



IN THE CLEVELAND MUNICIPAL COURT
GENERAL DIVISION

STATE OF OHIO
CUYAHOGA COUNTY

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ADMINISTRATIVE ORDER
NO. 2022-001

IN RE: ORDER TO CONTINUE JURY TRIALS UNTIL FEBRUARY 7, 2022

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

1. The Community spread of COVID-19 continues at an extremely high rate; and
2. It is necessary to continue Court operations in a safe manner for the Court's employees and the individuals who utilize the Court; and
3. Jury trials present a unique challenge during the COVID-19 Pandemic. The Court recognizes that jury selection in this jurisdiction involves a jury venire which may consist of individuals in the categories identified by the Center for Disease Control and Prevention as being particularly at risk, individuals involved in essential public functions, and individuals responsible for children unable to attend school or daycare due to the pandemic; and
4. Based on the recommendations from the Cuyahoga County Board of Health, it will be a challenge to conduct jury trials while taking the necessary precautions to reduce the possibility of exposure to COVID-19; and
5. The Cleveland Municipal Court is in the same complex as the Cuyahoga County Court of Common Pleas, General Division, hereinafter "Common Pleas Court". All jurors are summoned by the Common Pleas Court. Building capacity and cooperation with the jury calendar of the Common Pleas Court must be considered in scheduling jury trials.
6. Cuyahoga County Court summons and assists in the collection of our jurors. Common Pleas Court has issued an Administrative Order (Updated Order Regarding Continuity of Operations, Including Jury Trials Due to COVID-19 Pandemic) dated January 4, 2022 suspending all jury trials until February 7, 2022. As such, no jurors will be available for Cleveland Municipal Court, General Division.

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.

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. Criminal Jury Trials:
 - a. No jurors were called-in for the week of January 3, 2022, in order to limit a post-holiday COVID-19 spread. Despite the caution previously exercised by this Court, community cases continue to remain high.
 - b. In a letter addressed to the Judges of the Court the Cuyahoga County Defense Lawyer Association specifically requested, "Due to Constitutional and safety issues we would encourage the Court to limit in-person hearings and jury trials at this time." (Letter Dated January 2, 2022).
 - c. Jury Trials will be suspended until February 7, 2022 and no-jurors will be brought in until that date.
 - i. To accommodate trials and public health recommendations regarding trials, the period of the continuances implemented by this Order are excluded under O.R.C. 2945.72 and Ohio Constitution I, Sec. 10. The Court specifically finds that the ends of justice and safety served by ordering the continuances outweighs the interest of the public and any defendant's right to a speedy trial.
 - ii. Further, this Court finds that a continuance of trial which supersedes a defendant's speedy trial right is hereby considered permissible in the Cleveland Municipal Court, General Division, under the Ohio Constitution and O.R.C. 2945.72(H) as a reasonable continuance granted other than upon the accused's own motion," due to the current pandemic levels.
 - iii. Due to these emergency circumstances and based upon the foregoing reasons, the Court may reset trials from time to time on its own motion.
 - iv. Any continuance of a jury trial will be docketed with the COVID-19 Trial Continuance Order, as follows:

"The trial of this matter is continued to a future date. This continuance is required for the administration of justice. Due to the continued risk of community spread of the COVID-19 virus, and in order to maintain the safety of the public, court employees, litigants, attorneys, and others whose business is at the Cleveland Municipal Court, Justice Center, by Order to Continue Jury Trials Until After February 7, 2022, has limited its operations and set parameters for the selection of cases for jury trials. The Supplemental Judicial Emergency Order is intended to allow the Court to safely and responsibly continue operations. The Court has considered reasonable alternatives to conducting jury trials in areas other than the courthouse. However, the serious threat to the public health is good cause to

continue this jury trial. Cases of COVID-19 continue to remain at high levels, placing Cuyahoga County in the Public Alert Level of Red. Further, on October 28, 2020, Chief Justice Maureen O'Connor provided guidance to the courts and stated, "Your first consideration as a judge is the health and safety of your employees and the public who enter the courthouse." She went on to state that, "Now that the numbers are on an upward trajectory, several courts have announced the cessation of jury trials for the time being. I regard that as a smart move given the current situation." This order considers both the Defendant's statutory and constitutional rights to a speedy jury trial, and determines that a continuance of trial which supersedes a defendant's speedy trial right is hereby considered permissible by the Cleveland Municipal Court under the Ohio Constitution and O.R.C. 2945.72 (H) as a "reasonable continuance granted other than upon the accused's own motion." Based upon the foregoing, and for good cause shown, 1) if a trial date has been journalized, the time between the journalized trial date through the day before the next scheduled trial date will not be counted when calculating defendant's speedy trial time, or 2) if a trial date has not previously been journalized, the time between the date of the last journalized pre-trial, including a video-conferenced or telephonic pre-trial, or any other pre-trial hearing through the day before the next scheduled trial date will not be counted when calculating defendant's speedy trial time."

7. Because of the unique challenges jury trials present, civil jury trials will also be suspended until after February 7, 2022.

8. This order shall be provided to the Supreme Court of Ohio, Ohio Judicial Conference, Cleveland Municipal Clerk of Courts, Cleveland Metropolitan Bar Association, Cleveland Mayor Justin Bibb, Cleveland City Council, City of Cleveland 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



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