



Judge Gary C. Bennett

Elyria Municipal Court

601 Broad Street
Elyria, OH 44035

Phone: (440) 326-1741

Fax: (440) 326-1744

December 9, 2020

VIA EMAIL:

OHIO SUPREME COURT

Attention: Stephanie Graubner Nelson, Esq., CCM

Director, Office of Court Services

"Stephanie.Nelson@sc.ohio.gov"

Dear Stephanie:

Enclosed please find an Administrative Order dated November 17, 2020, regarding modified Court policy and procedures as a result in the recent surge in COVID-19 cases statewide and a revised Bond Schedule effective December 7, 2020.

These policies limit access to the Courthouse except for the most serious cases while still fulfilling our responsibility to provide justice to our community.

We will be filing a supplemental Order regarding minor misdemeanor traffic cases and civil cases in the next couple of days.

If you have any questions, please feel free to call me.

Very truly yours,

Gary C. Bennett, Judge
Elyria Municipal Court

GCB/clv

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limited to, Domestic Violence, Assault, Criminal Damaging, Child Endangering, Violating a Protection Order, or a crime of sexual nature. These hearings require prompt attention by a Judge because they are time-sensitive and need to be addressed as soon as possible.

3. Pre-Trials, Etc.: Attorneys may appear at all Pre-trials without their clients. Clients, however should be available by phone. Clients must appear at the Final Pre-Trial or any other times directed to do so by the Court. Whenever possible, the Attorney should work with the Judge or Magistrate assigned to the case to conduct Pre-Trial hearings virtually.

The Prosecutor will decide whether he/she needs the arresting officer to be present at any Court appearance. The Prosecutor will attempt to handle as many of these matters with the officers by telephone or conference call.

The Prosecutor shall without jeopardizing his/her case subpoena witnesses sparingly.

Daily the Prosecutor's office will provide a list of subpoenaed persons to Security so that these persons will gain access to the building.

4. Jury Trials: Pursuant to Ohio Revised Code Section 2945.72(H), all cases set for Jury Trial between now and March 1, 2021, will be continued. The very nature of a Jury would require a large gathering of strangers to form a jury panel, witnesses, Attorneys, and Court personnel to be present in the Courtroom. Given the current emergency and the need to limit contact between individuals, it is impossible to safely accommodate a Jury Trial at this time.
5. Virtual Hearings: Virtual hearings will be scheduled through the individual Judge's offices pursuant to each Judge's policy. Attorneys may also request virtual hearings in writing.
6. Motions: Attorneys can file Motions by faxing or e-mailing them to the Clerk of Courts. The Clerk will then deliver them to the assigned Court which will schedule the Motion for hearing.

Suppression Motions must be pre-tried with the assigned Judge with the issues being specifically defined. The hearing on the Motion will then be scheduled.

7. Continuance Requests: Attorneys requesting continuance must submit a request/Motion in writing. Said Motion must contain a specific time waiver.

8. General Public Continuance Requests: If an unrepresented Defendant contacts the Court for a continuance, the call should be directed as follows:

Case assigned to Judge Bennett:	Carol	326-1741
Case assigned to Judge White:	Jackie/Maggie	326-1720
Case assigned to Traffic Magistrate:	Kylie	326-1772
Case assigned to Civil Magistrate:	Jessica	326-2771

In order to get their case continued, the Defendant must furnish the following information:

Name, address, telephone number, fax number, e-mail address

Whenever possible, the Defendant will be informed during the call the next hearing date. A written Notice will be either mailed, e-mailed or faxed to the Defendant.

No one other than the people described above should be handling calls regarding pending cases. No Defendant should be told to "just show up tomorrow".

In cases where the Defendant has not executed a time waiver, those cases are hereby extended for 90 days pursuant to Ohio Revised Code 2945.72(H). In light of the current public health emergency, the Court finds such a continuance to be not only reasonable but also necessary to protect public health.

GENERAL ORDER

1. The Local Rules of Court may be temporarily adapted to allow the Court flexibility, within constitutional limits, in response to the public health emergency.
2. The Court's security policies may be temporarily amended or supplemented to protect public health while maintaining essential Court functions.
3. The Court authorizes the use of audiovisual devices and technologies for as many Court actions and proceedings as is practicable.

4. This public health emergency is considered to be finding of “just cause” or “reasonable” for continuances deemed necessary by the Judge or Court Magistrates on a case-by-case basis. The Judge will rule upon any Ohio Supreme Court case time guidelines on a case-by-case basis weighing the prejudice or time potential violation against the severity of the public health emergency.
5. The Court has 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.
 - a. The Court requires all persons entering the building to exercise Social Distancing.
 - b. Everyone entering the Courthouse will have their temperature taken by the Thermal Mirror. Individuals with a temperature above 100° will have their temperature retaken by the hand-held, no-touch infrared thermometer.
 - c. Everyone must sanitize their hands upon entering the building.
 - d. Everyone entering the building must wear a mask at all times. Mask must cover mouth and nose. If someone is in the building and takes their mask off after admission, they will be asked to wear the mask appropriately or to leave the building. A face shield will be offered.
 - e. Persons entering the building shall answer the following questions:
 - Have you had a fever, cough, shortness of breath or loss of taste or smell over the last few days?
 - Do you currently have a dry cough, runny nose, shortness of breath or sore throat?
 - Within the last 14 days, have you traveled to any foreign country or any State on the Travel Advisory List?
 - To your knowledge, have you been exposed to anyone who has been diagnosed with the COVID-19 virus?
6. The Court space is limited and has been reduced to accommodate Social Distancing. The Court cannot control the number of cases filed. The

Court does, however, set rules necessary to protect the staff and the general public.

