

**RULES OF PRACTICE
OF THE
COURT OF COMMON PLEAS**

STATEMENT OF PURPOSE

Delay in criminal and civil cases in the Courts of Common Pleas throughout the state of Ohio is a serious problem in the administration of justice. Constitutional courts were created to serve the litigants and the interest of the public at large, not for the convenience or benefit of judges and lawyers. Unnecessary delay erodes the public's confidence in the judicial system.

It is the obligation of the judges of the Court of Common Pleas, Franklin County, Ohio, to operate the Court in a manner that is lawful, fair, just, and efficient for the benefit of the citizens of Franklin County and all other litigants that come before it. To that end, the following rules are designed (1) to expedite the disposition of both criminal and civil cases in this Court, while at the same time safeguarding the rights of litigants to the just processing of their cases; (2) to expedite and make consistent the disposition of cases in the general branch of the Court; and (3) to serve the public interest which mandates the prompt disposition of all cases before this Court.

RULE 89 - POST CONVICTION PETITIONS

89.01 Post conviction petitions for a determination of a prisoner's Constitutional rights shall be filed and docketed by the Clerk in the original case in which the defendant was sentenced. Upon the filing of a petition the Clerk shall issue written notice to the Prosecuting Attorney.

89.02 When a waiver or the return of the notice is filed, the Clerk shall deliver all the papers in the case to the Trial Judge who originally handled the case. If the Trial Judge who originally handled the case is no longer a member of the Court, the case shall be assigned to a judge by the Administrative Judge.

89.03 The Clerk shall deliver the post conviction petition to the Trial Judge one day after it has been filed.

89.04(A) Post Conviction proceedings is a civil action and the petitioner shall comply with R.C. 2969.25(A) in the filing of all post conviction petitions.

89.04(B) No costs shall be charged for the first post conviction petition. Subsequent petitions shall be accompanied by a filing fee as set forth in R.C. 2303.20(T). If a petitioner alleges that he/she is unable to pay the filing fee, the procedures set forth in R.C. 2969.25(C) shall apply.