

1 **OHIO RULES OF APPELLATE PROCEDURE**
2

3 **RULE 26. Application for Reconsideration; Application for En Banc Consideration;**
4 **Application for Reopening.**
5

6 [Existing language unaffected by the amendments is omitted to conserve space]
7

8 **(B) Application for reopening**
9

10 (1) A defendant in a criminal case or a delinquent child in a juvenile case may apply
11 for reopening of the appeal from the judgment of conviction and sentence; or a judgment
12 of adjudication or disposition based on a claim of ineffective assistance of appellate
13 counsel. An application for reopening shall be filed in the court of appeals where the appeal
14 was decided within ninety days from journalization of the appellate judgment unless the
15 applicant shows good cause for filing at a later time.
16

17 [Existing language unaffected by the amendments is omitted to conserve space]

18 OHIO RULES OF CIVIL PROCEDURE

19
20 **RULE 4. Process: Summons.**

21
22 [Existing language unaffected by the amendments is omitted to conserve space]

23
24 **(D) Waiver of service of summons**

25
26 Service (1) Authority to waive service of summons, generally

27
28 In any type of action, service of summons may be waived in writing by any person
29 entitled thereto under Rule Civ.R. 4.2 who is at least eighteen years of age and not
30 under disability, or by the party's attorney as permitted under division (D)(2) of
31 this rule. For any civil action filed in a Court of Common Pleas, the plaintiff may
32 request that the defendant waive service of a summons pursuant to the provisions
33 of Civ.R. 4.7.

34
35 (2) Waiver by attorney on behalf of a party

36
37 A waiver signed by a party's attorney is presumed to be authorized.

38
39 (3) Waiver by individual on own behalf

40
41 A waiver signed by an individual on that individual's own behalf is valid only if
42 the waiver sets forth a mailing address or e-mail address for that individual, which
43 shall be deemed a proper address for service under Civ.R. 5.

44
45 [Existing language unaffected by the amendments is omitted to conserve space]

46
47 **Proposed Staff Note (July 1, 2024 Amendment)**

48
49 Civil Rule 4(D) is amended in three respects. First, Civ.R. 4(D) and 4.7(B) are amended to clarify
50 that service of summons may be waived in any case. No substantive change is intended in this respect.
51 Second, the rule is amended such that a waiver signed by a party's attorney is presumed to be authorized.
52 This amendment promotes the reliability of a waiver signed by an attorney on behalf of a client and
53 minimizes the risk of a defendant, late in the course of an action, asserting that the attorney lacked authority
54 to waive service of summons on behalf of the defendant. Third, the rule is amended such that a waiver
55 signed by an individual on the individual's own behalf is valid only if the waiver sets forth a mailing or e-mail
56 address for that individual, which address is then deemed proper for service of subsequent papers. This
57 amendment is prompted by instances, especially in juvenile court and domestic relations court, of
58 unrepresented parties waiving service of summons without providing the court and the opposing parties an
59 address for service of subsequent papers.

RULE 4.1. Process: Methods of Service.

[Existing language unaffected by the amendments is omitted to conserve space]

(A) Service by clerk

(1) Methods of service

(a) Service by United States certified or express mail

Evidenced by return receipt signed by any person accepting delivery, service of any process shall be by United States certified or express mail unless otherwise permitted by these rules. The clerk shall deliver a copy of the process and complaint or other document to be served to the United States Postal Service for mailing at the address set forth in the caption or at the address set forth in written instructions furnished to the clerk as certified or express mail return receipt requested, with instructions to the delivering postal employee to show to whom delivered, date of delivery, and address where delivered.

(b) Service by commercial carrier service

Unless the serving party furnishes written instructions to the clerk that service be made pursuant to Civ.R. 4.1(A)(1)(a), the clerk may make service of any process by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The clerk shall deliver a copy of the process and complaint or other document to be served to a commercial carrier service for delivery at the address set forth in the caption or at the address set forth in written instructions furnished to the clerk, with instructions to the carrier to return a signed receipt showing to whom delivered, date of delivery, and address where delivered.

[Existing language unaffected by the amendments is omitted to conserve space]

RULE 4.7. Process: Waiving Service.

