

2020 MAY -8 PM 3: 58

IN THE DELAWARE MUNICIPAL COURT
DELAWARE COUNTY, OHIO

IN RE: COURTHOUSE OPERATIONS :
UNDER EXIGENT CIRCUMSTANCES : ADMINISTRATIVE ORDER
CREATED BY COVID 19 :

CINDY DINOVO
CLERK

The Administrative Judge of the Delaware Municipal Court hereby issues an Administrative Order in response to the ongoing public health emergency created by the outbreak of the Coronavirus Disease 2019 (COVID-19). As previously outlined by Administrative Order, the Governor of Ohio declared a state of emergency in Ohio and the World Health Organization declared a global pandemic. As the economy begins to reopen, and in the face of an ongoing public health emergency, the Director of Health has issued "Stay Safe Ohio" Order.

During the course of the emergency, the Governor signed into law Am. Sub H.B. 197 immediately tolling all time limitations and deadlines in the Ohio Revised Code and Ohio Administrative Code that are/were set to expire during the tolling period. Immediately thereafter, the Supreme Court of Ohio ordered similar tolling of any rules promulgated by the Court. Both the legislation and Court Order are retroactive to March 9, 2020, and are set to expire on the earlier of either the end of the Governor's emergency declaration or July 30, 2020. A time limitation tolled by the legislation or order is effectively frozen.

Although time limitations and deadlines are tolled, the Court may still order parties to comply with a time requirement established by Supreme Court Rule *if it determines the situation requires immediate attention*. Although the legislation or order may toll a time requirement, federal law or regulation may require a local court to proceed with a case. Moreover, nothing in the legislation or order prohibits a party from voluntarily complying with a time limitation set by law or rule.

Continuing Operations: As the state of emergency persists, the Court must continue to consider how to best address cases while protecting the rights of the public we serve. The Court will continue to perform essential functions, but will limit hearings to in-custody defendants only, through May 14, 2020, or until otherwise ordered. This Administrative Order does not affect the Court's consideration of criminal or civil motions that can be resolved without oral argument.

The Court will continue to use remote video conferencing when possible, in accordance with Crim. R. 43, for hearings (including changes of plea). Parties can find instruction for remote video conferencing on the Court's website (www.municipalcourt.org).

For those matters that necessitate an in-person hearing, the Court will admit only essential persons (e.g., attorneys, defendants, victim, witnesses) into the courthouse. As previously instituted, all persons coming to Court are required to use hand sanitizer immediately prior to entering the court area. All individuals shall practice the recommended six-foot social distancing recommendations of the health experts. All essential persons with business in the courthouse are required to wear a mask or protective face covering

while in the building and/or interacting with others. The number of people permitted to enter the Court may be limited if numbers exceed those that can safely abide by social distancing guidelines.

IF YOU ARE SICK DO NOT COME TO COURT. Notify your attorney if you are represented. If you represent yourself, notify the court by phone, email, or fax prior to your scheduled hearing. The fax number is: **740.203.1599**. The email is: e-filing@municipalcourt.org.

The Court also implemented the following safety measures for employees in accordance with state and federal guidelines:

- Employees must perform a daily symptom assessment to determine whether they should work;
- Employees are required to wear a mask or protective face covering in the Courthouse unless the person is alone in an office;
- Employees must maintain good hygiene at all times and are required to regularly wash their hands;
- Employees are required to clean and sanitize work areas throughout the day and at the close of business;
- Employees must stay home if symptomatic or go home if they become symptomatic;
- All individuals must be a minimum of six (6) feet between each other unless a proper barrier exists or the person is alone in an office; and
- Individuals exhibit symptoms of COVID-19 are not permitted to enter the Courthouse.

Beginning May 15, 2020, and in accordance with the State and Federal Guidelines regarding social distancing, the Court will begin to phase in regular court operations according to the following schedule:

- **May 10-31, 2020:** Continue as ordered in the Court's April 8, 2020 Administrative Order with hearings limited to in-custody defendants only by video from the jail; and limited out of custody cases as requested by parties and ordered by the Court. Any criminal or traffic matters scheduled before any judge or magistrate, and any associated deadlines are continued to at least June 1, 2020 (the Court will notify parties of specific dates by individual entries), except for the following:
 - Criminal arraignments for incarcerated defendants;
 - Proceedings involving incarcerated defendants at the assigned judge's discretion
 - Motions for Protection Orders; and
 - Search/Arrest Warrants.