- The Judges and Magistrates have the right to remove anyone from the Courthouse who is suspected of being infected or ill or refusing to abide by the safety rules of the Court.
 - The Bailiffs will limit the number of people entering the Courtroom at one time. For large dockets, defendants may be divided into groups entering the Courtroom at staggered intervals.
 - Defendants may be asked to return to their cars and return to the Court at a specific time in a certain number of minutes so that the population in the Courtrooms can be reasonable in number.
 - Bailiffs may also direct visitors to the lobby to await their cases in order to lessen crowding in the Courtrooms as dockets are called.
 - Probation Officers shall meet with clients in open spaces such as unoccupied Courtrooms or the hallways.
 - Staff shall work to encourage all matters that can be handled remotely to be conducted in this fashion until further notice including waiving tickets and meeting telephonically.
 - When appropriate, the Judge shall order jail sentences to commence at a date in the future in order to avoid overcrowding jail facilities with nonviolent offenders at this time. Those dates may be revisited from time to time as this health emergency situation progresses.
 - Parties to Court proceedings shall request continuances if they or family members are ill. For the months of November, December and January 2020/2021 any filing fees normally associated with continuance request shall be waived.
 - The Court may supplement this Order from time to time to encourage adaption of additional health precautions.
7. Court staff, attorneys, witnesses, jurors, and security personnel who exhibit signs of illness shall contact the Court by telephone or e-mail and shall not come into the Courthouse or report for duty unless specifically instructed to do so by the Judge.
 8. Court staff shall be subject to health screening or testing and exclusion from admission based upon the results of such screening or testing.

9. All staff shall practice good hygiene and Social Distancing as much as possible. The Court will provide guidelines as they become available from reliable sources. Among the most important guidelines are wearing a mask, handwashing, not touching faces with hands, and disinfecting work surfaces and lunch room surfaces.

10. The Court shall attempt to minimize the amount of travel and social interaction of litigants, attorneys, witnesses, jurors, law enforcement personnel, and judicial personnel as far as is practical. However, any matters requiring to be recorded for preservation shall be conducted in the Courtrooms through the use of the Courtrooms' recording equipment.

If recording is for any reason not available or accessible and a record is desired or necessary, the Court and the parties shall jointly craft a statement in lieu of transcript of the proceedings in accordance with appellate rules.

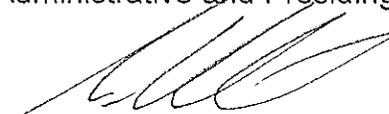
11. Procedures and rules for civil cases and traffic cases will be provided by separate rules.

12. This emergency order may be amended and supplemented from time to time in order to address this public emergency.

Date: November 16, 2020



JUDGE GARY C. BENNETT
Administrative and Presiding Judge



JUDGE ROBERT C. WHITE

Read and approved:



ERIC ROTHGERY
Clerk of Courts

REV 11/16/2020

FILED

IN THE ELYRIA MUNICIPAL COURT 2020 DEC -8 PM 1:48

LORAIN COUNTY, OHIO

CLERK OF
ELYRIA MUNICIPAL COURT

BY: clw

STATE OF OHIO :

:ss

ORDER

LORAIN COUNTY :

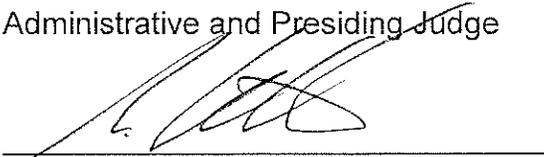
IT IS HEREBY DETERMINED that for the efficient operation of the Court and to insure Defendants' rights to have reasonable bond set, that the Elyria Municipal Court revises its current Bond Schedule.

IT IS THEREFORE ORDERED THAT EFFECTIVE December 7, 2020, the attached Bond Schedule shall be in effect for persons arrested and charged in the Elyria Municipal Court District.

Date: December 7, 2020



JUDGE GARY C. BENNETT
Administrative and Presiding Judge



JUDGE ROBERT C. WHITE

BOND SCHEDULE

The intent of this rule is to insure that persons charged with criminal offenses not be incarcerated pre-conviction without just cause. Criminal 46(G) mandates the Elyria Municipal Court establish a bail bond schedule covering all misdemeanors, either specifically by type, by potential penalty or by some other reasonable method of classification.

This rule applies to persons accused of Felony or Misdemeanor crimes prior to conviction and prior to the person's initial appearance in Court.