(A) Requesting a waiver

An individual, corporation, partnership, or association that is subject to service under Civ.R. 4 through 4.6 has a duty to avoid unnecessary expenses of serving the summons. The plaintiff may notify such a defendant that an action has been commenced and request that the defendant waive service of a summons. The notice and request must satisfy all of the following requirements:

- (1) Be in writing and be addressed as required by Civ.R. 4.2;
- (2) Name the court where the complaint was filed;
- (3) Be accompanied by a copy of the complaint, two copies of the waiver form appended to this Rule 4.7, and a prepaid means for returning the form;
- (4) Inform the defendant, using the form appended to this Rule 4.7, of the consequences of waiving and not waiving service;
- (5) State the date when the request is sent;
- (6) Give the defendant a reasonable time of at least twenty-eight days after the request was sent - or at least sixty days if sent to the defendant outside of the United States - to return the waiver; ~~and~~
- (7) Be sent by first-class mail or other reliable means.

(B) ~~Limited to courts of common pleas~~ Scope of application

The waiver of service provisions in this rule ~~are limited to apply only in civil actions filed in the courts of common pleas but, except that they do not apply to civil protection orders pursuant to petitions seeking orders under Civ.R. 65.1 or to nor domestic relations matters as defined in R.C. 3105.011.~~

(C) Failure to waive

If a defendant over which the court has personal jurisdiction fails, without good cause, to sign and return a waiver requested by a plaintiff, ~~then~~ the court may impose on the defendant both of the following:

- (1) The expenses later incurred in making service; ~~and~~
- (2) The reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

[Existing language unaffected by the amendments is omitted to conserve space]

[Form] RULE 4.7 NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF SUMMONS.

(Caption)

To *(name the defendant or — if the defendant is a corporation, partnership, or association — name an officer or agent authorized to receive service)*:

WHY ARE YOU GETTING THIS?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these possible expenses, you must return the signed waiver within (give at least 28 days or at least 60 days if the defendant is outside the United States) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

WHAT HAPPENS NEXT?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: _____

~~(Signature of the attorney or unrepresented party)~~

~~(Printed name)~~

(Address)

(E-mail address)

(Telephone number)

Name of party requesting waiver of service of summons: _____

Individual issuing this request on behalf of that party:

Printed name: _____

Signature: _____

Address: _____

E-mail address: _____

Telephone number: _____

[Form] RULE 4.7 WAIVER OF THE SERVICE OF SUMMONS.

(Caption)

To *(name the plaintiff's attorney or the unrepresented plaintiff)*:

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment could be entered against me or the entity I represent.

235 Date: _____
236 _____

237 ~~(Signature of the attorney or unrepresented party)~~
238 _____
239 _____

240 _____
241 ~~(Printed name)~~
242 _____
243 _____
244 _____

245 ~~(Address)~~
246 _____
247 _____
248 _____

249 ~~(E-mail address)~~
250 _____
251 _____
252 _____

253 ~~(Telephone number)~~
254 _____
255 _____
256 _____

257 Name of party waiving service of summons: _____
258 _____

259 Individual signing on behalf of party waiving service of summons:
260 _____

261 Printed name: _____
262 _____

263 Relationship to party waiving service of summons: _____
264 _____

265 Signature: _____
266 _____

267 Address: _____
268 _____

269 E-mail address: _____
270 _____

271 Telephone number: _____
272 _____

273 (Attach the following)
274 _____

275 **DUTY TO AVOID UNNECESSARY EXPENSES OF SERVING A SUMMONS**
276 _____

277 Rule 4.7 of the Ohio Rules of Civil Procedure requires certain defendants to cooperate in
278 saving unnecessary expenses of serving a summons and complaint. A defendant who is
279 subject to the court's personal jurisdiction and who fails to return a signed waiver of service
280 requested by a plaintiff may be required to pay the expenses of service, unless the defendant
281 shows good cause for the failure.
282 _____

283 “Good cause” does not include a belief that the lawsuit is groundless, or that it has been
284 brought in an improper venue, or that the court has no jurisdiction over this matter or over
285 the defendant or the defendant’s property.
286

287 If the waiver is signed and returned, you can still make these and all other defenses and
288 objections, but you cannot object to the absence of a summons or of service.
289

290 If you waive service, then you must, within the time specified on the waiver form, serve an
291 answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing
292 and returning the waiver form, you are allowed more time to respond than if a summons
293 had been served.
294

295 **Proposed Staff Note (July 1, 2024, Amendment)**
296

297 Division (B) of this rule is amended with Civ.R. 4(D) to clarify that service of summons may be
298 waived in any type of action. No substantive change is intended. The signature blocks of the forms are
299 amended to promote clarity.

RULE 30. Depositions Upon Oral Examination.

