

CLEVELAND MUNICIPAL COURT
HOUSING DIVISION
JUDGE RONALD J. H. O'LEARY

MOTION TO MODIFY A CRIMINAL SENTENCE



**BEFORE YOU FILE A MOTION TO MODIFY
(reduce or change) A CRIMINAL SENTENCE, READ THE
INSTRUCTIONS ON THE REVERSE SIDE CAREFULLY.**

ALSO, BE AWARE THAT:

- In general, the Court will consider a motion to modify only if the case is currently under the TERMS OF COMMUNITY CONTROL.

AND

- In general, the Court will consider only ONE MOTION TO MODIFY on any given case. This means that you have ONLY ONE OPPORTUNITY to convince the Court to change your sentence. So, be sure that you have completed ALL necessary work on the property before filing the motion, and include ALL documentation with your motion.

If you have questions, see a Housing Specialist BEFORE you file the motion.

Instructions for Filing a Motion to Modify a criminal sentence:

- 1.** Attached is a blank “Motion to Modify” form. This form is provided by the Court as a courtesy. You are not required to use this form; however, the form is designed to ensure that you supply the Court with the information it will need to rule on your motion.
- 2. Fill out the Motion to Modify form completely**, filling in all of the applicable blanks. If you need help filling out the form, you may ask a Housing Court Specialist. Their offices are located on the 13th floor of the Justice Center.
- 3.** Attach to the motion **all** evidence you would like the Court to consider, including receipts and photographs. **Do not assume that you will have a hearing or another chance to submit additional evidence.** The Court may review the motion and rule on it without a hearing.
- 4.** Before you file it, make **3 copies** of the completed motion with all attachments. One copy is for the Judge, one is for the City’s attorney, and one is for your records.
- 5.** Serve a copy of the completed motion on the attorney for the City of Cleveland. You can mail the copy to the attorney, or deliver it by hand. Your motion, at the bottom, contains a place for you to verify that you have served it upon the City attorney. If you do not deliver a copy of the motion to the City attorney, and verify in your motion that you have done so, your motion may be dismissed.
- 6.** File the original completed motion with the Clerk of Court on the 3rd Floor of the Justice Center. There is a \$5 charge for filing a motion to modify.
- 7. Immediately after you file the motion, deliver a copy of the motion to Judge O’Leary’s personal bailiff on the 13th floor.** The copy you deliver is called a “courtesy copy.” Delivery of it ensures that the Court is aware of the filing of the motion.
- 8. FILING A MOTION TO MODIFY DOES NOT STAY THE EXECUTION OF SENTENCE IN YOUR CRIMINAL CASE.** Unless and until the motion is granted, you must make any payments you have been ordered to make, serve any jail time, and complete any other portion of the sentence which has been ordered.
- 9. The Court will notify you in writing of its decision on your motion.** Include your current address in your motion, so the court can notify you of its ruling.
- 10.** If you have questions, see a Housing Specialist BEFORE you file the motion.

CLEVELAND MUNICIPAL COURT
HOUSING DIVISION
CUYAHOGA COUNTY, OHIO
RONALD J. H. O'LEARY, JUDGE

CITY OF CLEVELAND
Plaintiff(s)

DATE: _____

vs.

CASE NO. _____

Defendant(s)

MOTION TO MODIFY
COMMUNITY CONTROL

1. I am the Defendant in this case.
2. On _____, 20_____, the court entered the following sentence
in this case: _____

3. I have paid \$_____ and/or served _____ days in jail so far.
4. I received this sentence described for violations at the property located at
_____.
5. This property is residential property/commercial property.
(circle one)
6. I am asking this court to mitigate, or reduce, the sentence which was imposed, for
the following reasons, which represent a change in circumstances since the day I
was sentenced: I have attached all documentation I would like the court to
consider. (*Attach copies of documents and other evidence you would like the court
to consider, including receipts, permits, photographs, deeds, sale agreements,
etc.*):

(continue of next page)

6. (continued from previous page) _____

(Attach additional sheets if necessary)

7. I am _____ years old.

8. I do / do not live in the property which is the subject of this case.
(circle one)

9. I do / do not receive rent from the property which is the subject of this case.
(circle one)

10. My total monthly income is \$ _____, which includes the following amounts from the following sources:

\$ _____ per month, from _____

\$ _____ per month, from _____

\$ _____ per month, from _____
(amount) (list ALL sources)

X _____
(Signature)

Current Address: _____

Current Telephone: _____

SERVICE

I _____ hand delivered (or) _____ sent a copy of this motion by regular mail to the attorney for the City of Cleveland, Law Department, Room 106, City Hall, 601 Lakeside Avenue, Cleveland, Ohio on _____, 20____.

X _____
(Signature)