictions, license forfeitures, releases, blocks, and modifying orders from the court.

The schedule of fines and costs will be established by the court and amended from time to time.

Rule 12 – Bail/Bond Schedule

The court has determined a bail schedule for certain criminal and traffic offenses by a separate entry. Bail/bond may be paid with cash, money order, credit card, or personal check. Any person who fails to appear before the court as required is subject to a forfeiture of the bond or bail.

Rule 13 – Legal Representation

Should a defendant retain legal representation, a notice of appearance must be filed with the court prior to any appearance in court. Counsel shall provide their name, address, email address, phone number and Supreme Court number.