

IN THE CLEVELAND MUNICIPAL COURT

STATE OF OHIO
CUYAHOGA COUNTY

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ADMINISTRATIVE ORDER
NO. 2020-002

IN RE: FURTHER CASE POSTPONEMENTS AND REDUCED DOCKETS IN RESPONSE TO THE CORONAVIRUS THREAT

The Judges of the Cleveland Municipal Court agree that due to the increasing concern of the Coronavirus pandemic since the issuance of Administrative Order 2020-001, journalized on March 13, 2020, it is necessary to extend the time period for rescheduling cases and to reduce the number of dockets. This effort is made to further reduce the number of judges and staff in the building while providing essential services required by law.

Therefore, the Judges agree to continue a reduced docket that focuses solely on jailed defendants and emergency matters that come before the Court. This includes all jail arraignments for felony and misdemeanor defendants and misdemeanor pretrials and trials only where the defendant is in jail.

The Judges further agree that only the Judge assigned to Session 4 (3D) and an additional assigned judge will preside over any proceeding of a case assigned to another judge, except for the imposition of a sentence.

Judges and staff not on assignment are on call during this period of reduced dockets.

Further, the criminal cases scheduled on the personal dockets of the judges of this court or on an arraignment docket from Monday, March 16, 2020 through Friday, April 17, 2020 are hereby ordered rescheduled for hearing exactly five weeks from the originally scheduled date and time. The Court will evaluate the effectiveness of the reduced dockets and may extend the period by further order if the COVID-19 pandemic remains.

The Clerk is ORDERED to summons, via ordinary U.S. Postal Service, all defendants whose appearances are rescheduled between Monday, March 16, 2020, through Friday, April 17, 2020. The summonses shall order each defendant to appear in accordance with the appropriate docket. No costs for the court date notification shall be assessed to any defendant as a result of this postponement.

While the right to a speedy trial is a fundamental guarantee, we cannot ignore the actions required by everyone at this time to prevent the spread of the COVID-19 disease, which, inter alia, includes the rescheduling of all court hearings until the likelihood of transmitting the disease is no longer a threat. Therefore, speedy trial requirements of R.C. 2945.71 for all criminal cases, whether scheduled for arraignment or on a personal docket of the judges, that were rescheduled pursuant to Administrative Order 2020-001 or this Administrative Order are extended to dates no earlier than April 20, 2020,

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pursuant to R.C. 2945.72(H). It is reasonable to continue these cases without violating the Sixth Amendment's speedy trial guarantee. (See, 2020 Op. Att'y Gen. No. 2020-002)

Anyone involved in a civil case in the General Division, that is scheduled between Monday, March 16, 2020, through Friday, April 17, 2020, shall be sent a new notice via ordinary U.S. Postal Service for the newly assigned date.

This Administrative Order supersedes and replaces all prior administrative orders addressing this issue and is effective upon journalization and shall remain effective until further order of this court.

IT IS SO ORDERED.

Date: 3/23/2020


Michelle D. Earley
Administrative & Presiding Judge