

Medina County Court News

SUMMER 2020



Judge Joyce V. Kimbler has a history of the Medina County Courthouse in her jury room. Jurors find this history fascinating. Here is Judge Kimbler's brief history of the Medina County Courthouse:

Medina County was founded in 1818. Over the years, the courthouse has seen many different locations on the square, relocating over the years in order to adapt to the increasing demands of the area's growing population. The first Common Pleas Court sessions of Medina County were held on April 8, 1818 in the Rufus Ferris barn located on Broadway approximately where the Lutheran Church now stands. The second location of the Medina Common Pleas court was in the second floor of a double log house located on the Northwest corner of Liberty and Court streets.

The first permanent courthouse was built in 1821. Fires in 1848 and 1870 which burned many of the public buildings on the square did not touch the first Court House. The original structure, with the upstairs bay window

Medina County Courthouse History



but missing the cupola still stands and is now occupied by Courthouse Pizza on the opposite side of the Square from the present courthouse.

In 1840 the County Commissioners recognized the need for a larger Court House. They bought the corner lot at the corner of Liberty Street and Broadway for \$1,200.00. They contracted with D. H. Weed for the sum of \$3,100,000 plus the old Court House to construct a new Court House building. The 1840 Court House was placed back from the street

with a spacious lawn in front. It was painted with red lead and Spanish brown and a cupola topped the Court House with a gilt ball 16 inches in diameter.

As the County grew there were additions made to the Court House. In 1873 a four-room addition was made to the front of the Court House. A new mansard roof, belfry and clock tower were added with a bell weighing 1000 pounds. More additions were made to the Court House in 1906, 1933, and 1951.



In 1965 the Ohio Legislature approved Medina County's second Common Pleas Judge, General Division. More space was needed at the Court House for a second courtroom. This three-story structure, 134 feet wide and 65 feet deep was built directly south of the existing "old" Court House facing on North Broadway. It was dedicated in January of 1969. The Old Court House and the New Court House were connected to form one building. Today the Court House houses the Courts of Common Pleas

General Division (Judges Christopher J. Collier and Joyce V. Kimbler) as well as the Probate/Juvenile Division (Judge Kevin Dunn) and the Domestic Relations Court (Judge Mary Kovack). Also housed in the Courthouse are the Clerks of Court, Law Library, Grand Jury and Adult Probation.

You can watch a video produced by the Ohio Supreme Court in conjunction with Ohio Public Broadcasting Stations and the Ohio Channel. You can find "Ohio County Courthouses: Seats of Justice- Medina County" at <http://www.ohiochannel.org/video/ohio-county-court-houses-seats-of-justice-medina-county>. This seven-minute video reflects on where we have been and where we are going as a county. It includes an interview with the former Law Director of Wadsworth Norman Bague who is a student of the history of the Medina County Courthouse. You can also learn more by visiting the Medina County Historical Society and Courthouse History.com.

Judge Joyce Kimbler Explains Criminal Sentences



Do you ever say, “I wonder why the judge decided to give that sentence to that defendant?” What are the factors that a judge uses to determine whether one person gets probation while another person goes to prison?

In Ohio, judges of the common pleas courts sentence defendants who have been found guilty of committing felonies. Most felonies in Ohio are divided into five categories or degrees. The most serious offenses are felonies of the first degree. An example of a first degree felony would be aggravated burglary. The least serious offenses are felonies of the fifth degree. An example of a felony of the fifth degree would be drug possession. The degree of felony for which the defendant is being

sentenced has a lot to do with what will happen to that defendant.

Pursuant to H. B. 86, enacted by the Ohio legislature in 2011, a court that sentences an offender for felony shall be guided by the overriding purposes of felony sentencing which are to protect the public from future crime by the offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources. Felonies of the first and second degree carry a presumption that the defendant will go to prison. Felonies of the fourth and fifth degree carry a presumption that the defendant will not go to prison. Felonies of the third

degree carry no presumption either way.

This means that there are certain defendants who cannot be sentenced to prison for a fourth or fifth degree felony. These are defendants who have committed certain non-violent offenses and whose record does not have either a prior felony offense or a misdemeanor offense of violence within two years of the sentencing date.

