

COMMON PLEAS COURT
MARION CO., OHIO
2020 JUL 24 PM 3: 23

JESSICA WALLACE
CLERK OF COURTS

IN THE COMMON PLEAS COURT FOR MARION COUNTY, OHIO

GENERAL DIVISION

State of Ohio : **Case Number 2020 CR 133**
vs. : **Judge Warren T. Edwards**
ERNEST POPE : **ORDER ESTABLISHING**
: **TEMPORARY COURTHOUSE**

These matters come before the Court for consideration out of the Court’s obligation to manage the business of the Court, such as providing a space for jury trials and jury deliberation, while balancing the rights of the accused, the rights of the victims, and public safety.

The Court hereby makes the following findings of fact:

1. A state of emergency in the State of Ohio has been declared by executive orders signed by Ohio Governor Mike DeWine on March 9, 2020. As of the date of this Entry, said declared state of emergency is still in effect.
2. On March 11, 2020, the World Health Organization officially declared the virus commonly known as COVID-19 to be a global pandemic requiring “urgent and aggressive action” to control spread of the virus.
3. A state of emergency in the United States of America has been declared by executive orders signed by President Donald J. Trump on March 13, 2020. As of the date of this Entry, said declared state of emergency is still in effect.

4. As more information concerning the potential spread of COVID-19 has come to light, there have been numerous recommendations and/or executive orders recommending “social distancing” and limiting of gatherings to a certain number of people.

5. On March 17, 2020, President Trump and the Center for Disease Control issued a federal advisory that social gatherings be limited to no more than ten (10) people in order to slow the spread of COVID-19.

6. On March 18, 2020, Dave Yost, the Attorney General of the State of Ohio, issued Opinion 2020-002, in which he stated the following: “...Owing to the high risk of contagion and the danger presented by the novel coronavirus, especially to the elderly population, the Ohio Department of Health has recently banned gatherings of 50 or more people in a single room. Although smaller gatherings are not prohibited, the Department of Health “strongly recommend[s]” that Ohioans avoid unnecessary non-family social gatherings of more than 10 people. Even for those smaller gatherings, the Department of Health has encouraged people to remain approximately six feet away from one another. These steps have been deemed necessary to halt the community spread of the novel coronavirus that causes COVID-19. See Ohio Department of Health Amended Order to Limit and/or Prohibit Mass Gatherings and the Closure of Venues in the State of Ohio, March 17, 2020. The practicalities of jury service make it difficult, if not impossible, to adhere to these recommendations. That means going forward with a trial would endanger jurors- and thus anyone else with whom those jurors might interact...”

7. Although the “Stay Home Order” is no longer in place, other Orders have been made, and these orders have often been put in place with little to no notice in advance. A mandatory mask

order will be in place as of July 23, 2020. The Court is unable to predict what orders may be created or put in place as of the date of the trial.

8. The concerns with the virus, as well as the constantly changing orders of the State may also add to confusion among potential jurors, increase their fears about jury service, and reduce the courts ability to seat a jury.

9. According to information published by the Ohio Department of Public Health, the number of confirmed cases of COVID-19 in Marion County has increased from 91 (on 4/13) to 2749 (on 7/22). The first Marion County resident to lose his life to the virus passed away on April 15, 2019. The death toll in Marion County now stands at 40 lives lost due to this virus. These are among the highest rates of infection in Ohio's 88 counties or anywhere in the nation despite Marion's relatively small population.

10. This Court has an obligation to administer justice and to maintain a functioning judicial system, but it also has an obligation to protect the public, including but not limited to those who may be required to participate in judicial proceedings.

11. This judge's courtroom is 23 foot by 28 foot, perhaps the smallest judge's courtroom in the state Ohio, and none of the courthouses in the county have adequate space to social distance without interrupting the daily business of the courts and their already scheduled dockets.

12. Trial by Jury is a fundamental right which protects those who the State wishes to charge with serious felony offenses by having fellow citizens hear evidence to determine if guilt is proven beyond a reasonable doubt. As such, jury trial and jury deliberation, even during a state of emergency such as this pandemic, is essential.

THEREFORE, Pursuant to Revised Code 2301.04, the Court hereby **ORDERS** that the Harding Room of 100 Executive Drive, Marion Ohio shall be deemed a courthouse for the purposes of holding a Jury trial and deliberations in the above matters, beginning at 8:00am on August 6, 2020 and shall remain such until otherwise ordered by this Court.

The Court's current location at 100 North Main St., Marion Ohio shall also continue to function as a courthouse during those times. This order shall be posted on the Court's website for a period of at least 30 days from its filing.



Warren T. Edwards, Administrative Judge

cc:

Ohio Supreme Court Chief Justice Maureen O'Connor
Marion County Commissioner Andy Appelfeller
Marion County Commissioner Kerr Murray
Marion County Commissioner Ken Stiverson
Marion County Sheriff Tim Bailey
Marion Police Department Chief Bill Collins
Marion County Prosecutor Ray Grogan
Defense Counsel Caleb Carson
Marion County Bar Association President David Lowther
Marion County I.T. Director Keith Vanderpool