

IN THE LIMA MUNICIPAL COURT
LIMA, ALLEN COUNTY, OHIO
FILED
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JIM LINK
CLERK OF COURT
LIMA MUNICIPAL COURT

ORDER DECLARING A JUDICIAL EMERGENCY
AND CONTINUITY OF OPERATIONS OF
THE COURT DUE TO COVID-19 PANDEMIC

SUPPLEMENTAL
AND
CUMULATIVE
Effective 06.11.2020

JOURNAL ENTRY NO. 20MISC012

The Judges of the Lima Municipal Court have made findings of fact concerning the COVID-19 pandemic in their previous orders dated April 8, 2020 and April 30, 2020 (20MISC009), which are incorporated herein by reference.

Since this Court's previous findings and orders, the Ohio Director of Health has issued a new order rescinding restrictions from the State Safe Ohio Order, set to expire May 29, 2020 at 11:59 p.m. In place of the Stay Safe Ohio Order, the Director has issued an urgent health advisory entitled, "Ohioans Protecting Ohioans," which advises, but does not order, certain safety and hygiene measures for Ohioans to reduce their risk of contracting COVID-19.

Based upon these findings of fact, the Lima Municipal Court has developed a continuum of flexible responses in case the public health crisis escalates and to be in effect until the response to the COVID-19 health crisis has controlled the spread of the disease or until further order of the court. The continuum of responses serves to protect the public health, to maintain essential court functions, and to continue to protect the rights of all individuals subject to the authority of the court.

THEREFORE, IT IS HEREBY ORDERED:

1. The local rules of Lima Municipal Court may be temporarily adapted to allow court flexibility, within constitutional limits, in response to the public health emergency.
2. The Court may temporarily amend or supplement its security policies to protect public health while maintaining essential court functions.

3. The Court may temporarily adjust its Personnel Policies and Procedures Handbook and other usual and customary human resource provisions to maintain essential court operations and functions.
4. The Court authorizes the use of audio-visual devices and other similar technologies for all actions and proceedings.
5. Assigned judges or magistrates may consider this public health emergency a finding of "just cause" for continuances on a case-by-case basis.
6. The Court will have the 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.
7. To that end, all criminal and civil jury trials are suspended until June 1, 2020, unless a criminal case implicates constitutional "speedy trial" issues for which a waiver from the defendant has not been obtained.
8. For any criminal case that must proceed, jurors will be instructed to utilize a "call-in" system to determine the necessity of their appearance.
9. Criminal arraignments may be held by video from the Allen County Correction Center, any institution of the Ohio Department of Rehabilitation and Correction, or any other facility.
10. All criminal proceedings will be reviewed on a case-by-case basis, with an emphasis on expediting those cases involving incarcerated individuals.
11. Eviction proceedings and writs of possession (move-out orders) shall proceed consistent with the Federal CARES Act and social distancing protocols.
12. Further, the time suspensions set forth herein may be further extended for a greater period of time, to include the duration of the public health crisis and public emergency.
13. All individuals, including Court judicial officers and personnel, desiring to enter the courthouse may be subject to available health screening or testing and excluded from admission based upon the results of such screening or testing.
14. Any Court employee who exhibits signs of illness must notify their direct supervisor by telephone or e-mail and shall not come into the courthouse or

report for duty. Any individual within the courthouse who exhibits signs of illness shall be directed to leave the building immediately and seek medical advice before being permitted to re-enter the building at a later date.

15. The courthouse shall have three states of opening, use, and operations, as follows, to be declared by the Court:

- A. "Open" means normal operations, with full, healthy, staffing on hand, and full hearings and trials, both civil and criminal, jury and bench, to the extent possible under the circumstances.
- B. "Open with Restrictions" means only essential judicial and Court personnel may be on duty in the courthouse, including sufficient security officers, and if a trial, hearing, or other proceeding must be held, the judge assigned is authorized to determine who may be present in the courtroom other than those necessary to conduct the trial or proceedings; no other persons will be permitted entry.
- C. "Closed" means the courthouse is closed for all operations, in which instance, all filings are preserved to the next business day that the courthouse is not closed, and all trials, hearings, and appearances are postponed unless the same can be conducted electronically.

Under this amended order, the courthouse is open with restrictions.

16. The Court shall attempt to minimize the social interaction of litigants, attorneys, witnesses, jurors, law enforcement personnel, and judicial personnel by continuing non-essential proceedings or conducting proceedings, to the extent practicable, by remote video, telephonic, or other available technological means.

17. Judicial officers may issue all orders electronically, serve orders by email notification, and use video and telephone conferencing in an effort to reduce the number of people who come into the courthouse each day.

18. Any proceedings conducted electronically where a record is desired or necessary, the Court and parties shall jointly craft a statement in lieu of a transcript of the proceedings in accordance with the appellate rules.

