

IN THE ASHTABULA MUNICIPAL COURT

ASHTABULA, OHIO

FILED

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ASHTABULA
MUNICIPAL COURT

IN RE:

FOURTH
EMERGENCY ORDER
IN RESPONSE TO THE
COVID-19 (CORONAVIRUS)
PUBLIC HEALTH CRISIS
(LOCAL RULES OF COURT

JUDGMENT ENTRY

NUNC PRO TUNC – Effective November 30, 2020

On April 21, 2020, this Court issued its “Third Emergency Order in Response to the COVID-19 (Coronavirus) Public Health Crisis (Court Operations and Local Court Rules Modified).”

Except as otherwise provided herein, the Court hereby issues this Judgment Entry which will supersede such prior order and become **effective on Monday, November 30, 2020 and remain in effect until further Order of the Court.**

Like prior COVID-19 orders, this Judgment Entry addresses public access to the Justice Center, court operations, and the issues associated with the safe and proper conduct of in-person hearings and appearances.

The Court hereby finds that the United States of America, State of Ohio and County of Ashtabula have recently started experiencing a significant surge of the COVID-19 (Coronavirus), and that orders for the limitation and closure of business, educational, and other operations and activities have been and are likely to be issued by the Director of the Ohio Department of Health.

The Court adopts herein all of the findings included in all of its prior orders related to the COVID-19 (Coronavirus) Public Health Crisis. The Court takes public health and safety seriously and has implemented aggressive policies to prevent and reduce the risk of infection for all court users.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that, **effective on Monday, November 30, 2020** and subject to further order of the Court thereafter, the operation of the Court and the Local rules of Court are *temporarily* modified herein as follows:

Utilization of Whereby.com or Googlemeet.com

The Court is and has been utilizing the equipment and technology, including the video-conferencing systems known as *whereby.com* and *googlemeet.com*, in order to conduct as many virtual hearings and conferences as possible. The Court strongly encourages the conduct of virtual hearings and conferences as possible. Any attorney and/or party who believes a hearing and conference is appropriate to be conducted virtually should immediately contact the Court to make arrangements for the scheduling of such hearing or conference, at which time the Court will provide the parties and all witnesses, victim(s), victim representative(s), and other persons whose presence is necessary to conduct the hearing the Court's *whereby.com* link or *googlemeet.com* information to be able to virtually attend the hearing or conference.

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, any persons subpoenaed to be at court as a witness on a scheduled case or has an appointment to meet with the Solicitor's Office. **All other persons shall not be permitted access until further notice.**

Speedy Trial Rights, Statutes of Limitation, and Time Limitations

Pursuant to COVID-19 guidance provided on October 28, 2020 by the Supreme Court of Ohio, and due to ongoing COVID-19 concerns, statutory time limitations shall remain tolled in matters subject to the same, and tolling shall be extended for the duration of the public health crisis and public emergency.

Criminal and Traffic Arraignments

Subject to further order of the Court, all in-person arraignments (both Criminal and Traffic) of individuals released on bond shall be and are hereby continued until on or after **January 12, 2021**. Such arraignments 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. Arraignments 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 **January 12, 2021**.

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 Trials

All jury trials, both criminal and civil, that are to occur during November and December 2020, are hereby suspended and shall be rescheduled after **January 12, 2021**, and thereafter, subject to further order of the Court.

Bench Trials

All bench trials, both criminal and civil, that are already scheduled in November and December 2020 will still go forward on a case by case basis.

Sentencing/Change of Plea Hearings

Subject to further order of the Court, sentencing and change of plea hearings, that are already scheduled in November and December, 2020 will still go forward on a case by case basis. If arrangements can be made beforehand, matters will be conducted virtually.

Probation Hearings, Status Hearings, Status on Jail and Contempt Hearings

All probation hearings, status hearings, (**unless it is a Competency hearing or Recovery Court hearing**), status on jail hearings, and contempt hearings shall be rescheduled after **January 12, 2021**.

Probation appointments

All probation appointments and in-home visits shall be conducted telephonically, virtually or by other means ensuring COVID-19 protocol is strictly observed. No in-person probation meetings shall be conducted in the probation office until further notice.

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 further notice. Participants are encouraged to attend AA/NA meetings online.

Treatment team members shall be required to continue to provide weekly updates to the Drug Court Administrator no later than Tuesdays 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 pre-trials, trials, evictions, small claims hearings, garnishment hearings, objections, and bank attachments will be scheduled in a staggered fashion so as to limit the number of persons in the Justice Center and Courtroom at any particular time.

Where both parties are represented by counsel, the **pre-trial** can be conducted via telephone, video conference or email between the parties without the Court's presence. The parties shall notify the Court in writing of the outcome of the pre-trial within 48 hours of the scheduled hearing.

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

Warrants

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

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. Also, there is a secure "Drop Box" located at the Court Security Desk (during hours of operation) where payments can be made.

Weddings

Weddings will continue to be permitted to take place in the courtroom, as long as they are scheduled with the Clerk of Court at least one week in advance. Only the bride and groom, their minor children who reside in the same household with either or both the bride and groom, and **four other adult persons** are permitted into the Justice Center to attend the wedding provided they comply with all security and health screening, face covering protocol and social distancing requirements.

Failure by any defendant/party to wear a mask or other face covering and comply with health and security screening protocol of this Court will be treated as a failure by the defendant/party to appear for the scheduled hearing.

The Court hereby reserves the right to modify or terminate this Judgment Entry at any time with respect to a particular case pending before the Court or otherwise.

IT IS SO ORDERED.

Laura M. DiGiacomo

Laura M. DiGiacomo, Judge
Ashtabula Municipal Court

28-519