

IN THE DAYTON MUNICIPAL COURT

RE: OPERATIONS OF THE COURT ADMINISTRATIVE ORDER
DURING A PUBLIC HEALTH CRISIS November 19, 2020

Montgomery County Ohio remains at a Level 3 public health emergency, which indicates a high incidence of exposure and spread of COVID-19. The City of Dayton and Montgomery County, Ohio are experiencing a substantial and rapid increase in COVID-19 cases and hospitalization. In its efforts to control the spread of the COVID-19 disease in the State, the Ohio Department of Health issued a 21-day statewide curfew beginning November 19, 2020. To slow the local spread of the virus, the Board of Public Health-Dayton & Montgomery County (PHDMC) determined that additional intervention was warranted. Therefore, the PHDMC Board has issued a Stay-At-Home Advisory Resolution effective November 19, 2020, through December 17, 2020.

The Dayton Municipal Court will continue to operate essential functions, including but not limited to: Jail Arraignments, Bail Release Arraignments, Trials where the defendant is incarcerated, Hearings for Temporary Protection Orders, and Garnishments, during the period of the PHDMC Stay-At-Home Advisory. The Judges have determined that an additional Administrative Order is necessary to implement measures and precautions that ensure the safety of our staff and the public, and to protect the rights of all individuals subject to the authority of the Court.

Unless another date is specifically indicated, the provisions of this Administrative Order shall remain in effect from November 23, 2020, through December 18, 2020. This Administrative Order authorizes the continuance of many court proceedings, and tolls speedy trial time and other deadlines until the cases are rescheduled for a future date after December 18, 2020. (Ohio Attorney General Opinion No. 2020-002 has concluded that the COVID-19 pandemic provides a reasonable basis to continue a trial under R.C. 2945.72(H) when mitigation measures will not sufficiently protect public health. In *United States v. Jones*, 2020 U.S. Dist. LEXIS 201571, (N.D. Ohio, Oct. 28, 2020), the U.S. Dist. Court held that emergency conditions, such as COVID-19, warrant excluding speedy trial time).

Effective November 23, 2020, the Court Orders the following:

- (1) The Court will implement reduced and consolidated dockets. The Judges agree to a judicial rotation, as designated by the Administrative and Presiding Judges. The Rotation Judge is authorized to handle any new or pending matters filed in the Dayton Municipal Court and to preside over any proceeding of a case assigned to another judge, except for the Access II Specialized Docket;

(2) All Jury Trials for criminal, traffic, and civil cases, including evictions, scheduled for the Dayton Municipal Court, shall be Continued, and all speedy trial time statutes of limitation and time requirements tolled until a future date after January 14, 2021;

(3) All criminal, traffic, and civil cases, including evictions, scheduled for the Dayton Municipal Court, except for those matters that require immediate attention and are deemed necessary to proceed by the Assigned Judge or Rotation Judge, shall be Continued, and all speedy trial time, statutes of limitation, and time requirements tolled;

(4) Writs of Restitution in process before November 23, 2020, will be processed with an execution date after December 17, 2020, which is the expiration date of the PHDMC Stay-At-Home Advisory Resolution. These Writs shall be executed in a manner that is safe for Court employees and the public, and in accordance with Public Health directives;

(5) All in-person Dayton Municipal Court programs and classes shall be rescheduled for a date after December 18, 2020, or held, whenever possible, via video communications technology;

(6) Dayton Municipal Court Probation and Pre-Trial appointments shall be conducted by phone or through video communication technology;

(7) Whenever possible, appearance of parties, including defendants, shall be by phone or through video communication technology. However, the Judges may, when deemed necessary, require the in-person appearance of parties, including defendants;

(8) If it is determined that an action will proceed during the period of this Order, the use of audio and/or video communication technology, including remote access, is authorized for all actions and proceedings, including interpreter services;

(9) Where and if necessary, the Local Rules of the Dayton Municipal Court may be modified to allow the Court flexibility within constitutional limits;

(10) This Order shall be provided to the Supreme Court of Ohio, Ohio Judicial Conference, Dayton Municipal Court Clerk of Court, Dayton Bar Association, City of Dayton Prosecutor, Montgomery County Prosecutor, Montgomery County Public Defender, and Montgomery County Sheriff, and shall be available through the website of this Court; and

Further Orders may be made as deemed necessary by the Court.

11-19-2020

DATE


ADMINISTRATIVE JUDGE DEIRDRE E. LOGAN