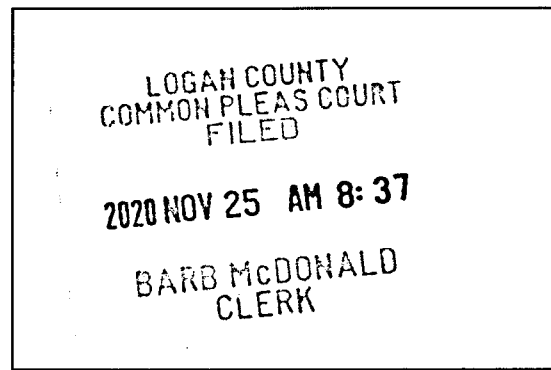


IN THE COMMON PLEAS COURT  
OF LOGAN COUNTY, OHIO  
GENERAL DIVISION



IN RE: :

FINAL INTERVENTION IN LIEU  
OF CONVICTION ORDER :

CASE NO. IR 20 11 0045

:  
:  
:  
:  
STANDING ORDER REGARDING  
INTERVENTION IN LIEU OF  
CONVICTION

---

**Authorizing Statute:** Ohio Revised Code Section 2951.041

**ILC Court Contact:** Beckie Schmelzer (937-292-4101; [bschmelzer@co.logan.oh.us](mailto:bschmelzer@co.logan.oh.us)). Beckie Schmelzer shall serve as the Court's point person on all motions requesting Intervention in Lieu of Conviction (ILC). On a weekly basis, every Friday morning, Ms. Schmelzer will review all motions for ILC that are set for final hearing during the following week. Ms. Schmelzer will review the file to determine if all the items set forth in this order are present in the file and advise the Court if any item is missing in any case. **If any item is not in the Court's file on or before the Friday before the final hearing, the motion shall automatically be deemed denied and the final hearing on the motion shall automatically be deemed vacated.** If defense counsel is unsure if the defendant's file is complete or needs the time between the Friday before the scheduled final hearing and the actual hearing date to complete the file, it is defense counsel's obligation to contact Ms. Schmelzer to request the additional time. Requests for additional time shall not be unreasonably denied to those attorneys who call on or before 12 PM on the Friday before the final hearing.

**Mandatory Requirements To Obtain Grant of Motion for ILC** – To obtain a grant of a motion for ILC, defense counsel must ensure the following items are in the Court's file by 12 PM on the Friday before the final hearing:

- A copy of the release of information to the defendant's counsel, Judge Kevin P. Braig and all members of the Court's staff: Beckie Schmelzer, Lisa Bell, Debbie Weiskittle, Belinda Wolford, Annette Deao, Jim Pleasant, and Magistrate Kathryn Hanson. The release of information should be completed no later than during the preliminary hearing on the motion for ILC. It is defense counsel's obligation to ensure that a proper release of information form is completed and provided to the Court.
- The name of a contact person working for the ILC evaluator approved by the Court who will prepare the defendant's treatment plan. It is defense counsel's obligation to know who the contact person is and provide it to the Court.

- A copy of an assessment report prepared by an ILC Evaluator approved by the Court.
- A speedy trial waiver. The speedy trial waiver should be completed no later than during the hearing on the preliminary motion for ILC. It is defendant counsel's obligation to ensure that a proper speedy trial waiver is completed and provided to the Court.
- A representation from defense counsel that assessment of the defendant for admission to Adult Recovery Court (ARC) has been discussed with the prosecutor and the prosecutor and defense counsel agree that at the time of the final hearing the defendant is more qualified for ILC than for ARC. The Court notes that ILC and ARC are separate and independent criminal justice tracts. The Court will not order a person to be assessed for ARC on a motion for ILC. In the event that the Court determines from the assessment, pre-sentence investigation report, and/or bond report from the Court's compliance officer Jim Pleasant that person moving the Court for ILC is better qualified for assessment for admission to ARC, the Court shall advise the parties of that determination as soon as possible in the proceedings and not later than the final hearing on the motion for ILC.

**It is the obligation of defense counsel to verify by 12 PM on the Friday before the final hearing on the motion for ILC that all items listed in this entry are in the Court's file.**

**Duty of ILC Evaluator – R.C. 2951.041(A)(1)**

- All ILC evaluator's must be approved by the Court prior to the final hearing on the motion for ILC.
- To obtain approval, the ILC Evaluator must provide the Court with the following: (a) the name of a contact person working at the ILC Evaluator; and (b) the direct phone number and email of the contact person so that Beckie Schmelzer or another member of the Court's staff can make contact immediately with the contact person if necessary. The ILC Evaluator may satisfy this requirement by sending an email with the required information to Beckie Schmelzer.
- If the defendant alleges that drug or alcohol usage by the defendant was a factor leading to the criminal offense with which the defendant is charged, the court may order that the defendant be assessed by a community addiction services provider or a properly credentialed professional for the purpose of **determining the defendant's program eligibility** for intervention in lieu of conviction and **recommending an appropriate intervention plan.**
- Beckie Schmelzer and/or the Logan County Clerk of Courts will provide the ILC Evaluator with a copy of the entry identifying the date of the final hearing on the motion for ILC and the name of the defendant moving for ILC.

- The community addiction services provider or the properly credentialed professional shall provide a written assessment to the defendant's counsel in a timely manner so that the defendant's counsel can provide the assessment to the Court by the Friday prior to date of the final hearing on the motion for ILC. The ILC Evaluator also may provide a courtesy copy of the assessment to Beckie Schmelzer at the Court, but nothing herein shall be interpreted as shifting the obligation to obtain and provide the assessment from defendant's counsel to Beckie Schmelzer or anyone else at the Court.
  
- At a minimum, the ILC Report should contain:
  - ✓ A summary of the incident facts that the Evaluator is using in determining whether drug or alcohol usage was a factor leading to the criminal offense or the mental illness or intellectual disability was a factor leading to the defendant's criminal behavior.
  - ✓ The Defendant's Assessed Diagnosis
  - ✓ A non-generic or non-boilerplate description of the programming formulated for the defendant's intervention plan.
  - ✓ It is not necessary to provide the Court or parties with every question, response or memorialization used to support the Assessment and Intervention Plan. The prosecutor, defense attorney and Court just require sufficient information to be able to answer:
  - ✓ Whether drug or alcohol usage was a factor leading to the criminal offense or the mental illness or intellectual disability was a factor leading to the Defendant's criminal behavior
  - ✓ Whether the Defendant is willing to comply with all terms and conditions of court orders, including faithful attendance to, and engagement in, treatment programming.

**IT IS HEREBY SO ORDERED.**

  
\_\_\_\_\_  
Judge Kevin P. Braig