

IN THE MASSILLON MUNICIPAL COURT  
STARK COUNTY, OHIO

FILED  
IN RE: 2020 MAY 14 AM 8:39  
JOHN A. WAER, JR.  
CLERK OF COURT  
MASSILLON, OHIO

JOURNAL ENTRY NO. 61-2020

**TEMPORARY ORDER REGARDING  
FELONY PRELIMINARY HEARINGS  
IN RESPONSE TO THE COVID-19  
PUBLIC HEALTH CRISIS**

This matter came before this Court on the oral motion of Massillon City Law Director Justin Richard and Stark County Prosecutor John D. Ferrero, by Assistant Stark County Prosecutor Frederic R. Scott, Chief of the Stark County Prosecutor's Criminal Division. With the outbreak of the COVID-19 pandemic, Law Director Richard and Chief Prosecutor Scott have been in communication with the Judges of the Massillon Municipal Court regarding charged felony cases that are set for Preliminary Hearing and the cases that this Court binds over to the Stark County Grand Jury after such hearings. Based upon the representations of Law Director Richard and Chief Prosecutor Scott, this Court takes notice of the following facts and determines that this is an administrative matter to protect the court staff, attorneys, defendants, witnesses, police officers and the general public:

1. On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D "Declaring a State of Emergency" in response to the growing COVID-19 public health crisis.
2. On March 11, 2020, the World Health Organization declared COVID-19 a global "pandemic" requiring "urgent and aggressive action" to control the spread of the virus.
3. On March 11, 2020, the first Ohio "community transfer case" of COVID-19 was confirmed to be in Stark County, Ohio.

4. On March 13, 2020, President Donald Trump issued an executive order which declared the outbreak of COVID-19 to be a national emergency.
5. On March 16, 2020, the Centers for Disease Control and Prevention issued guidelines which required cancelling gatherings of more than ten people. Governor DeWine has issued orders closing, among other establishments, all schools, gyms, bars, restaurants, movie theaters, salons, and spas, as well as cancelling and extending the Ohio Primary Election, originally scheduled for Tuesday March 17, 2020.
6. On March 22, Dr. Amy Acton, Director of the Ohio Department of Health, issued an order that required all non-essential workers to stay home through April 6, 2020. On April 2, 2020, Dr. Acton amended and extended her original order through May 1, 2020. And on April 30, 2020, Dr. Acton amended her order, allowing limited increased movement and activity, through May 29, 2020. Dr. Acton has indicated that the virus that causes COVID-19 is easily transmitted between people and that people can be infected with the virus without developing or before developing COVID-19 symptoms. Further, Dr. Acton has indicated that there is no known medical cure for COVID-19, it has a high mortality rate, and that, in the best case scenario, it will be at least eighteen months until there is a viable vaccine to protect people from the virus that causes COVID-19.
7. On March 27, 2020, Governor DeWine signed HB 197 which tolls the statute of limitations and all speedy trial time limits that are set expire between March 9, 2020, and July 30, 2020. The tolling continues from March 9, 2020 until either Governor DeWine ends the order declaring a state of emergency or until July 30, 2020, whichever date is earlier.
8. On the March 27, 2020, the Ohio Supreme Court issued order 2020-Ohio 1166 which tolls all time requirements under all rules promulgated by the Ohio Supreme Court from March 9, 2020, until Governor DeWine ends the order declaring a state of emergency or until July 30, 2020, whichever date is earlier.
9. As of May 11, 2020, there have been twenty three thousand, four hundred (23,400) confirmed COVID-19 cases and one thousand, two hundred, forty-six (1,246) COVID-19 deaths in Ohio.
10. As of May 11, 2020, there have been five hundred eleven (511) confirmed COVID-19 cases and sixty-seven (67) COVID-19 deaths in Stark County.
11. The Stark County Grand Jury continues to operate and review cases, and the Grand Jury is able and willing to directly review all new felony cases scheduled for preliminary hearings in the Massillon Municipal Court.

**Therefore, based upon the facts herein set forth, the Court makes the following findings:**

1. The current COVID-19 pandemic creates serious health risks to witnesses, attorneys, court staff, defendants, and the public when courts are forced to hold hearings.
2. The virus that causes COVID-19 is easily transmitted and an individual can carry it for some time period until developing COVID-19 symptoms. Each time a court holds a hearing, hearing participants needlessly and unknowingly can expose themselves, those who attend hearings, and their families, caretakers, and the general public to COVID-19 dangers.
3. The Ohio Supreme Court has tolled all time requirements set forth by rules promulgated by the Court, including the time requirements for holding preliminary hearings, as set forth in Rule 5(B) of the Ohio Rules of Criminal Procedure.
4. The COVID-19 public health emergency constitutes an extraordinary circumstance warranting a delay of preliminary hearings and the delay of those hearings is indispensable to the administration of justice.
5. The Stark County Grand Jury has agreed to directly review all felony cases that come before the Massillon Municipal Court, before a preliminary hearing takes place.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that all Preliminary Hearings in the Massillon Municipal Court shall be stayed, unless otherwise specifically ordered by this Court, until either Governor DeWine ends the order declaring a state of emergency or until July 30, 2020, whichever date is earlier, or until the Ohio Supreme Court rescinds Order 2020-Ohio-1166, or until further order of this Court.

**IT IS SO ORDERED.**

  
EDWARD J. ELUM  
Judge

  
JOEL C. FICHTER  
Judge

DATE: May 14, 2020

**DISTRIBUTION:**

1. Stark County Public Defender Chief Tammy Johnson.
2. Stark County Bar Association, Attn: Tina.
3. Stark County Public Defender Commission.
4. Members of Stark County Criminal Defense Bar.