

**COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO**

State of Ohio	:	CASE # _____
	:	
VS.	:	CRIMINAL PRE-TRIAL MEMORANDUM/CASE MANAGEMENT ORDER

DEFENDANT

This matter came before the court on _____ for a pre-trial conference.

This court finds that a case management order has not been issued in this case, or that any case management order previously issued needs to be amended.

The following parties were present:

_____, Assistant Prosecuting Attorney

_____, for the Defendant(s)

After discussions with counsel, **IT IS ORDERED:**

- (1) The charges in this case: _____
- (2) The prosecutor's allegations are: _____
- (3) The following issues may need to be addressed before trial: _____
- (4) The prosecution alleges that the defendant made a statement in this case as follows:

- (5) The prosecution states that there was a search in this case as follows:

- (6) All pre-trial motions must be filed within the time allowed by the Criminal Rules.
- (7) If a discovery request has been timely made by the defendant, the prosecution shall provide discovery to the defendant within 14 days of the date of request.

- (8) If the defendant obtains discovery under Crim. R. 16, the defendant shall provide discovery to the prosecution upon request and pursuant to Crim. R. 16 within 14 days of the date of the request.
- (9) If discovery is not provided within the times set forth herein, counsel shall file a motion to compel in order to enforce the discovery rights of the party who has not been provided discovery. Failure of a party to timely provide discovery as called for in this order will not result in the exclusion of evidence or in a continuance of the trial date where the party making the request for discovery has failed to timely file a motion to compel in order to enforce the party's discovery rights.
- (10) The last date for trial is approximately _____.
- (11) A second pre-trial conference will be held on _____.
- (12) If a second pre-trial conference is scheduled, the following procedures will apply:
 - (a) The prosecutor should make any plea offer which he/she intends to make prior to the time of the second pre-trial conference.
 - (b) Defense counsel should confer with his/her client regarding the plea offer and should be prepared at the time of the second pre-trial conference to know whether the case needs to be scheduled for plea, a motion hearing, or trial.
- (13) At any Formal Pre-Trial Conference which is scheduled, counsel will be expected to identify:
 - (a) Any anticipated evidentiary issues;
 - (b) Any anticipated procedural issues;
 - (c) Stipulations/Admissions (to be reduced to writing);
 - (d) Agreements on authenticity/relevancy of documents;
 - (e) Special jury instructions; and
 - (f) Any other matters of a similar nature.

- (14) If the trial is not completed on the days which are scheduled, it will continue on each succeeding day until it is concluded.
- (15) If there is any negotiated plea, this plea must be scheduled in advance on the court's regular morning docket and must occur prior to or at the time of the formal pre-trial conference scheduled in advance of the trial. Because the court's morning docket is often full, counsel should schedule a plea hearing with the Assignment Office at (513) 732-7108.
- (16) Except for good cause shown, upon the timely filing of a motion by counsel, the deadlines provided above in this Order shall not be extended for any reason and no hearings will be continued to a new date.
- (17) Counsel shall file any motions which require pre-trial determination by the court, including motions in limine, as soon as possible. All motions shall be made and supported in accordance with Crim. R. 47. A copy of any such motions shall be provided to the court at the time of filing in order that the court may promptly schedule the matter for hearing.
- (18) The defendant must be present for all hearings. The defendant shall be responsible to keep informed as to the scheduling of hearings and other matters in this case by keeping in regular contact with counsel and by reviewing the court docket. The docket may be reviewed in person or through a review of the docket on the clerk's website www.clermontclerk.org. The failure of the defendant to appear for a scheduled hearing may result in the issuance of a bench warrant. The time for bringing the defendant to trial shall be extended for any period of time that the defendant absents himself/herself by failing to appear for a hearing until the time that the hearing is rescheduled on the court's docket and the defendant is present.

(19) The defendant may retain counsel of his/her own choosing or change counsel, and if such action is taken, an appropriate entry shall be submitted to the court. However, the defendant is cautioned that no continuance will be permitted for this purpose. Therefore, if the defendant intends to retain private counsel or to change counsel, he/she should do so at the earliest possible opportunity so that his/her new counsel will have adequate time to prepare for trial.

Judge Jerry R. McBride

CERTIFICATE

I hereby certify that a copy of the foregoing was sent by e-mail to all counsel of record and by regular U.S. mail to any unrepresented parties on _____.

Secretary to Judge Jerry R. McBride