

IN THE COURT OF COMMON PLEAS

GEAUGA COUNTY, OHIO

IN RE:)	
)	
ORDER REGARDING CONTINUITY OF)	ADMINISTRATIVE ORDER
OPERATIONS AND JURY TRIALS)	[2020-16 OPERATIONS AND
DUE TO COVID-19 PANDEMIC)	JURY TRIALS]

The Judges of the Geauga County Court of Common Pleas, General Division, make the following findings of fact:

1. Whereas, on March 9, 2020, Gov. Mike DeWine declared a State of Emergency for the entire state of Ohio to “. . . protect the well-being of the citizens of Ohio from the dangerous effects of Covid-19. This declaration of emergency remains in effect as of the date of this Order; and
2. Whereas, on April 27, 2020, Gov. Mike DeWine and Lt. Gov. John Husted announced the Responsible RestartOhio Plan which protects the health of employees, customers, and their families; supports community efforts to control the spread of the virus; and, responsibly gets Ohio back to work; and,
3. Whereas, on April 30, 2020, Dr. Amy Acton, Director of the Ohio Department of Health, signed the Director’s Order that Reopens Businesses, with Exceptions, and Continues a Stay Healthy and Safe at Home Order; and,
4. Whereas, the Ohio Public Health Advisory System was designed to supplement existing statewide orders through a data-driven framework to assess the degree of the virus’ spread and to engage and empower individuals, businesses, communities, local governments, and others in their response and actions; and,
5. Whereas, on May 26, 2020, the Judges of this Court issued an Administrative Order canceling all jury trials through July 10, 2020; and,
6. Whereas, on July 23, 2020, Lance Himes, Interim Director of the Ohio Department of Health, signed the Director’s Order for Facial Coverings throughout the State of Ohio; and,

7. Whereas, on November 20, 2020, Geauga County Health Commissioner, Tom Quade, issued a press release stating “. . . the recent exponential growth of covid-19 cases in the past 14 days is cause for substantial changes”; and,
8. Whereas, on November 23, 2020, Gov. Mike DeWine reported a record number of hospitalizations in Ohio and stated that “The virus is quickly spreading throughout our entire state and is dramatically impacting all of our healthcare zones and their ability to care for patients”; and,
9. Whereas, the Court desires to continue Court operations in a safe manner for the Court’s employees and the citizens of Geauga County; and,
10. Whereas, the number of COVID-19 cases in Geauga County has increased since the Court’s last Order; and,
11. Whereas, jury trials present unique challenges during a pandemic. However, the Court recognizes that jury selection involves jury venire pools. These pools often consist of individuals in the categories identified by the Centers for Disease Control and Prevention as being particularly at risk, individuals involved in essential public functions, and individuals responsible for children unable to attend school or daycare due to the pandemic; and,
12. Whereas, based upon recommendations from the Geauga County Board of Health, it will be a challenge to conduct jury trials while taking the necessary precautions to reduce the possibility of exposure to the disease, not only for jurors but other trial participants, as well; and,
13. Whereas, jury trials force close contact between attorneys who must communicate with clients and others during the course of a trial; and,
14. Whereas, the Court has considered reasonable alternatives to conducting jury trials in areas other than the Courthouse, but none as they currently exist provide the level of safety or security required to properly convene and conduct criminal jury trials.

IT IS THEREFORE ORDERED:

1. This Court’s prior Administrative Orders related to the health crisis are incorporated herein by reference. Where there is any discrepancy, this Order supersedes any prior Order;
2. The Local Rules of the General Division may be temporarily adapted to allow Court flexibility, within Constitutional limits, in response to the Public Health Emergency;

