

IN THE CONNEAUT MUNICIPAL COURT
ASHTABULA COUNTY, OHIO

| | | |
|---------------------------------------|---|------------------------------|
| IN RE: |) | Case No. 21 MIS 2 |
| |) | |
| <u>TWELFTH EMERGENCY ORDER</u> |) | |
| IN RESPONSE TO THE |) | <u>JUDGMENT ENTRY</u> |
| COVID-19 (CORONAVIRUS) |) | |
| PUBLIC HEALTH CRISIS |) | |
| (COURT OPERATIONS AND |) | |
| LOCAL RULES OF COURT |) | March 2, 2021 |
| MODIFIED) |) | |
| |) | |

On November 20, 2020, this Court issued its “Eleventh 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 Tuesday, March 2, 2021 and remain in effect until further Order of the Court.** The November 20, 2020 Judgment Entry shall remain in effect prior to March 2, 2021.

Like prior COVID-19 orders, this Judgment Entry addresses public access to the courthouse/city hall, court operations, and the issues associated with the safe and proper conduct of in-person hearings and appearances - which the Court deems in each individual scheduled case to require immediate attention, all of which have been delayed as a result of the COVID-19 pandemic.

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 Tuesday, March 2, 2021** 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

The Court is and has been utilizing equipment and technology, including the video-conferencing system known as *whereby.com*, in order to conduct as many virtual hearings and conferences as possible during the COVID-19 pandemic. The Court encourages the conduct of virtual hearings and conferences, when possible, *but reserves the right to determine which and when such virtual hearings and conferences shall be conducted. Any attorney and/or party who believes a hearing and conference should be conducted virtually shall immediately file with the Clerk of Courts a written motion or request to do so, along with a proposed Judgment Entry. If the Court grants the motion or request, the Clerk of Courts shall 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 so that all necessary persons are able to virtually attend the hearing or conference.*

The Court reserves the right to order all parties, attorneys, and other persons, who are technologically able to do so, to attend any hearing utilizing *whereby.com*.

Public Access to Courthouse/City Hall

The only persons permitted access to the courthouse/city hall for Court purposes are (1) parties to a scheduled in-person case before the Court (plaintiff and defendant), (2) any Court-

approved representative, any attorney representing a party in such a scheduled case, (3) the victim(s) and/or victim representative(s) appearing for such a scheduled case, (4) any persons subpoenaed to be at Court as a witness in such a scheduled case, (5) any persons seeking to make a payment to the Court, (6) any persons seeking to file any documents with the Court, and (7) any persons permitted herein who are seeking to be married or are witnessing the marriage. **All other persons shall not be permitted access until further notice.**

The Court will allow no more than nine (9) persons in the jury box in the courtroom, and a maximum of an additional (10) persons in the courtroom. No more than ten (10) persons in the courthouse/city hall for court purposes shall not be in the same location in any part of the courthouse/city hall.

Monitoring/Screening and Face Covering Required

No persons shall be permitted entry into the courthouse/city hall for Court purposes unless they allow their temperature to be taken by Court security staff and the temperature result is less than 100.4 F; are wearing a mask or other face covering over their nose and mouth; place hand sanitizer on their hands during the screening process; and answer in the negative all of the following questions:

- a. Have you been on a cruise or international travel in the last 14 days?
- b. Have you had a fever, a cough, shortness of breath, or loss of taste or smell over the last few days?
- c. Have you been in close contact with anyone who has been confirmed to have Coronavirus/COVID-19?
- d. Have you been tested for or diagnosed with Coronavirus in the last 14 days?
- e. Have you previously been tested for Coronavirus but have now been cleared?

If a question arises as to whether a person should be permitted entry for Court purposes, Court security staff shall immediately consult with the Judge who shall make the final determination whether the person should be permitted entry.

Employees of the Court shall also be required to wear face coverings while they are working in the Clerk's office area, Judge's office, or probation office and storage area, and shall maintain physical distancing during this time.

The terms of this Court's July 6, 2020 Judgment Entry are hereby incorporated herein for purposes of conducting security monitoring and inspection of all persons entering the courthouse/city hall.

Failure by any defendant 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 to appear for the scheduled hearing.

Payments of Fines, Costs and Bonds

Persons who wish to pay fines and costs to the Court shall continue to be permitted to do so, but are strongly encouraged by the Court to make such payments by telephone to the Clerk of Court with credit card information, by mail, or, *as a last resort*, by placing the payment into the Drop Box utilized by the Conneaut Water and Sewer Department located on the north side of the courthouse/city hall building. Bonds shall be paid in person.

Court Filings

Court filings shall continue to be permitted to be made in person, although filings by fax and mail pursuant to the Local Rules of this Court are strongly encouraged by the Court.

Traffic: Ohio Uniform Traffic Ticket Offenses

Any requirement that a defendant sign a traffic ticket after it has been properly issued by a law enforcement officer, as required by the Ohio Traffic Rules, case law, and the Local Rules of this Court, shall continue to be **temporarily suspended**, provided that the law enforcement officer has obtained reliable evidence, such as body camera video or a witness who made personally observation, demonstrating that the defendant has been appropriately served with the traffic ticket.

Law enforcement officers shall write on the traffic ticket “COVID-19” on the line where the defendant is to normally place his or her signature.

Criminal and Civil: Jury Trials

All jury trials, both criminal and civil, shall proceed unless otherwise ordered in a specific case. The Court shall adopt a separate order in a particular case detailing the health and safety procedures associated with jury selection and the conduct of the jury trial at least five (5) days before any scheduled jury trial.

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.

Nicholas A. Iarocci

NICHOLAS A. IAROCCI, JUDGE
CONNEAUT MUNICIPAL COURT