[Existing language unaffected by the amendments is omitted to conserve space]

(D) ~~Motion~~ Duration; motion to terminate or limit examinations

(1) Duration

Unless otherwise stipulated or ordered by the court, a deposition is limited to one day of seven hours. The court shall allow additional time consistent with Civ.R. 26(B)(6)(a) and (b) if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination.

(2) Motion to terminate or limit examinations

At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in Civ.R. 26(C). If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. The provisions of Civ.R. 37 apply to the award of expenses incurred in relation to the motion.

[Existing language unaffected by the amendments is omitted to conserve space]

RULE 45. Subpoena.

(A) Form; issuance; notice

[Existing language unaffected by the amendments is omitted to conserve space]

(3) A party on whose behalf a subpoena is issued under division (A)(1)(b)(ii), (iii), (iv), (v), or (vi) of this rule shall serve prompt written notice, including a copy of the subpoena, on all other parties as provided in Civ.R. 5. If the ~~issuing attorney modifies a subpoena issued under division (A)(1)(b)(ii), (iii), (iv), (v), or (vi) of this rule in any way~~ is modified, the ~~issuing attorney party on whose behalf the subpoena is issued~~ shall give prompt written notice of the modification, including a copy of the subpoena as modified, to all other parties.

(B) Service

A subpoena may be served by a sheriff, bailiff, coroner, clerk of court, constable, or a deputy of any, by an attorney at law, or by any other person designated by court order of court who is not a party and is not less than eighteen years of age under Civ.R. 4.1(E). Service of a subpoena upon a person named therein shall be made by delivering a copy of the subpoena to the person, by reading it to him or her in person, by leaving it at the person's usual place of residence, or by placing a sealed envelope containing the subpoena in the United States mail as certified or express mail return receipt requested with instructions to the delivering postal authority to show to whom delivered, date of delivery and address where delivered, and by tendering to the person upon demand the fees for one day's attendance and the mileage allowed by law. The person responsible for serving the subpoena shall file a return of the subpoena with the clerk. When the subpoena is served by mail delivery, the person filing the return shall attach the signed receipt to the return. If the witness being subpoenaed resides outside the county in which the court is located, the fees for one day's attendance and mileage shall be tendered without demand. The return may be forwarded through the postal service or otherwise.

(C) Protection of persons subject to subpoenas

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

(2) A

~~(a)~~ A person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing, or trial.

~~(b)(3)~~ Subject to division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b), (iii), (iv), (v), or (vi) of this rule may, within fourteen days after service

of the subpoena or before the time specified for compliance if such time is less than fourteen days after service, serve upon the party or attorney designated in the subpoena written objections to production. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena, upon notice to the person commanded to produce, may move at any time for an order to compel the production. An order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the production commanded.

~~(3)~~(4) On timely motion, the court from which the subpoena was issued shall quash or modify the subpoena, or order appearance or production only under specified conditions, if the subpoena does any of the following:

- (a) Fails to allow reasonable time to comply;
- (b) Requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;
- (c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial as described by Civ.R. 26(B)(7)(h), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;
- (d) Subjects a person to undue burden.

~~(4)~~(5) Before filing a motion pursuant to division (C)~~(3)~~(4)(d) of this rule, a person resisting discovery under this rule shall attempt to resolve any claim of undue burden through discussions with the issuing attorney or unrepresented party. A motion filed pursuant to division (C)~~(3)~~(4)(d) of this rule shall be supported by an affidavit of the subpoenaed person or a certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

~~(5)~~(6) If a motion is made under division (C)~~(3)~~(4)(c) or (C)~~(3)~~(4)(d) of this rule, the court shall quash or modify the subpoena unless the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated.

[Existing language unaffected by the amendments is omitted to conserve space]

414 **OHIO RULES OF CRIMINAL PROCEDURE**

415

416 **RULE 4. Warrant or Summons; Arrest.**

417

418 **[Existing language unaffected by the amendments is omitted to conserve space]**

419

420 **(E) Arrest**

421

422 **(1) Arrest upon warrant**

423

424 (a) Where a person is arrested upon a warrant that states it was issued before a

425 scheduled initial appearance, or the warrant is silent as to when it was issued, the

426 judicial officer before whom the person is brought shall determine bail.