If a judge decides not to sentence a defendant who has been convicted of a first or second degree felony to prison or, alternatively, decides to sentence a defendant who has been convicted of a fourth or fifth degree felony to prison, that judge has to

make certain factual findings. If those findings cannot be made, then the sentencing presumption for that degree of felony has not been overcome. In such a case the judge should then either impose a prison sentence or not impose a prison sentence depending on the degree of felony.

If a judge does not sentence a defendant to prison, then the judge will impose a sentence that contains what Ohio law refers to as community control sanctions. Those sanctions are divided up into residential sanctions, non-residential sanctions, and financial sanctions.

Residential sanctions include jail sentences, sentences to a community based correctional facility, and sentences to a halfway house. Non-residential sanctions include supervision by a probation

department, drug and alcohol treatment, and other programs. Financial sanctions include fines and restitution.

If a defendant is given community control sanctions and does not complete them, then the judge can impose a prison sentence. Prior to the defendant being given community control sanctions, the judge must advise the defendant of a possible prison sentence if he or she does not complete the community control sanctions.

Ultimately, whether the person goes to prison, or jail, or is placed on probation is up to the judge. However, this discretion must comply with the guidelines established by the Ohio legislature. Now when you read an article in the Post that discusses a sentence imposed by a judge you will know the factors to look for and have a better understanding of the process.

Court of Appeals Upholds Gavon Ramsay Life Without Parole Sentence

On March 31, 2020, the Court of Appeals for the Ninth Appellate District, which has appellate jurisdiction over Medina County, upheld Judge Joyce Kimbler’s sentence of life without parole for the murder of a 98-year Wadsworth woman. Ramsay was indicted for several offenses including aggravated murder, aggravated burglary, kidnapping, and abuse of a corpse. Because he was 17 at the time, he committed these offenses, he did not face the possibility of a death sentence.

Ramsay filed a motion to suppress which Judge Kimbler denied. Following the denial of the suppression motion, Ramsay entered a plea of no contest to the charges in the indictment. After Ramsay changed his plea, Judge Kimbler ordered an evidentiary hearing on what sentence should be imposed.

Following that hearing, Judge Kimbler pronounced a sentence of life without parole for the charge of aggravated murder. Judge Kimbler also sentenced Ramsay to 10 years for aggravated burglary, 10 years for kidnapping, and 12 months for abuse of a corpse, all to run consecutive to each other and to the sentence for aggravated murder.



Looking for a Great French Restaurant? Check Out Sérénité in Medina



As you have probably read, Sérénité Restaurant and Culinary Institute has now been changing lives and serving fine French food in Medina County since it started in 2018. The mission of Sérénité is “to eat well and do good”. And there’s no better place to do that than in Medina County.

The restaurant trains people who are battling drug addiction for jobs in the restaurant and hospitality field. The wait staff, chefs, and other people in the restaurant are often people involved in Judge Joyce V. Kimbler’s Drug Court. The restaurant was started by the founder of Edwin’s in Shaker Heights.

Sérénité Restaurant and Culinary Institute received the 2019 Michael Berken Peace and Justice Award from the Catholic Commission of Wayne, Ashland and Medina Counties. The award was given at the 32nd Annual Pope St. John Paul II Proclamation of Justice Gala Dinner held at Sacred Heart of Jesus Catholic Church Parish Hall on April 6, 2019.

Awards and recognition are nice, but nothing compares to having a student tell you how much their life has been changed by the program. Knowing that we are making a difference in the life of our students and, ultimately, improving the life of our community is the reason we keep looking for new and innovative ways to “do justly” here in Medina County.



Judge Joyce Kimbler: FAR ABOVE THE AVERAGE



Since Judge Joyce V. Kimbler has become judge the criminal caseload has gone from 453 criminal cases being indicted and assigned to her docket in 2015 to 631 cases in 2019. That is an increase of over 39%. Despite the increase in the criminal cases in her court, Judge Joyce Kimbler is clearing cases at a faster than average rate.

