

IN THE CLEVELAND MUNICIPAL COURT

GENERAL DIVISION
CUYAHOGA COUNTY, OHIO

APR 09 2020

CLEVELAND MUNICIPAL COURT
EARLE B. TURNER, Clerk

In Re:

AMENDED ORDER DECLARING JUDICIAL
EMERGENCY AND OUTLINING COURT
OPERATIONS DURING THE COVID-19 PANDEMIC)

JOURNAL ENTRY

The Judges of the Cleveland Municipal Court – General Division make the following findings of fact:

1. The Center for Disease Control and Prevention (CDC) is responding to an outbreak of respiratory disease caused by the coronavirus and the disease it causes has been named coronavirus disease 2019 (abbreviated "COVID-19"). On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01 D, "Declaring a State of Emergency," in response to the growing COVID-19 public health crisis. On March 11, 2020, the World Health Organization publicly characterized COVID-19 as a global "pandemic" requiring urgent and aggressive action to control the spread of the virus. On April 2, 2020, the Ohio Department of Health Director issued an "Amended Director's Stay at Home Order." On April 3, 2020, the Cuyahoga County jail reported its first confirmed case of COVID-19 in the jail.
2. Cleveland Municipal Court has consulted with all the major stakeholders and entities that utilize the Court and upon recommendations obtained, hereby declares an emergency and makes the following orders regarding the continuity of operations of the court.
3. Based upon these findings of fact, the Cleveland Municipal Court - General Division issues the orders, which are intended to protect public health, to maintain essential court functions and to continue to protect the rights of all individuals subject to the authority of this Court. These orders will remain in effect until such time as the response to the COVID-19 health crisis has resulted in the control of the spread of the disease or until further order of the Court.
4. This Order supersedes and replaces all prior Orders addressing this issue and is effective until further order of this Court.

THEREFORE, IT IS HEREBY ORDERED:

1. The local rules of court for the General Division may be temporarily adapted to allow court flexibility, within constitutional limits, in response to the public health emergency.
2. The Court's security policies may be temporarily amended or supplemented to protect public health while maintaining essential court functions.
3. The Court's Personnel Policies and Procedures Handbook and other usual and customary human resource provisions may be temporarily adjusted to maintain essential court operations and functions.

4. The Court authorizes the use of audio-visual devices and technologies for all actions and proceedings including interpreter services.
5. 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.
6. All non-jail misdemeanor arraignments, pretrials and trials are continued for good case shown for ten weeks from last court date. Pursuant to RC 2945.72(H), speedy trial time is tolled for a reasonable period of time as the COVID-19 pandemic is an active threat to the safety, protection and health of the community.
7. The Court will continue to implement a reduced jail docket, via videoconferencing, that consists of felony and misdemeanor arraignments and pretrials for defendants in jail.
8. As the Cuyahoga county jail has several confirmed cases of COVID-19, it is necessary for the Court staff to eliminate, when possible, all in-person contact with defendants in custody to protect the staff and the defendants from infection. All documentation that warrants the signature of anyone in custody will be signed by the Public Defender/Private Attorney representing the Defendant with the Defendant's consent. The Defendant's consent to an attorney signing on his/her behalf must be obtained on the record in open court (via video conferencing).
9. Each week, one designated Judge shall preside over any proceeding of a case assigned to another judge, except for the imposition of a sentence. The assignment will rotate weekly.
10. All criminal and civil jury trials are hereby suspended.
11. All civil proceedings, except emergency actions, are hereby continued.
12. All weddings are cancelled until further order of the Court. If it is necessary for a wedding to go forward, the parties can contact the Court's Administrative and Presiding Judge.
13. All individuals, including Court judicial officers and personnel, desiring to enter the courthouse will be subject to 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. 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.
15. Employees of the court not on duty shall work, to the extent possible, remotely, and in accordance with the directives of their department head and/or supervisor.
16. When the emergency subsides, the Court will enter an order declaring an end to the emergency and a resumption of normal operations.

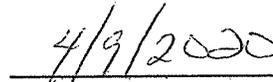
17. This "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Ohio Judicial Conference, Cleveland Municipal Clerk of Courts, Cleveland Metropolitan Bar Association, Cleveland Mayor Frank Jackson, Cleveland City Council, Cuyahoga County Prosecutor's Office, Cuyahoga County Public Defender's Office, Cuyahoga County Criminal Defense Lawyers Association, Cuyahoga County Sheriff, Cuyahoga County Board of Health, Cuyahoga County Executive, the website of this Court, and distributed to the media.

IT IS SO ORDERED.

CLEVELAND MUNICIPAL COURT - GENERAL DIVISION



JUDGE MICHELLE D. EARLEY
ADMINISTRATIVE & PRESIDING JUDGE



DATED