

IN THE ASHTABULA MUNICIPAL COURT
ASHTABULA, OHIO

FILED

2020 APR 21 A 11:21

IN RE:)

THIRD)

EMERGENCY ORDER)

IN RESPONSE TO THE)

COVID-19 (CORONAVIRUS))

PUBLIC HEALTH CRISIS)

(LOCAL RULES OF COURT)

MODIFIED))

ASHTABULA
MUNICIPAL COURT

AMENDED

JUDGMENT ENTRY

The Court hereby temporarily modifies the Local Rules of Court, effective immediately and consolidates its prior orders dated March 18 and March 23, 2020.

This third emergency order is based on the Findings of Fact contained in its March 18 and March 23, 2020 "Order Declaring a Judicial Emergency and Continuity of Operations of the Court in Response to the COVID-19 Pandemic" and this Court's findings herein; that the Ohio Supreme Court issued a bench card on March 20, 2020, that the Director of the Ohio Department of Health issued a "Stay at Home" Order on March 22, 2020; and that the President of the United States issued an order on March 18, 2020 that all evictions and foreclosures involving United States Department of Housing and Urban Development be terminated:

Public Access to Justice Center

Subject to further order of the Court, the only persons permitted access to the Justice Center for Court purposes, are the parties to a case (plaintiff and defendant), the victim and/or victim's representative, and any persons subpoenaed to be at court as a witness on a scheduled case. **All other persons shall not be permitted access until further notice.**

Arraignments

Subject to further order of the Court, all in-person arraignment (both Criminal and Traffic) of individuals released on bond shall be and are hereby continued until on or after May 20, 2020. Such arraignment will be scheduled in a staggered fashion so as to limit the number of persons in the Justice Center and the courtroom at any particular time. If individual is represented by counsel, a not guilty plea can be entered in absentia and matter will be set for pre-trial. Arraignment shall be conducted as usual of persons incarcerated in the Ashtabula City Jail and the Ashtabula County Jail, by video.

Misdemeanor Criminal/Traffic Cases

All discovery shall be exchanged electronically between the prosecutor and defense counsel.

All criminal and traffic pre-trials (both represented by counsel and *pro se*) shall be conducted via telephone, video conference or email between the parties without the Court's presence. The prosecutor shall notify the Court in writing of the outcome of the pre-trial within 48 hours of the scheduled hearing.

Felony cases

Felony Preliminary Hearings will be reviewed and heard on a case by case basis, either in person or by video if possible.

All plea offers in felony cases shall be made in writing by the prosecutor to defense counsel, prior to the scheduled Preliminary Hearing. If an offer is accepted, the Court shall be notified prior to the hearing.

Pleas: If the defendant is incarcerated, a plea to a misdemeanor charge will occur via video conference from the Ashtabula City or County Jail. Counsel for defendant shall be present at the Court for the video conference. If the defendant has been released on bond, the defendant and defense counsel shall report to Court for a change of plea hearing, which will be set out after May 20, 2020.

Waivers: if the defendant is incarcerated, preliminary hearing waivers shall take place via video conference between the Court and Ashtabula City or County Jail. Counsel for the defendant shall be present at the Court for the video conference. If the defendant has been released on bond, the defendant and defense counsel shall report to Court to execute the waiver.

Evidentiary Preliminary Hearings: If the defendant is incarcerated, the defendant shall be transported to Court for the hearing. If the defendant has been released on bond, the defendant and counsel shall report to Court for the hearing.

Jury and Bench Trials

All jury and bench trials, both criminal and civil, that are to occur during April and May 2020, are hereby suspended and shall be rescheduled for June 2020 and thereafter, subject to further order of the Court.

Change of Plea Hearings

Subject to further order of the Court, all change of plea hearings unless done by video shall be continued until after May 20, 2020.

Speedy Trial rights, Statutes of Limitation, and Time Limitations

Pursuant to Section 2945.72(H) of the Ohio revised code, Am. Sub. H.B. 197 which was enacted March 27, 2020, and the March 27, 2020 "Administrative Actions" Entry of The Supreme Court of Ohio and unless otherwise ordered in a particular case, the Court hereby immediately tolls, extends the time for and continues all preliminary hearings and trials, including jury trials, and all statutes of limitation retroactive to March 9, 2020 and until expiration of the Governor of Ohio's Executive Order 2020-01D or July 30, 2020, whichever occurs earlier. All filing deadlines established in any specific case pending

before this Court shall NOT be affected by this provision pursuant to Section (G) of the aforesaid The Supreme Court of Ohio March 27, 2020 Entry.

Probation appointments

All probation appointments and in-home visits shall be conducted telephonically. No in-person probation meetings shall be conducted until further notice.

Probation, Status Hearings, Status on Jail and Contempt Hearings

All probation, status hearings, status on jail, and contempt hearings shall be rescheduled after May 20, 2020.