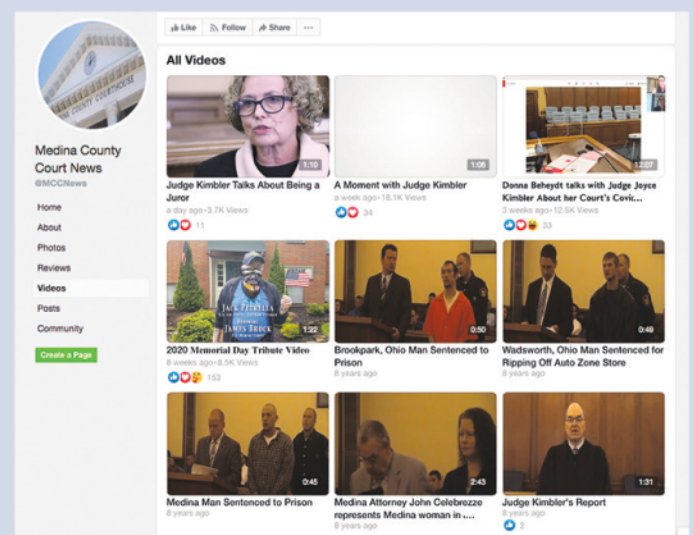
According to the Ohio Supreme Court Judge Kimbler had a clearance rate of more than 100% in seven of the 12 months of 2019. That means in those months she was clearing more cases than were being assigned to her docket. In 2020 her clearance rate is even more impressive. In 2020 she has had a clearance rate of more than 100% in five of the first six months of 2020.

Because of her success in clearing cases, her monthly overage cases are only 5.2% in 2020 compared to statewide average for common pleas judges of 20.9%. In 2019 while the average overage rate was 16.6%, Judge Kimbler’s overage rate was 2.3%. Indeed ever since taking the bench on January 1, 2015, Judge Kimbler has had fewer cases overage than the average common pleas judge in Ohio.

On the civil side, Judge Kimbler is also above average. In 2019, for example, she had a clearance rate above 100% in six of the 12 months. While the average common pleas judge in Ohio had an overage rate of 3.8% for civil cases, Judge Kimbler’s overage rate was only 1.2%. In 2020, Judge Kimbler is doing even better, She has cleared 100% or more of her civil cases in five of the first six months of 2020. She has averaged 1.1% of civil cases being overage while the statewide average is 4.1%.

Medina County Court News Premieres Video Clips on Facebook

On a Saturday in June of 2020 Judge Joyce V. Kimbler sat down for a series of short interviews with Medina County Court News Reporter Kate Feeks. They talked about Judge Kimbler’s professional background, the difference between criminal and civil trials in the Medina County Common Pleas Court, being a juror in Judge Kimbler’s court, and what are the roles of the people in the courtroom. These video clips can be seen on the Facebook Page of Medina County Court News and on our website at www.medinacourtnews.com. No public funds were used in the production or distribution of these video clips.



MedinaCommonPleas.com | MedinaMunicipalCourt.org

MEDINA COURT OF COMMON PLEAS
 Judge Joyce Kimbler
 Judge Christopher Collier
 Judge Mary Kovack – Domestic Relations Court
 Judge Kevin Dunn – Probate and Juvenile Court

MEDINA MUNICIPAL COURT
 Judge Gary Werner
WADSWORTH MUNICIPAL COURT
 Judge Stephen McIlvaine

Judge Joyce Kimbler's Drug Court Program

The mission of the Medina County Drug Court is to improve the overall quality of life in the community by providing a court supervised program for substance dependent offenders that will enhance their likelihood of being productive members of society, while keeping the community safe.

The Drug Court screen offenders for eligibility using the following criteria:

- Any post conviction Community Control or Intervention In Lieu of Conviction (IILOC) eligible case where alcohol and/or drug use was directly or indirectly related to the offense;
- The offender does not have to be a resident of Medina County;
- The offender must be assessed and diagnosed as chemically dependent by the In-house counselor and/or community agency treatment provider.
- The male offender is determined to be high/moderate to high risk and the female offender is determined to be high/moderate to high risk and/or low/moderate risk utilizing the Ohio Risk Assessment System (ORAS);
- The offender must be mentally competent and have the developmental capacity to adhere to the participation requirements.

