

IN THE STRUTHERS MUNICIPAL COURT

STATE OF OHIO

SS: JUDGMENT ENTRY

COUNTY OF MAHONING

RE: EMERGENCY OPERATIONS UPDATE APRIL 2020

Whereas, on March 11, 2020, The World Health Organization (WHO) has declared the coronavirus (COVID-19) a Pandemic and the Governor of the State of Ohio has declared a State of Emergency and ordered restriction of public and social gatherings in an effort to curtail the spread of the of the illness.

Whereas, on March 13, 2020, the President of the United States declared a National Emergency.

Whereas, COVID-19 threatens to interrupt the orderly operation of the Struthers Municipal Court and efficient administration of justice.

Whereas, the Governor of the State of Ohio signed into law Am. Sub H.B. 197 which immediately tolled, retroactive to March 9, 2020, all statutes of limitations, time limitation and deadlines in the ORC and OAC until the expiration of Executive Order 2020-01D or July 30, 2020 (whichever is sooner).

Whereas, on March 27, 2020 the Supreme Court of Ohio issued an order tolling all time requirements imposed by rules promulgated by the Supreme Court.

Whereas, the Ohio Director of Health issued a "Stay at Home Order" on March 22, 2020 which was extended and amended on April 2, 2020.

Whereas, social distancing must be observed during the emergency period in all court proceedings and in each court in Ohio has been directed to make orders to mitigate the spread of COVID-19.

Whereas, it is necessary for this Court to establish a temporary measure promoting uniformity and continuity amongst the court of Ohio and ensuring the continued and effective operation of the judicial system during the emergency period.

Whereas, in an effort to protect the court staff and the general public; and maintain the orderly administration of justice, the Struthers Municipal Court, upon consultation with the Mayor of the City of Struthers and the Supreme Court of Ohio and guidelines from Governor Dewine, do hereby provide Notice of the Emergency Operations commencing Tuesday, March 17, 2020.

Whereas, in order to maintain staff safety, the public safety and maintain the orderly administration of justice under the Emergency Operations, pursuant to Sup. 5(A)(2), the Judges of the Court may:

1. Suspend or modify the operation of any Local Rule of Practice;
2. Adopt temporary Local Rules of Practice;
3. Utilize alternative methods to conduct hearings, including but not limited to the use of audio/visual technology and/or telephonic hearings;

4. Continue matters sua sponte;
5. Regulate public access to the Court;
6. Modify the terms and provisions of the Employee Personnel Manual; and
7. Do or direct to be done all things necessary to ensure the orderly and efficient administration of justice.

Now therefore, in order to protect the public health, to protect the health and safety of the public at large, litigants, court employees, law enforcement, attorneys and to comply with recommendations limiting the size of public gatherings and to reduce unnecessary travel, the Court hereby issues the following order immediately:

CIVIL CASES:

All pending and subsequently filed civil proceedings will be continued and not reset until further notice; this includes, but is not limited to: new and pending small claims, new and pending civil filings, new and pending eviction proceedings (except in the instances where allegations of domestic violence are involved), bailiff services, new and pending garnishment actions/orders.

The Court will not act or issue orders on any civil matters until after June 1, 2020.

CRIMINAL AND TRAFFIC CASES:

This Court has the authority to sua sponte continue any criminal and traffic matters pursuant to ORC Section 2945.72(G) and (H).

All Criminal and Traffic cases set for an arraignment (including probation violation arraignments), pre-trial, trial, suppression and/or preliminary hearing **where the defendant is NOT in custody** will be continued until after June 1, 2020.

All Criminal and Traffic cases set for an arraignment (including probation violation arraignments) **where the defendant IS in custody** will proceed as scheduled but will be conducted using video with the defendant attending remotely from the Mahoning County Justice Center and the Court conducting an open court session with normal recording protocols being observed when possible. (Monday, Wednesday, Friday at approximately 11 am)

All Criminal and Traffic cases set for a pre-trial, trial, suppression and/or preliminary hearing **where the defendant IS in custody** shall be continued and reset after June 1, 2020 but before July 30, 2020. In the event that Executive Order 2020-01D expires or is cancelled prior to July 30, 2020 the Court may advance and reschedule hearings to meet necessary speedy trial time requirements.

Judge Leone may make individual exceptions to the above protocol and may require defendant's to be transferred to the Court for hearings when Judge Leone deems it necessary for the proper administration of justice.

COMMUNITY CONTROL REPORTING REQUIREMENTS:

All defendants currently on or subsequently placed on Community Control Status will continue to report as required except that there **shall be no in person reporting**. Probationers shall report by calling their Probation Officer at the Court. This means of reporting will remain in effect until further notice.

CLERK OFFICE HOURS OF OPERATION:

Mondays: 8 am – 1 pm

Wednesdays: 10 am – 3 pm

Fridays: 8 am – 1 pm

We will limit the number of people permitted to enter the courthouse in order to keep everyone in our community safe. Only scheduled Defendants, their counsel, and subpoenaed victims/witnesses shall be allowed in the court.

Please call the Court or Clerk of Court with questions using the following telephone numbers:

Website – www.strutherscourt.com

Fax – 330-755-2790

Civil Cases, Small Claims/Evictions – 330-755-1800 ext 113

Traffic Cases – 330-755-1800 ext 142

Criminal Cases – 330-755-1800 ext 118

Probation – 330-755-1800 ext 146

A locked deposit box is located in the lobby near the Struthers Police Department Dispatch Center of the City building. This box may be used for court payments, attorney filings, attorney fee slips, etc. Envelopes will be supplied at that location for your use.

Whereas, Struthers Municipal Court shall post any suspension or modification of the Local Rules of Practice or adoption of the temporary local rules conspicuously within the court as well as on the Court website at www.strutherscourt.com.

Whereas, the Court will monitor the public health crisis impact on the Court operations and formally review the necessity of any temporary rules at least every thirty (30) days and return to normal and regular operations as soon as staff safety, public safety and orderly administration of justice can be reasonably ensured.

IT IS SO ORDERED

DATED: _____

DOMINIC LEONE, ADMINISTRATIVE AND PRESIDING JUDGE
STRUTHERS MUNICIPAL COURT