

## **Rule 8.10 Men's Achievement Recovery Court**

### **(A) Creation**

Men's Achievement Recovery Court ("MARC") is created pursuant to the specialized docket standards set forth in Sup.R. 36.20-36.28, including **Appendix I** thereto. The purpose of MARC is to facilitate efficient and effective treatment of drug addicted or drug abusing male offenders. Eligible male offenders as defined in Subsection (C) of this Rule shall be supervised by the Probation Services Department ("Probation Services") to ensure compliance with community control sanctions and to assist with criminogenic needs.

### **(B) MARC Team**

The "MARC Team" shall consist of the Judge assigned to MARC ("MARC Judge"), Probation Services Manager and staff, Probation Officers, licensed treatment providers, community-based employment program personnel, an Assistant Prosecuting Attorney assigned to MARC, and defense counsel. The MARC Team shall convene weekly to discuss the progress and status of individual offenders, apply sanctions as needed, and for any other matters.

### **(C) Eligibility Criteria for MARC Admission**

- (1) *Method of Admission.* The original Assigned Judge may order a male offender to MARC through a guilty or no contest plea, probation violation, judicial release, other early release options, or intervention in lieu of conviction pursuant to R.C. 2951.041 ("ILC").
- (2) *Eligibility.* In order for a male offender to be eligible for MARC, the offender shall:
  - (a) Be amenable to community control;
  - (b) Be charged with a third, fourth, or fifth degree felony (cases involving first and second-degree felonies will be staffed on a case-by-case basis);
  - (c) Be a resident of Ohio;
  - (d) Have little or no history of violent behavior;
  - (e) Be abusing illegal chemicals or have a chemical abuse addiction in which the offender's current or past criminal behavior has been alcohol or drug driven;
  - (f) Have no acute health condition or severe mental health diagnosis; and
  - (g) Demonstrate a sincere willingness to participate in a long-term treatment process.
- (3) *OVI Track Eligibility.* In order for a male offender to be eligible for the OVI Track the following additional criteria shall be met:
  - (a) The offender has current felony or misdemeanor OVI offenses;

- (b) Alcohol and/or drugs were the underlying factors for which offense occurred;
- (c) The offender is at risk for continued OVI related offenses;
- (d) Offenses of violence (felony one, two and threes) must be staffed with the MARC Judge; and
- (e) The offender cannot have a prior conviction for Aggravated Vehicular Homicide or Vehicular Assault.

**(D) Referral to MARC**

MARC receives referrals from the original Assigned Judge. The MARC Team shall review the case for legal and clinical eligibility as identified in Subsection (C)(2)(a)-(g) of this Rule. The MARC Judge shall have final discretion to decide if the offender is ordered to MARC.

**(E) Sentencing**

After an offender is ordered to MARC as a community control or ILC sanction, along with any other appropriate sanctions, the case shall be transferred to the MARC Judge for any and all further court proceedings. The MARC Judge shall have the authority to conduct arraignments, accept pleas, enter findings and dispositions, order or modify community control or ILC sanctions, and revoke community control or ILC.

**(F) Treatment Phases**

MARC offenders shall be required to complete phases of treatment as individually necessary and to complete all other requirements as identified in the MARC Participant Handbook and the MARC Participation Agreement. MARC offenders shall comply with all the rules indicated to them by the MARC Judge at their initial appearance. While in MARC, the offender shall receive services to assist in meeting criminogenic needs. Upon graduation from MARC, the offender may be required to remain under community control or ILC sanctions to ensure continued compliance and success.

**(G) Sanctions for Non-Compliance**

Sanctions for a MARC offender's non-compliance vary in intensity and may include, but are not limited to, the following:

- (1) Warning and admonition from the MARC Judge;
- (2) Increased frequency of drug or alcohol testing and court appearances;
- (3) Increased supervision contacts and monitoring;
- (4) Community service or work program;
- (5) Electronic monitoring or continuous alcohol monitoring;
- (6) Community control or ILC violation;
- (7) Termination from MARC;

- (8) Commitment to the MonDay Community Correctional Facility, or any other Community-Based Correctional Facility (“CBCF”) approved by the court; and
- (9) Revocation of supervision, to include sentencing to local incarceration or the Ohio Department of Rehabilitation and Corrections.

**(H) Unsuccessful Terminations**

- (1) *Reasons.* Reasons for termination from MARC include, but are not limited to:
  - (a) Failure to abstain from the use of illegal substances or alcohol;
  - (b) Violation of the Probation Services General Conditions of Supervision and/or Special Conditions for OVI Offenders, if applicable;
  - (c) Violation of any community control or ILC sanctions; and
  - (d) Failure to comply with the MARC Participation Agreement or any other orders of the MARC Judge.
- (2) *Post-Termination Hearing.* If an offender is terminated from MARC for reasons stated in Subsection (H)(1) of this Rule, or for any other reason as determined by the MARC Judge, the offender may be subject to a community control or ILC revocation hearing. If a hearing is required pursuant to this Rule:
  - (a) The MARC Judge shall adjudicate the proceedings;
  - (b) The offender may have the offender’s community control or ILC sanctions modified. Modifications may include, but are not limited to, commitment to a CBFC, revocation of community control or ILC, or termination from MARC;
  - (c) The MARC Judge shall have the sole discretion to refer an offender to the original Assigned Judge for further proceedings; and
  - (d) The laws governing revocation apply, and the offender has a right to counsel.

**(I) Statistical Reports**

For purposes of Ohio Supreme Court statistical reports, the case shall be considered disposed by the original Assigned Judge when the offender is sentenced to MARC or the offender is ordered into MARC as a condition of ILC.

Amended, effective September 24, 2024.

Amended, effective January 1, 2025, to correct scrivener’s error.