427

428 (b) Where a person is arrested upon a warrant that states it was issued after an

429 initial appearance or the failure to appear at an initial appearance and the arrest

430 occurs either in the county from which the warrant issued or in an adjoining county,

431 the arresting officer shall, except as provided in division (F) of this rule, where the

432 warrant provides for the posting of bail, permit the arrested person to post a sum of

433 cash or secured bail bond as contained in the warrant with the requirement that the

434 arrested person appear before the warrant issuing court at a time and date certain,

435 or bring the arrested person without unnecessary delay before the court that issued

436 the warrant.

437

438 (c) Where a person is arrested upon a warrant that states it was issued after an

439 initial appearance or the failure to appear at an initial appearance and the arrest

440 occurs in any county other than the county from which the warrant was issued or in

441 an adjoining county, the following sequence of procedures shall be followed:

442

443 (i) Where the warrant provides for the posting of bail, the arrested

444 person shall be permitted to post a sum of cash or secured bail bond as

445 contained in the warrant with the requirement that the arrested person

446 appear before the warrant issuing court at a time and date certain.

447

448 (ii) The arrested person may in writing waive the procedures in division

449 (E)(1)(c)(iii) of this rule after having been informed in writing and orally by

450 a law enforcement officer of those procedures, and consenting to being

451 removed to the warrant issuing court without further delay. This waiver

452 shall contain a representation by a law enforcement officer that the waiver

453 was read to the arrested person and that the arrested person signed the

454 waiver in the officer's presence.

455

456 (iii) Where the warrant is silent as to the posting of bail, requires that the

457 arrested person be held without bail, the arrested person chooses not to post

458 bail, or the arrested person chooses not to waive the procedures contained

459 in division (E)(1) of this rule, the arrested person shall, except as provided

in division (F) of this rule, be brought without unnecessary delay before a court of record therein, having jurisdiction over such an offense, and the arrested person shall not be removed from that county until the arrested person has been given a reasonable opportunity to consult with an attorney, or individual of the arrested person's choice, and to post bail to be determined by the judge or magistrate of that court not inconsistent with the directions of the issuing court as contained in the warrant or after consultation with the issuing court. If the warrant is silent as to the posting of bail or holding the arrested person without bail, the court may permit the arrested person to post bail, hold the arrested person without bail, or consult with the warrant issuing court on the issue of bail.

(d) d) If the arrested person is not released, the arrested person shall then be removed from the county and brought before the court issuing the warrant, without unnecessary delay and not later than the time prescribed by statute for the defendant's first bail hearing. If the arrested person is released, the release shall be on condition that the arrested person appear in the issuing court at a time and date certain.

(2) Arrest without warrant. Where a person is arrested without a warrant and has not been released from custody pursuant to division (F) of this rule, the arresting officer - shall, ~~except as provided in division (F),~~ bring complete the following tasks:

(a) Promptly cause to be prepared a criminal complaint or sworn statement setting forth probable cause supporting the arrest. A judge or magistrate of a court having jurisdiction over the offense shall review for probable cause the officer's complaint or sworn statement without unnecessary delay and, notwithstanding Crim. R. 45, not later than 48 hours after the arrest. The probable cause review need not be conducted in open court or on the record. If the reviewing judge or magistrate does not find that the complaint or statement establishes probable cause to believe an offense has been committed, the defendant shall be released for that offense.

(b) Bring the arrested person without unnecessary delay, and not later than the time prescribed by statute for the defendant's first bail hearing, before a court having jurisdiction of the offense, and shall file or cause to be filed a complaint describing the offense for which the person was arrested. Thereafter the court shall proceed in accordance with Crim. R.5.

[Existing language unaffected by the amendments is omitted to conserve space]

Proposed Staff Note (July 1, 2024, Amendment)

Crim.R. 4 has been amended to explicitly conform with constitutional and statutory requirements concerning warrantless arrests and the processing of persons who have been arrested and not yet released on bail.

508 *Probable Cause Review for Warrantless Arrests*

509
510 With respect to warrantless arrests, the Rule has been amended to require that the arresting
511 officer promptly provide a judicial officer having jurisdiction over the offense with a sworn statement
512 setting forth the officer's belief that there is probable cause to hold the person arrested for an offense.
513 The judicial officer must review the officer's statement and make an independent probable cause
514 determination without unnecessary delay and in no event later than 48 hours after arrest.