MISDEMEANOR CHARGES

There shall be a presumption of release for persons charged with non-violent, non-aggressive misdemeanor crimes. The person shall be released upon arrest, after booking and fingerprints (as may be required) on a \$500.00 personal bond. The arresting/booking agency shall issue a summons to the person with a specific Court date for the person's appearance unless when one of the following exceptions apply:

- (1) The person charged is unable to provide for his/her own safety.
- (2) The person refuses to offer satisfactory proof of his/her identity.
- (3) The person refuses to sign for a personal bond acknowledging their upcoming Court date.
- (4) The person refuses to cooperate with the booking and processing process.
- (5) The person has an outstanding warrant or warrants for failure to appear for Court appearances.
- (6) The person has a history of warrants being issued for not appearing in Court.

If the person is not a resident of Lorain County, Ohio, and the arresting law enforcement officer believes the person will not or may not voluntarily appear in Court to answer the charge, the following bond schedule shall apply:

MISDEMEANORS

1 st Degree Misdemeanor	\$2,000.00
2 nd Degree Misdemeanor	\$1,500.00
3 rd Degree Misdemeanor	\$1,000.00
4 th Degree Misdemeanor	\$500.00

All minor misdemeanors and unclassified misdemeanors that do not have a potential jail penalty should be citations unless one of the exceptions listed above apply.

CONDITION OF BONDS IN CERTAIN MISDEMEANOR CASES:

Pursuant to Section 2901.07 of the Ohio Revised Code, the Accused in any of the Misdemeanor Charges listed below shall submit to a collection of a DNA sample by the arresting agency as a condition of all bonds set. Those offenses are a Misdemeanor violation or attempt to commit a Misdemeanor violation or complicity in committing a Misdemeanor violation arising out of:

- 2907.04 Unlawful Sexual Conduct with a Minor
- 2919.23 Interference with Custody
- Any Misdemeanor sexually oriented offense or a child-victim oriented offense if the offender has been adjudicated a sexual predator, a child victim predator, habitual sex offender or a habitual child-victim offender as defined in Section 2950.01 of the Ohio Revised Code.

PERSONS CHARGED WITH FELONIES OR CRIMES OF VIOLENCE

FELONY ARRESTS

The person charged shall be brought before the Court at the next regular Court session. The following schedule shall be used when Court is not in session:

FELONIES

Aggravated Murder or Murder	No Bond/Hold until brought before Judge
1 st Degree Felony	No Bond/Hold until brought before Judge
2 nd Degree Felony	No Bond/Hold until brought before Judge
3 rd Degree Felony*	\$10,000.00
4 th Degree Felony*	\$5,000.00
5 th Degree Felony*	\$2,500.00

*unless the charge is a crime of violence

CONDITION OF BONDS IN FELONY ARRESTS:

Pursuant to Section 2901.07(B)(1) of the Ohio Revised Code, the Accused shall submit to a collection of a DNA sample by the arresting agency as a condition of all bonds set in Felony cases.

OVI CHARGES

	<u>Ohio Residents</u>	<u>Out of State Residents</u>
OVI 1 st Offense	Presumption of Personal Bond If Defendant is able to obtain a way home	\$2,000.00
OVI 2 nd Offense	Presumption of Personal Bond If Defendant is able to obtain a way home	\$3,250.00
OVI 3 rd in 10 years	No Bond/Hold until brought before a Judge	
FELONY OVI	No Bond/Hold until brought before a Judge (4 th in 10 years or 6 th in 20 years or a prior Felony OVI)	

DOMESTIC VIOLENCE

Domestic Violence (Misdemeanor)	No Bond/Hold until brought before a Judge
Domestic Violence (Felony)	No Bond/Hold until brought before a Judge
Stalking	No Bond/Hold until brought before a Judge
Violating a TPO	No Bond/Hold until brought before a Judge

CHARGES INVOLVING FIREARMS

Any charge involving the use of a firearm	No Bond Hold until brought before a Judge
(DOES NOT INCLUDE CCW	CCW per Regular Bond Schedule)

ANIMAL CRUELTY OFFENSES

All offenses cited under Chapter 959 of the Ohio Revised Code Offenses Relating to Domestic Animals including, but not limited to, Cruelty to Animals a violation of Section 959.13 ORC	No Bond Hold until brought before the Judge
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SETTING A BOND/BAIL AMOUNT

Pursuant to Section 2937.23 of the Ohio Revised Code in a case involving a misdemeanor not part of any felony charge, the Judge, Magistrate or Clerk of Court may fax the amount of bond and may do so in accordance with the rule previously fixed by the Judge.

If the Judge, Magistrate or Clerk of the Court is not readily available, the Sheriff, Deputy Sheriff, Marshal, Deputy Marshal, Police Officer or Jailer having custody of the person charged may fax the bond in accordance with the schedule previously fixed by the Judge or Magistrate and shall take the bail only in the County Courthouse, the Municipal or Township building, or the County or Municipal Jail.

Effective December 7, 2020



Judge Gary C. Bennett
Administrative and Presiding Judge



Judge Robert C. White

REV 12/7/2020