

Rule 23

CRIMINAL PRETRIAL PROCEEDINGS

(A) A prosecutor's pretrial will be set in any criminal or traffic case after a not guilty plea is entered and the assignment of a judge pursuant to Rule 15(C), unless speedy time is not waived and the defendant is in custody or in cases of a minor misdemeanor or when there is insufficient time to set both a pretrial and trial date within time pursuant to Ohio Revised Code Section 2925.72. Defendant's failure to appear at a pretrial without just cause shall be grounds for a bench warrant.

(B) If not verbally made part of the court record, the prosecutor shall complete a written form stating the proposed settlement agreement, if any. The dated agreement shall be signed by both the prosecutor and defense counsel or defendant, if unrepresented, and shall note the presence or nonappearance of the complainant. The completed pretrial form and complaint (affidavit) shall then be taken to the assigned judge for consideration of the proposed settlement agreement. If the court approves the settlement agreement, a plea shall be entered and the trial date vacated. If the proposed agreement is not approved by the court, the case will be continued to the trial date, or set for further proceedings as the court may direct.

(C) All motions shall be made on the record to the assigned judge. Continuances for pretrial will not be charged to the defendant in computing time limits, except as otherwise noted on the affidavit.

(D) All motions in criminal cases shall be governed by Rule 12 of the Ohio Rules of Criminal Procedure. Whenever a motion is filed, the clerk of court shall immediately transmit the motion to the assigned judge by delivering same to the assignment commissioner.

(E) A party shall, at the time of filing a motion, serve upon the opposing party a copy of the motion with supporting statement or memorandum and shall file proof of service with the clerk of court.

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