19. Employees of the court not on duty in the courthouse may work, to the extent possible, remotely, and in accordance with the directives of their department head and/or supervisor.

20. When the emergency subsides, the Court will enter an order declaring an end to the emergency and a resumption of normal operations.
21. This "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Allen County Bar Association, Allen County Prosecutor's Office, Allen County Public Defender's Office, Allen County Sheriff, Allen County Board of Health, Allen County Commissioners, Lima City Council, Lima Mayor's Office, Lima Law Department, Lima Police Department, the website of this Court, and distributed to the media.
22. Local Rule 21 is **NO LONGER** suspended. Defendants and complaining witnesses shall appear for pretrial hearings.
23. All persons entering the courthouse are encouraged to wear a facemask. Court employees shall wear a facemask in all public areas of the building. All persons in the courthouse shall practice social distancing and proper hygiene. For clarity of the record, judicial officers, attorneys, and witnesses may remove their facemasks for in-court proceedings so long as they maintain proper social distancing.
24. Defendants wishing to contest traffic citations are encouraged to submit Written Pleas of Not Guilty. Forms are available on the Court's website or at the Clerk of Court's Office.
25. Defendants appearing for Minor Misdemeanor Traffic Arraignments shall be provided a Written Waiver of Rights and an alternative to plead in writing either Guilty, Not Guilty, or No Contest.
26. If a Written Waiver of Rights and Written Plea of Guilty is entered in a minor misdemeanor traffic case, that person will be assessed a \$25.00 fine and court costs, along with the number of points required to be assessed for the offense. This same fine and court costs shall apply to Written Pleas of No Contest, with the Defendant agreeing to a finding of Guilty.
27. In cases of a Guilty plea to an Unspecified Misdemeanor, the fine imposed shall be \$200.00, plus court costs, and appropriate points assessed.
28. If a written Plea of Not Guilty is entered to any minor misdemeanor traffic offense, a Time Waiver will be provided for signature and bond set at \$1250.00 Unsecured Appearance. A trial date shall be set.

29. Defendants appearing for arraignment on a criminal minor misdemeanor offense shall be permitted to file a written plea of guilty. The Court shall impose a \$25.00 fine and court costs for each offense.

30. All appearances for Criminal, Traffic and Traffic cases are limited to Defendants, Primary Officers, Victims, and subpoenaed parties in the proceedings. Persons required to appear in court shall not bring guests.

31. If you do not have personal business before the Court, you will not be permitted into the Courthouse. Personal business is defined as a mandatory attendance at a scheduled hearing, resolving a driver's license warrant block or license forfeiture, or obtaining driving privileges or release of your vehicle.

32. Defendants should contact the Public Defender or their attorney to request a continuance if they have health concerns with appearing in court.

33. Self-represented plaintiffs or defendants may call the court to request a continuance if they have health concerns with appearing in court.

34. Witnesses concerned about appearing in Court during this health crisis should contact the attorney for the party that issued the subpoena.

35. Victims should contact the prosecutor's office if they have concerns about appearing due to the health crisis.

36. Bench warrants **will be ordered** for defendants not appearing for scheduled cases, with bond conditions set on a case-by-case basis. This Court's previous order entitled IN RE: UNSECURED APPEARANCE BONDS FOR LIMA MUNICIPAL COURT WARRANTS (dated March 13, 2020) is hereby **VACATED**.

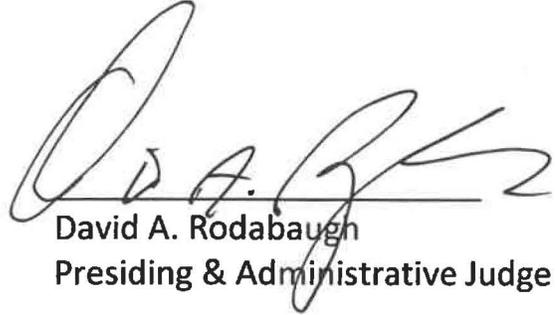
THIS ORDER IS EFFECTIVE ON JUNE 11, 2020 AND SUBJECT TO REVIEW AND TERMINATION BY THE ADMINISTRATIVE JUDGE. ORDER NO. 20MISC011, FILED MAY 27, 2020, REMAINS IN EFFECT UNTIL 11:59 P.M., JUNE 10, 2020.

THIS ORDER SUPERSEDES PRIOR COVID-19 ORDERS ONLY TO THE EXTENT THAT THE PRIOR ORDERS ARE INCONSISTENT WITH ANY PROVISION HEREIN.

IT IS SO ORDERED.



Tammie K. Hursh
Judge



David A. Rodabaugh
Presiding & Administrative Judge