

IN THE SHAKER HEIGHTS MUNICIPAL COURT  
CUYAHOGA COUNTY, OHIO

In re:

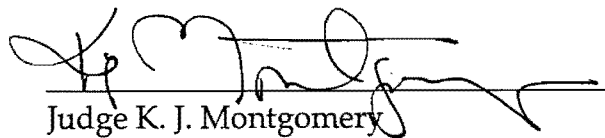
SUPPLEMENTAL ORDER OF THE COURT ) Judge K. J. Montgomery  
DURING JUDICIAL EMERGENCY AND )  
CONTINUITY OF OPERATIONS OF ) JOURNAL ENTRY  
THE COURT DUE TO COVID-19 )

**Procedure for Telephonic Pretrials of Criminal Cases**

1. First pretrials shall be set by the court and the court shall utilize the Notice of Telephone Pretrial which can be found at <http://www.shakerheightscourt.org/forms/Notice%20of%20Telephone%20Pretrial.pdf>. The Prosecutor shall call the defendant at such number as the defendant supplies. Calls are also to be made to defense counsel when appropriate. The back of the form shall also include business phone numbers for the Municipal Prosecutors in each jurisdiction.
2. All pretrials will be conducted by telephone at the date and time scheduled. The first pretrial will be set by the court.
3. Prosecutors should complete a Pretrial Agreement Form after each pretrial detailing any actions to be taken or recommendations agreed to as well as the next/final pretrial date or court date. Pretrial Agreement Forms can be downloaded from <http://www.shakerheightscourt.org/forms/Pretrial%20Agreement%20Form.pdf>.
4. There should be no more than three pretrial conferences. After the first conference occurs on the date set by the court, the prosecutor may set a second and/or a final pretrial, as needed.
  - a. Second pretrials/final pretrials should be set two to three weeks later.
  - b. If the case requires additional pretrials or needs a longer time between pretrials, please state the reason on the Pretrial Agreement Form.  
(Example: Just hired attorney or attorney in capital trial.) Extraordinary situations will need the court's approval.
5. Discovery shall be exchanged by mail/email/fax between parties. Videos/body and dash cams should be put into a format that can be mailed. The exchange shall take place in a timely fashion and in such matter as to facilitate discussion between the parties at pretrial.
6. Prosecutors should complete a Pretrial Agreement Form after *every* pretrial. The prosecutor should note on the signature space that the prosecutor and defendant/defense counsel participated in the conference, when appropriate. If a plea agreement is reached, the prosecutor should note that both parties have agreed to the resolution to be proposed to the court.
7. Pretrial Agreement Forms can to be faxed to the court 216-491-1314 or delivered

- through the clerk's office filing window.
8. The court will promptly review the Pretrial Agreement Forms and send out notices for second pretrials, final pretrials, change of pleas, motions hearings or trials, as appropriate.
  9. If the Prosecutor cannot reach a party by phone, this should be noted on the Pretrial Agreement Form. Failure of a party to participate in two telephonic pretrials will likely result in the scheduling of an in-court pretrial. Failure to appear for that pretrial may result in contempt proceedings which could include the issuance of a warrant.
  10. The First Offenders' Program (FOP) continues. Standard conditions apply and any jail will be scheduled in the future. The law states that the prosecutor is the party recommending a defendant be placed on FOP. Such recommendation should be stated on the Pretrial Agreement Form. Prosecutors should share with the defendant by mail/fax/email or by reading the possible FOP terms with which the defendant must agree. Prosecutor can refer Defendant to read FOP Agreement Form which is available at <http://www.shakerheightscourt.org/forms/First%20Offenders%27%20Program%20Agreement.pdf>. Prosecutors must also review with the defendant the court's typical FOP conditions for theft offenses. If the defendant agrees, then the Pretrial Agreement Form should so state and the Prosecutor can recommend the defendant. The court will then screen the defendant to be sure the defendant qualifies to participate based upon the charge and whether defendant has any prior criminal history. If the defendant qualifies, the court will send the defendant a notice to appear for COP. At the COP hearing, the defendant will be referred to a Probation Officer for assistance in completing FOP. It is recommended that the COP date be set no earlier than June, 2020.
  11. The court appointed attorney packet is available online at the court's website (<http://www.shakerheightscourt.org/forms/Public-Defender-Packet.pdf>).
  12. The court remains open to facilitate the pretrial process. Frequently used phone numbers include:

Judge K. J. Montgomery 216-491-1324  
 Magistrate Anne Keller 216-491-1323  
 Chief Bailiff Jerome Sheppard 216-491-1321  
 Bailiff Joe Gogala 216-491-1329  
 Criminal Deputy Clerk Patti Jagels 216-491-1310  
 Criminal Deputy Clerk Mike Amaddio 216-491-1301  
 Main number 216-491-1300.

  
 Judge K. J. Montgomery

June 1, 2020  
 Date

By MA Deputy Clerk  
 Clerk of Court  
 Journalized  
 4-1-2020