The Court will continue to conduct pre-trial hearings by telephone and/or video conferencing.

- **May 15, 2020:** The Court will proceed with scheduled arraignments, and thereafter, will resume normal Monday, Wednesday, and Friday arraignments. The Court will implement the following safety measures:
 - The Court will conduct arraignments in up to three (3) courtrooms to provide for social distancing.

- Other than court staff, the Court will admit a maximum of seven (7) essential persons wearing a mask for protective face coverings to a courtroom at any time; the Court will determine admittance based on the order in which individuals arrive at the courthouse.
 - Only essential persons (e.g. attorneys, defendants, victims) will be permitted in the courtroom during arraignment.
 - The Court will closely monitor the arraignment schedule and continue cases as needed to ensure compliance with State and Federal Guidelines related to social distancing and number of persons permitted in a room.
 - A defendant may enter a Not Guilty plea in writing prior to his/her arraignment instead of appearing at court for a scheduled arraignment. The Not Guilty plea form can be found on the Court's website (www.municipalcourt.org.)
- **June 1, 2020: The Court will begin hearing motions** (including motions to suppress). Motions filed prior to the pandemic emergency orders will be given priority over newly filed motions. From June 1, 2020 forward, any motion to suppress must be filed pursuant to Crim. R. 12(D).
 - Upon written agreement of the parties, and approval of the court twenty-four (24) hours prior to a hearing, witnesses may appear remotely by video conference.
 - **June 1, 2020: The Court will hear criminal and traffic cases as previously scheduled.** The prosecutor and defense counsel/defendant will continue to conduct pre-trials via telephone/video conferencing starting at 1:00 p.m. The parties will arrange for more specific times. Following the pre-trial, the prosecutor will file a pre-trial memorandum informing the court whether to schedule the case for a plea hearing or final pre-trial. (Note: The Court will continue to liberally grant motions to continue for reasons related to COVID-19.)
 - **June 1, 2020: The Court will begin to open hearings on civil cases and Small Claims as previously scheduled.** Upon request of the parties, and when appropriate, the Court will permit telephonic or video conferencing. While some matters may not proceed until after the end of the emergency declaration, all cases have (or will have) a scheduled court date. (Note: Should the Coronavirus Aid, Relief, and Economic Security (CARES) Act have any bearing on forcible entry and detainer actions, the Court will address those issues as they arise at previously scheduled hearings.)
 - **June 5, 2020: As scheduled, the court will begin to proceed with jury trials when necessary.** Should a jury trial proceed, the Court will, with input from the parties during final pre-trials, set forth numerous safety measures at that time.
 - **July 1, 2020: The procedures and days for pre-trial and final pre-trial conferences will change to the following:**


- Pre-Trials, which will continue to occur between the parties by telephone/video conference, will be scheduled as follows:
 - Judge Hemmeter – Wednesdays, beginning July 1, 2020, at 1:00 p.m.
 - Judge Rohrer - - Mondays, beginning July 6, 2020, at 1:00 p.m.
- Final Pre-Trials – The Court will schedule all in-person final pre-trials in fifteen (15) minute increments. If counsel cannot attend during the allotted time, he/she must file a written continuance. As the Court values the health and safety of all court attendees, it will not be able to accommodate parties who appear late for their allotted hearing.
 - Judge Hemmeter – Tuesdays, beginning July 7, 2020, at 1:00 p.m.
 - Judge Rohrer – Thursdays, beginning July 9, 2020, at 1:00 p.m.
- **July 1, 2020: The Court will resume conducting wedding ceremonies.** If you wish to schedule a wedding at the Court after July 1, 2020, please call **740.203.1501**. The Court will continue to limit the number of persons permitted to attend a wedding to comply with state and federal social distancing guidelines.

Community Control (Probation)/Pre-Trial Services – All Defendants shall continue to check in with officers by telephone or email as set forth in the Court’s April 8, 2020 Administrative Order. As required, Defendants shall continue calling daily to determine whether they must submit to a drug screen.

Specialized Dockets: The Court’s specialized dockets will continue occurring remotely until further Order of the Court.

The Court will continue to monitor the ongoing COVID-19 situation and adapt its orders as needed to meet our community’s need.

IT IS SO ORDERED.



Marianne T. Hemmeter
Administrative Judge