

IN THE ASHTABULA COUNTY COURTS  
WESTERN DIVISION - GENEVA, OHIO

STATE OF OHIO )  
CITY OF GENEVA )

CASE NO: \_\_\_\_\_

\_\_\_\_\_  
(list all cases that apply to motion)

PLAINTIFF, )  
VS )

JUDGE DAVID A. SCHROEDER

**MOTION FOR SENTENCE**  
**MODIFICATION:**  
**ELECTRONICALLY MONITORED HOUSE**  
**ARREST IN LIEU OF JAIL**

\_\_\_\_\_  
DEFENDANT )

Now comes Defendant and requests this Court to grant a modification of sentence allowing Defendant to serve a number of days of Electronically Monitored House Arrest in lieu of previously sentenced \_\_\_\_\_ days of incarceration in the above mentioned case(s) for the following reason(s):

\_\_\_\_\_  
(Attach a copy of rescheduled commitment, this should indicate 3 reschedule dates over the course of a minimum 1 year since 1<sup>st</sup> original report date)

Respectfully Submitted

\_\_\_\_\_  
Defendant/Attorney for Defendant

Address:

Phone:

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing motion for Sentence Modification was served upon the

State of Ohio Prosecutor, 25 West Jefferson Street, Jefferson, Ohio 44047

OR

City of Geneva Solicitor, 44 North Forrest St, Geneva, Ohio 44041

Through  Hand Delivery/Personal Service  Regular U.S. Mail this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Defendant

If applicable, Prosecutor's Recommendation:  Grant  Deny  Other,

\_\_\_\_\_  
Prosecutor

\_\_\_\_\_  
Date

Court Order

Denied  Granted  Other: \_\_\_\_\_

\_\_\_\_\_  
David A. Schroeder, Judge Ashtabula County Courts, Western Division

IN THE ASHTABULA COUNTY COURTS  
WESTERN DIVISION - GENEVA, OHIO

David A. Schroeder, Judge

Telephone: 440-466-1184

JOURNAL ENTRY

This Court has sentenced the defendant to serve a jail sentence in this case, either in exercise of the Court's sound discretion on sentencing or as mandated by state statute.

This matter is to be set for a hearing, at which time the defendant, his attorney (if applicable), and the prosecutor will appear.

The defendant is hereby ORDERED to bring with him/her, to the hearing, proof of the number of times he/she has reported to the Ashtabula County Jail; proof of employment and other documents to support the Court's exercise of discretion in this matter in modifying the sentence.

It Is So Ordered.

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Date

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Judge

## Filing a Motion Pro Se

### **Pro Se** (For one's self)

It is always best to hire a licensed attorney to file a motion on your behalf to ensure that it is done properly. Any motion not properly filed with the court will be denied without refund for any filing fees. However, individuals are permitted to file Pro Se. A person filing pro se or appearing pro se is doing so without the assistance of a licensed attorney.

### **EMPLOYEES OF THE COURT AND PROBATION ARE NOT LICENSED ATTORNEYS AND THEREFORE CANNOT ASSIST IN THE FILING OF MOTIONS**

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#### **Ohio Rules of Criminal Procedure**

##### **RULE 47. Motions**

An application to the court for an order shall be by motion. A motion, other than one made during trial or hearing, shall be in writing unless the court permits it to be made orally. It shall state with particularity the grounds upon which it is made and shall set forth the relief or order sought. It shall be supported by a memorandum containing citations of authority, and may also be supported by an affidavit.

To expedite its business, the court may make provision by rule or order for the submission and determination of motions without oral hearing upon brief written statements of reasons in support and opposition.

[Effective: July 1, 1973.]

##### **RULE 49. Service and Filing of Papers**

**(A) Service: when required.** Written notices, requests for discovery, designation of record on appeal, written motions other than those heard ex parte, and similar papers, shall be served upon each of the parties.

**(B) Service: how made.** Whenever under these rules or by court order service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the attorney unless service upon the party himself is ordered by the court. Service upon the attorney or upon the party shall be made in the manner provided in Civil Rule 5(B).

**(C) Filing.** All papers required to be served upon a party shall be filed simultaneously with or immediately after service. Papers filed with the court shall not be considered until proof of service is endorsed thereon or separately filed. The proof of service shall state the date and the manner of service and shall be signed and filed in the manner provided in Civil Rule 5(D).

[Effective: July 1, 1973.]

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### **MOTIONS**

A motion is a document filed with a court for a case that is currently pending or a case that has been disposed of already. A motion can be filed in a civil case or a criminal case in the state of Ohio. A motion is made for the purpose of requesting that the judge make a ruling on something or order that something been done in favor of the person making the motion.

#### **BASIC INSTRUCTION**

1. Refer to a copy of a document that was previously filed with the court for the caption of the case and the case number. Copy this information onto your motion. If you do not have any previously filed paperwork, call the court and obtain the caption and cause number.
  2. State what you are requesting from the judge in the body of your motion. Begin your motion with a statement, such as "Comes now the Defendant and files his motion to reduce bail and in support thereof states the following." List the reasons you feel support your request.
  3. Include a certificate of service that certifies that you have sent a copy to the opposing party or to the prosecuting attorney in a criminal case. Sign the motion.
  4. Make copies of the motion and order. Send one to the opposing party or the prosecuting attorney. File the motion and order with the court.
  5. Pay any fees imposed to the Clerk of Court at the time of filing and wait to hear a response.
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Motions fees to be paid at time of filing. All motions carry a fee of \$10.00 except motion for continuance which is \$5.00