Recovery Court Status Hearings/Treatment Team Meetings

All weekly status hearing and in-home visits shall continue to be conducted by Zoom. No in-person meetings shall be conducted until May 20, 2020. Participants are encouraged to attend AA/NA meetings online if available.

Treatment team members shall be required to continue to provide weekly updates to the Drug Court Administrator no later than Wednesdays at 11:00 a.m. Treatment Team meetings shall continue to be conducted by Zoom and are not to meet in person absent further order of the Court.

Civil Cases

All Default Hearings and 2nd Cause Hearings are cancelled until further order of the Court.

All pre-trials, trials, evictions, small claims hearings, garnishment hearings, objections, and bank attachments are to be continued until on or after May 18, 2020 or as otherwise ordered by the Court. Such hearings will be scheduled in a staggered fashion so as to limit the number of person in the Justice Center and Courtroom at any particular time.

All parties are encouraged to use electronic means for any filings, such as; facsimile, email, and regular mail.

Writs of Restitution

All Writ of Restitution and move-outs shall not be executed "absent emergency circumstances" until on or after May 18, 2020.

Monday morning 8:00 a.m. walk-in warrants

All walk-in warrants on Monday mornings are cancelled until further order of the Court. Misdemeanor warrants can be recalled via telephone upon payments of \$750.00 / 10% bond plus \$25.00 bond surcharge fee plus warrant fee of \$25.00 = (\$125.00). In the case of felony warrants, the individual will need to appear in person unless represented by an attorney and must call the Ashtabula Municipal Court Clerk's office to make an appointment, (440) 992-7129.

Payments of Fines, Costs and Bonds

All fines are granted a 30-day payment extension. No registration blocks or license forfeitures will be issued until after April 22, 2020. All probation fees are also granted a 30-day payment extension. Persons who wish to pay fines, costs and bonds to the Court are strongly encouraged to make such payments online on our website www.ashtabulamunicipalcourt.com , or by telephone or mail. Please be advised that online payments are the most expedient method of paying at this time. **No payments shall be made in person, until further order of the Court.**

Weddings

All weddings are cancelled until further order of the Court.

Employees

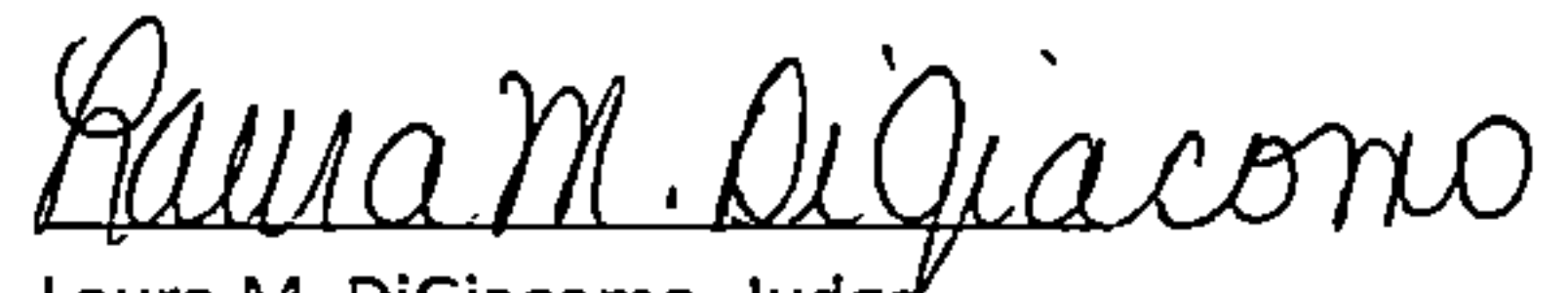
All employees of the Court are deemed essential; however, in light of the referenced March 22, 2020 "Stay at Home" Order of the Ohio Department of Health Director and pursuant to Section 124.388 of the Ohio Revised Code, the Court will implement a weekly rotating work schedule in order to eradicate the threat to the health and/or safety of the employees and public in general. Those employees who will be at home on administrative leave shall be paid equal to the employee's base rate of pay and the employee shall continue to accrue leave and service credit. Employees placed on administrative leave with pay are hereby notified that they:

- a. Shall be in a work-ready status at all times during their regular scheduled time, and must be able to report to work with short notice or respond to contact by telephone.
- b. Shall remain off Justice Center property during the leave unless prior approval is given by the Judge of this Court in order to conduct business.

Security

The walk through metal detector located on first floor of Justice Center will be temporarily inactive until further order of the Court. The second floor walk through metal detector outside of the Courtroom will be activated and individuals entering the Courtroom will be screened by a Bailiff.

IT IS SO ORDERED.


Laura M. DiGiacomo, Judge
Ashtabula Municipal Court