3. The Court's Personnel Policies and Procedures Handbook and other usual and customary human resources provisions may be temporarily adjusted to maintain essential Court operations and functions;
4. The Court authorizes the use of audio-visual devices and technologies for all actions and proceedings, except for a trial by jury in a criminal matter;
5. The General Division shall continue to function under current physical distancing protocols as ordered by the Governor of Ohio. Should the Governor order further protective protocols, all individuals within the Courthouse shall abide by said protocols. These protocols must be followed at all times, including jury trials;
6. Criminal Jury Trials:
 - a. Jury Trials in criminal cases are suspended and will not commence until after Friday January 15, 2021. This date will be re-evaluated on or before January 7, 2021.
 - b. To accommodate trials and the effect of public health recommendations on trials, the period of the continuances implemented by this Order are excluded under O.R.C. 2945.72 and Ohio Constitution I, Sec. 10. The Court specifically finds that the ends of justice served by ordering the continuances outweigh the interest of the public and any Defendant's right to a speedy trial.
 - c. Further, this Court finds that a continuance of trial which supersedes a Defendant's speedy trial right is hereby considered permissible by all Judges of the General Division under the Ohio Constitution and O.R.C. 2945.72(H) as a "reasonable continuance granted other than upon the accused's own motion," due to current pandemic levels.
 - d. Any continuance of a criminal jury trial will be docketed with the COVID-19 Trial Continuance Order, as follows:

The trial of this matter is continued to a future date. This continuance is required for the administration of justice. Due to the continued risk of community spread of the COVID-19 virus, and in order to maintain the safety of the public, Court employees, litigants, attorneys, and others whose business is at the Geauga County Courthouse, the Court has limited its operations. The Administrative Order is intended to allow the Court to safely and responsibly continue operations. The Court has considered reasonable alternatives to conducting jury trials in areas other than the Geauga County Courthouse. However, the serious threat to the public health is good cause to continue this jury trial. Cases of COVID-19 continue to remain at high levels, placing Geauga County in the Public Alert Level of Red. Further, on July 13, 2020, Chief Justice Maureen O'Connor provided guidance to the courts and stated, "we must be cautious about who we require to

appear, and we should require in-person appearance only in cases with immediate need. We must remember those vulnerable populations and their risk to appear.”

The Chief Justice reiterated this guidance on October 28, 2020. This Order considers both the Defendant’s statutory and Constitutional rights to a speedy jury trial, and determines that a continuance of trial which supersedes a Defendant’s speedy trial right is hereby considered permissible by both Judges of the General Division under the Ohio Constitution and O.R.C. 2945.72(H) as a “reasonable continuance granted other than upon the accused’s own motion.” Based upon the foregoing, and for good cause shown: (1) if a trial date has been journalized, the time between the journalized trial date through the day before the next scheduled trial date will not be counted when calculating Defendant’s speedy trial time, or (2) if a trial date has not previously been journalized, the time between the date of the last journalized pre-trial, including a video-conferenced or teleconferenced pre-trial, or any other pre-trial hearing through the day before the next scheduled trial date will not be counted when calculating Defendant’s speedy trial time.”

- e. The use of video conference and teleconference as permitted by law for criminal proceedings will continue. If necessary, in-person criminal proceedings will be limited to the number of people that permits the observance of the physical distancing requirement of six feet.

7. Civil Jury Trials:

- a. Jury trials in civil cases will not commence until January 15, 2021. This date will be re-evaluated on or before January 7, 2021.
- b. The use of video conference and teleconference in civil proceedings will continue. If necessary, in-person Court proceedings and in-person Chambers proceedings will be limited to the number of people that permits the observance of physical distancing requirements of six feet.

8. Bench Trials: Bench trials are permitted; however, proper protocols must be in place to accommodate social distancing standards for the safety of all parties.

9. Domestic Relations Hearings: Domestic relations hearings are permitted; however, proper protocols must be in place to accommodate social distancing standards for the safety of all parties.

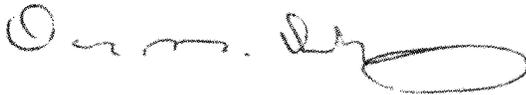
10. This Order shall remain in effect until further Order of the Court.

11. This Order shall be provided to the Supreme Court of Ohio, Ohio Judicial Conference, Chardon Municipal Court, Geauga County Clerk of Courts, Geauga County Adult Probation Department, Geauga County Bar Association, Geauga County Prosecutor's Office, Geauga County Public Defender's Office, Geauga County Sheriff, Geauga County Board of Health, Geauga County Commissioners, the website of this Court, and distributed to the media.

IT IS SO ORDERED.



CAROLYN J. PASCHKE, Administrative Judge



DAVID M. ONDREY, Judge