

Instructions for Completing Rule 37.05 Capital Case Report

(A) Requirement to Report. Rule 37.05 of the Rules of Superintendence for the Courts of Ohio requires each judge assigned a criminal case in which an indictment or a count in an indictment charges the defendant with aggravated murder and contains one or more specifications of aggravating circumstances listed in division (A) of section 2929.04 of the Revised Code to submit a report contemporaneously with their regular monthly statistical report when any of the following events occur during a particular reporting month:

- (1) The assignment of the case the judge;
- (2) The defendant pleads guilty or no contest to any offense in the case;
- (3) The indictment or any count in the indictment is dismissed;
- (4) Final disposition of the charges and specifications in the case, including when the defendant is found guilty of a capital charge and specifications but did not receive the death penalty.

(B) Report Submission. The report shall be submitted to the Case Management Section of the Supreme Court of Ohio by the fifteenth day of the month following the month in which a reportable event occurred. If no reportable event occurs during a particular month, no report is required.

If either the count containing the charge of aggravated murder, or the count containing the aggravating specifications, is disposed of, no subsequent activity in the case is to be reported because that case would no longer contain a capital charge.

When a case is heard by a three-judge panel pursuant to section 2945.06 of the Revised Code, the judge presiding over the case prior to the assembly of the three-judge panel shall be solely responsible for the submission of the report.

(C) Report Form Elements. In addition to spaces for the reporting judge to provide their name, the month and year of the report, and identify the county in which the case is pending, the report contains the following sections concerning case details:

- (1) **Case Information.** The judge shall report the case number, name of the defendant, the date the case was filed, and the date the case was assigned to the reporting judge. In the event a case is reassigned to another judge, that new judge shall report the date the case was reassigned to him or her.
- (2) **Description of Counts.** The judge shall list each count as it appears in the indictment.
- (3) **Disposition of Counts.** The judge shall report, next to the numbered rows that correspond with the counts identified in the Description of Counts section, the disposition

of counts in the indictment as and when they occur. The judge shall indicate in the Disposition Code column a single code describing the manner of disposition of each count disposed of during the reporting month.

The disposition codes are as follows:

- (a) Nolle prosequi
- (b) Dismissal for lack of speedy trial
- (c) Guilty or no contest plea (to judge)
- (d) Guilty or no contest plea (to three-judge panel)
- (e) Trial by jury
- (f) Trial by three-judge panel
- (g) Not guilty by reason of insanity
- (h) Other

If Other is selected as the manner of disposition, the judge shall provide a description of the manner of disposition in the space provided on the report form.

(4) Imposition of Death Penalty. If the defendant was found guilty of a capital offense, the judge shall indicate whether the defendant was sentenced to death.

(5) Use of Additional Sheets. If the judge uses additional sheets in order to provide the information sought through the Description of Counts and Disposition of Counts sections of the report form, the judge shall mark the applicable checkbox on the report form.