

IN THE COURT OF COMMON PLEAS
GENERAL DIVISION
SCIOTO COUNTY, OHIO

TEMPORARY ORDER IN RESPONSE TO
THE COVID-19 CORONAVIRUS
PUBLIC HEALTH CRISIS

FILED
2020 MAR 19 12:19

Case No. 20-CIH-018

The General Division Judges of the Scioto County Court of Common Pleas make the following findings of fact:

1. On March 9, 2020, Ohio Governor Mike DeWine issued an Executive Order 2020-01(D) Declaring a "State of Emergency" in response to the growing COVID-19 public health crisis.
2. On March 11, 2020, the World Health Organization officially declared COVID-19 to be a global "pandemic" requiring "urgent and aggressive action" to control the spread of the virus.
3. On March 11, 2020 the first "community transfer" positive case of COVID-19 in the State of Ohio was confirmed.
4. On March 13, 2020, President Donald J. Trump officially declared that the COVID-19 outbreak in the United States constitutes a national emergency.
5. The United States Centers for Disease Control and Prevention (CDC) is directing that Americans must practice "social distancing", which is defined as "remaining out of places where people meet or gather, and maintaining a distance of six feet from others."

Based upon these findings, the General Division of the Scioto County Court of Common Pleas has developed a continuum of flexible responses to the public health crisis. The continuum of responses is intended to protect public health, to maintain essential court functions and to continue to protect the rights of all individuals subject to the authority of the Court.

Therefore, it is hereby **ORDERED**:

6. Effective Tuesday, March 17, 2020, the General Division Local Rules of Court are temporarily adapted to allow Court flexibility, within constitutional limits, in response to the public health emergency.
7. The Scioto County Court Security Policies and Manual may be temporarily amended or supplemented to protect public health while maintaining essential court functions.

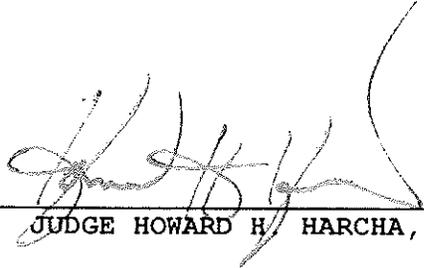
8. The County's Employee Handbook and Human Resource provisions, as they relate to court employees, may be temporarily adjusted to maintain essential court operations and functions.
9. This public health emergency shall be considered to be a finding of "just cause" for continuances deemed necessary by assigned judges on a case-by-case basis.
10. The Court will have the lawful authority, within constitutional limits, to do and direct to be done all things necessary to ensure the orderly and efficient administration of justice for the duration of the declared public health emergency.
11. Judicial staff, employees, attorneys and deputies assigned to the courthouse who exhibit signs of illness consistent with COVID-19, or are aware that they have come in contact with anyone who has tested positive for COVID-19, shall notify their employing or reporting authority by telephone or email and shall not come into the courthouse or report for work unless specifically instructed to do so by the employing or reporting authority.
12. All civil and criminal jury trials or hearings before this Court, including any associated deadlines, are continued for 30 days pending further Order of this Court.
13. All Grand Jury proceedings are continued except for those cases where it is necessary to protect the safety of the community, pending further Order of this Court.
14. With regard to criminal matters, this Court finds that based upon a) the reduced ability to obtain an adequate spectrum of jurors; b) the risk to public health; c) the availability of counsel and court staff; and d) the Governor's declaration of a "State of Emergency" this Court finds that pursuant to O.R.C. §2945.72(H), the Court has the authority to *sua sponte* continue any criminal case set for trial or hearing or until the public health emergency subsides. State v. Talley, 208 Ohio-6807. In all criminal matters, the speedy trial provisions of O.R.C. §2945.71 are tolled until further Order.
15. The Court will continue to conduct business utilizing audiovisual devices, phone conferences and technologies for all actions and procedures.
16. To minimize travel and social interaction, pleadings that do not require service may be faxed or e-mailed to the Scioto County Clerk of Courts with a faxed copy to the Judge assigned to the case.

17. The Scioto County Court of Common Pleas, General Division, will remain open. The public may continue to utilize the court services while following all applicable public health guidelines.
18. The Court will have the lawful authority, within its constitutional limits, to do or direct to have all things necessary to ensure the orderly and efficient administration of justice and public safety for the duration of the declared public health emergency.

IT IS SO ORDERED.



JUDGE MARK E. KUHN



JUDGE HOWARD H. HARCHA, III

cc:

The Supreme Court of Ohio
The Fourth District Court of Appeals
The Ohio State Bar Association
Scioto County Bar Association
Scioto County Court of Common Pleas, Domestic Relations Division
Scioto County Court of Common Pleas, Juvenile Division
Scioto County Court of Common Pleas, Probate Division
Scioto County Clerk of Courts
Scioto County Prosecutor
Scioto County Commissioners
Scioto County Health Department
The Portsmouth Daily Times
The Scioto Voice