515
516 This requirement, set forth in division (E)(2)(i), is constitutionally required. Post-arrest detention is
517 a Fourth Amendment "seizure" that must be based on probable cause. Constitutionally, the requirement
518 is that the probable cause determination be made "promptly after arrest" by a neutral and detached
519 government official. See, *Gerstein v. Pugh*, 420 U.S. at 125. Anything less than 48 hours from the time
520 of the arrest until the determination of probable cause is considered sufficiently prompt so as to avoid a
521 systemic challenge to that jurisdiction's arrest procedures (although, on an individual basis, a delay could
522 be violative of the Fourth Amendment even if the probable cause determination is made in less than 48
523 hours). *County of Riverside v. McLaughlin*, 500 U.S. 44, 111 S.Ct. 166, 114 L.Ed.2d 49 (1991).

524
525 *Riverside* underscored that the police do not comply with the Fourth Amendment when they
526 arrest a person without a warrant and then use the ensuing time to establish probable cause for the
527 already-executed warrantless arrest. The 48 hours contemplated by *Riverside* represents the outside
528 time frame by which police, who must have had probable cause when they made the arrest in the first
529 place, and the court must ensure that a neutral and detached government official will have reviewed the
530 complaint for probable cause. The 48 hours contemplated as the outer deadline in *Riverside* is inclusive
531 of weekends and holidays; for that reason, the Rule explicitly excludes Crim.R. 45's normal computation
532 from the deadline for determining probable cause for the warrantless arrest.

533
534 The determination of probable cause required within 48 hours of arrest need not be conducted
535 pursuant to a hearing or in open court. Rather, much like judicial review of an application for a search
536 warrant under Crim.R. 41, judicial review of the arresting officer's probable cause statement can be
537 conducted informally, outside of court, and outside the presence of either the parties or any alleged victim
538 of the offense of arrest. The judicial officer's ex parte review of the arresting officer's sworn statement
539 can be conducted via remote communication.

540
541 *First Appearance of Defendant*

542
543 R.C. 2937.011(J)(1) requires that persons who have been arrested and not yet released be
544 brought to open court for a bail hearing by "the second court day" following arrest. The Rule has been
545 amended to be in accord with this statutory provision.

546
547 The amended Crim.R. 4 also provides that the "second court day" is the time limit for filing the
548 complaint. This is required by Crim.R. 5, which states that the complaint will be reviewed with the
549 defendant at the defendant's initial appearance before the court. Accord, Crim.R. 10 (arraignment
550 procedure includes the reading of the complaint).

551 **OHIO RULES OF EVIDENCE**

552
553 **RULE 101. Scope of Rules: Applicability; Privileges; Exceptions.**

554
555 **(A) Applicability**

556
557 These rules govern proceedings in the courts of this state, subject to the exceptions stated
558 in division ~~(C)~~(D) of this rule.

559
560 **[Existing language unaffected by the amendments is omitted to conserve space]**

RULE 702. Testimony by Experts.

A witness may testify as an expert if the proponent demonstrates to the court that it is more likely than not that all of the following apply:

(A) The witness' testimony either relates to matters beyond the knowledge or experience possessed by lay persons or dispels a misconception common among lay persons;

(B) The witness is qualified as an expert by specialized knowledge, skill, experience, training, or education regarding the subject matter of the testimony;

(C) The witness' testimony is based on reliable scientific, technical, or other specialized information and the expert's opinion reflects a reliable application of the principles and methods to the facts of the case. To the extent that the testimony reports the result of a procedure, test, or experiment, the testimony is reliable only if all of the following apply:

(1) The theory upon which the procedure, test, or experiment is based is objectively verifiable or is validly derived from widely accepted knowledge, facts, or principles;

(2) The design of the procedure, test, or experiment reliably implements the theory;

(3) The particular procedure, test, or experiment was conducted in a way that will yield an accurate result.

Proposed Staff Note (July, 1, 2024 Amendment)

The amendment adopts 2023 changes to Fed. R. Evid. 702.

591 **OHIO RULES OF JUVENILE PROCEDURE**

592
593 **RULE 9. Intake.**

594
595 **(A) Court action to be avoided**

596
597 In all appropriate cases formal court action should be avoided and other community
598 resources utilized to ameliorate situations brought to the attention of the court.
599

600 **(B) ~~Screening; referral~~ Notification**

601
602 ~~Information that a child is within the court's jurisdiction may be informally screened prior~~
603 ~~to the filing of a complaint to determine whether the filing of a complaint is in the best~~
604 ~~interest of the child and the public~~ If formal court action is avoided pursuant to division
605 (A) of this rule, the court shall notify the prosecuting attorney and the victim of the offense
606 in accordance with Chapter 2930 of the Revised Code.