



CLEVELAND HEIGHTS MUNICIPAL COURT

JUDGE J.J. COSTELLO

40 Severance Circle
Cleveland Heights, Ohio 44118

Instruction for filing objections to a Magistrate's Decision – Criminal / Traffic

The clerk will mail you a copy of the Magistrate's Decision in your case. **If you want to object to the Magistrate's Decision you MUST do the following:**

1. Post the fines and costs prior to filing an objection.
2. File a written statement with the court setting forth why you object to the recommendation **within 14 days** from the date the recommendation was filed.
3. Serve a copy of your objections on all other parties to the action by mailing or delivering a copy of the objections to them. You must state in your objections that you file with the court when and how you served the other parties.

A Magistrate's Decision may be general unless findings of fact are timely requested. Timely requested means that findings of fact are requested before the entry of the Magistrate's Decision or within **7 days** after the entry of the Magistrate's Decision. If a party timely makes a request for findings of fact and conclusions of law, the time for filing objections begins to run when the Magistrate files a decision that includes findings of fact and conclusions of law.

After an objection is filed any other party to the action may file a reply to that objection or additional objections within **10 days** of receiving the original objection.

Objections to a factual finding must be supported by a transcript or an affidavit of that evidence if a transcript is not available. These transcripts must be filed within 30 days of the filing of the objections unless the court extends the time for filing in writing.

The Judge is to take an independent review as to the objected matters to ascertain that the Magistrate has properly determined the factual matters and appropriately applied the law.

The Judge may hear additional evidence while it undertakes an independent review as to the objected matters, but it may refuse to do so unless the objecting party demonstrates that the party could not, with reasonable diligence, have produced that evidence for consideration by the magistrate.

Once the Judge enters a final decision, a party can either accept the judgment or appeal the judgment to the Eighth District Court of Appeals. A party has 30 days from the date of the final judgment to file an appeal with the Eighth District Court of Appeals.

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