Potential participants are ineligible for participation in Drug Court if any of the following exist:

- The offender is charged with an offense for which a prison term is mandatory;
- The offender is actively working as a police informant;
- The offender is mentally incompetent and/or has an mental health disorder; which would prevent or interfere with successful completion of the program;
- The offender is an integral part of a distribution or manufacturing network or actively engaged in crimes to benefit a gang.

The Medina County Drug Court will not deny an offender admission to the specialized docket program based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability.

Judge Christopher Collier's Early Intervention Program (EIP)

The mission of Judge Collier's Early Intervention Program is to stop the abuse of alcohol and other drugs related to criminal activity. EIP offers a compelling choice for drug and alcohol addicted individuals who are defendants in Judge Collier's courtroom.

Here's the choice: participate in treatment or stand convicted.

In exchange for successful completion of the one-year treatment program, the court will dismiss the original drug possession charge.

Judge Collier's EIP transforms the roles of the court and treatment providers. The Judge is the central figure in a team effort that focuses on sobriety and accountability as the primary goals.

Because Judge Collier takes on the role of trying to keep participants engaged in treatment, providers can effectively focus on developing a therapeutic relationship with the participant. In turn, treatment providers keep the court informed of each participant's progress so that rewards and sanctions can be provided.

EIP creates an environment with clear and certain rules.

The rules are definite, easy to understand, and most important, compliance is within the individual's control. The rules are based on the participant's performance and are measurable.

For example, the participant appears in court or does not, attends treatment sessions or does not; attends AA or NA or does not; the drug tests reveal drug use or abstinence.

The participant's performance is immediately and directly communicated to Judge Collier, who rewards progress or penalizes noncompliance. Judge Collier's EIP establishes an environment that the participant can understand a system in which clear choices are presented and individuals are encouraged to take control of their own recovery.



History of Women Serving on Juries

By: Judge Joyce V. Kimbler



Women's History Month together with the 100th anniversary of the passage of the 19th Amendment guaranteeing and protecting women's constitutional right to vote led me to contemplating the role women play in the justice system as jurors.

At common law, women were not called to jury service. Blackstone in his commentaries deliberately eliminated them from persons qualified: "The female is excluded propter defectum sexus (because not of the male sex)."

Even after the passage of the Nineteenth Amendment granting women the right to vote, state courts continued to refuse women the right to serve on juries. The Civil Rights Act of 1957 gave women the right to serve on federal juries, but it wasn't until 1973 that all 50 states passed similar legislation. It was not until 1975 that the United States Supreme Court found a constitutional protection for the right of women to serve on juries. In *Taylor v. Louisiana*, 419 U.S. 522, 533 (1975), the Court held that the Sixth Amendment's fair cross-section requirement mandated that states draw juries from venires in which women are not excluded as a class.

It appears that women automatically became eligible for jury service in Ohio when they won the vote in 1920. In Ohio, persons are selected for jury service by random drawing from either a list of registered voters or a combined list of the registered votes and the list of licensed drivers residing in the county or city that the court serves.

In Medina County Court of Common Pleas General Division, jurors are selected from voter registration lists sent to the court from the Medina County Board of Elections at the beginning of each year. A computer program randomly selects the jury pool for the year. To serve on a jury, you must be a bona fide resident of Medina County and at least 18 years of age. A person must not have lost their right to serve on a jury by having been convicted of certain types of crime (or must have had those rights restored). Beyond that, everyone is given the opportunity to be a juror, regardless of age (if at least 18), race, color, creed, occupation or gender. Juries without women would neither represent the community nor allow women full participation as citizens.

Your right to serve as a juror, whether on a grand jury or a petit jury, together with your right to vote are your most direct participation in your own democracy. I encourage you to use this year of celebration as an opportunity to learn more about your rights and responsibilities as an American citizen.