

IN THE CONNEAUT MUNICIPAL COURT
ASHTABULA COUNTY, OHIO

IN RE:)	Case No. 20 MIS 2
)	
<u>EIGHTH EMERGENCY ORDER</u>)	
IN RESPONSE TO THE)	<u>JUDGMENT ENTRY</u>
COVID-19 (CORONAVIRUS))	
PUBLIC HEALTH CRISIS)	
(COURT OPERATIONS AND)	
LOCAL RULES OF COURT)	April 20, 2020
MODIFIED))	
)	

On April 1, 2020, this Court issued a “Sixth Emergency Order in Response to the COVID-19 (Coronavirus) Public Health Crisis (Court Operations and Local Court Rules Modified.” On April 13, 2020, this Court issued a “Seventh Emergency Order in Response to the COVID-19 (Coronavirus) Public Health Crisis (Court Operations and Local Court Rules Modified.”

In order to consolidate the referenced Sixth and Seventh Emergency Orders into one order, as well as revise the referenced prior orders, the Court hereby issues this Judgment Entry which will supersede such prior orders.

The Court hereby adopts the Findings of Fact contained in its March 16, 2020 “Temporary Order in Response to the COVID-19 (Coronavirus) Public Health Crisis;” issuance by the Director of the Ohio Department of Health of the Amended “Stay At Home” Order on April 2, 2020. As part of its additional findings, the Court further recognizes the recent enactment of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act essentially placing a temporary moratorium on all evictions and foreclosures involving federally-subsidized properties; the nationwide extension of social distancing guidelines until April 30, 2020; and the issuance of guidelines from the Ohio Supreme Court, among other actions.

The Court further finds that Rule 3 of the Ohio Traffic Rules (which have been adopted by this Court in Rule 22 et seq. in its March 2, 2020 Local Rules of Court), the complaint and summons contained in the “Ohio Uniform Traffic Ticket,” and case law interpreting such rule and uniform traffic ticket form, all contemplate that a defendant must sign the traffic ticket as evidence that the defendant has been personally and properly served with the ticket to ensure that the Court has personal jurisdiction over the traffic citation that was issued. The Court finds further that obtaining a signature of the defendant to a traffic ticket, under the current pandemic circumstances, creates a substantial risk to the health and safety of law enforcement officials and should be temporarily suspended provided evidence exists as noted in this Judgment Entry which demonstrates that proper personal service of the ticket upon the defendant has been made.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that, effective immediately and shall remain in effect subject to further order of the Court, the operation of the Court and the Local Rules of Court are *temporarily* modified herein:

GENERAL

Whereby.com

The Court is utilizing equipment and technology, including the video-conferencing system known as *whereby.com*, in order to conduct as many virtual hearings as possible. Any attorney and/or party who desires to have a hearing conducted virtually should immediately contact the Clerk of Courts to make arrangements for the scheduling of such hearing, at which time the Court will provide the parties and all witnesses, victims, victims’ representatives, and other persons whose presence is necessary to conduct the hearing the Court’s *whereby.com* link to be able to access the hearing.

The Court reserves the right to order all parties, attorneys, and other persons, who are technologically able to do so, to attend any hearing, **even those hearings scheduled on or after May 11, 2020**, utilizing *whereby.com*.

Public Access to Courthouse/City Hall

Subject to further order of the Court, the only persons permitted access to the courthouse/city hall for court purposes, after they are sufficiently screened and searched for public health and security purposes, are parties to a scheduled in-person case before the Court (plaintiff and defendant), any attorney representing a party in such a scheduled case, the victim and/or victim's representative for appearing for such a scheduled case, and any persons subpoenaed to be at court as a witness in such a scheduled case. **All other persons shall not be permitted access until further notice.**

Payments of Fines, Costs and Bonds

Persons who wish to pay fines, costs, and bonds to the Court shall make such payments by telephone to the Court with credit card information, by mail, or by placing the payment into the Drop Box utilized by the Conneaut Water and Sewer Department located on the north side of the courthouse/city hall building. **No payments shall be made in person, until further order of the Court.**

Filings

In-person filing of emergency or time-sensitive cases will be permitted; however, filings by fax and mail pursuant to the Local Rules of this Court are strongly encouraged in such situations and required in all other instances.

Weddings

All weddings are cancelled until further order of the Court.

Employees

All employees of the Court are deemed essential; however, in light of the referenced April 2, 2020 Amended “Stay at Home” Order of the Ohio Department of Health Director and pursuant to Section 124.388 of the Ohio Revised Code, the Court will implement a rotating work schedule for all employees in order to eradicate the threat to the health and/or safety of the employees and public in general. The Court does not have capabilities for any employee to work from home. Unless furloughed in some way in order to reduce budgetary expenditures as a result of the COVID-19 public health crisis, those employees who will be at home on administrative leave shall be paid equal to the employee’s base rate of pay for the un-furloughed hours and the employee shall continue to accrue leave and service credit for the un-furloughed hours. Employees placed on administrative leave with pay are hereby notified that they:

- a. Shall be in a work-ready status at all times during their regular scheduled time, and must be able to report to work with short notice or respond to contact by telephone.
- b. Shall remain off city hall/courthouse during the leave unless prior approval is given by the Judge of this Court in order to conduct business.

CRIMINAL/TRAFFIC

Ohio Uniform Traffic Ticket Offenses

Any requirement that a defendant sign a traffic ticket after it has been properly issued by a law enforcement officer, as required by the Ohio Traffic Rules, case law, and the Local Rules of this Court, is **hereby temporarily suspended**, provided that the law enforcement officer has obtained reliable evidence, such as body camera video or a witness who made personally observation, demonstrating that the defendant has been appropriately served with the traffic ticket. Law enforcement officers shall write on the traffic ticket “COVID-19” on the line where the defendant is to normally place his or her signature.

Arraignments

Subject to further order of the Court and unless a video hearing has been scheduled in a particular case as noted in the “Whereby.com” section contained in this Judgment Entry, all in-person arraignments of individuals released on bond shall be and are hereby **continued until Tuesday, May 12, 2020 and thereafter**. Such arraignments will be scheduled in a staggered fashion so as to limit the number of persons in city hall/courthouse and the courtroom at any particular time. Arraignments shall be conducted as usual of persons incarcerated in the Conneaut City Jail and Ashtabula County Jail, by video.

Felony Preliminary Hearings

Subject to further order of the Court and unless a video hearing has been scheduled in a particular case as noted in the “Whereby.com” section contained in this Judgment Entry, all felony preliminary hearings shall be and are hereby **continued until Monday, May 18, 2020 and thereafter**.

Probation Appointments

Subject to further order of the Court, all probation appointments shall be conducted telephonically. No in-person probation meetings shall be conducted until further notice.

Jury and Bench Trials

All jury and bench trials, both criminal and civil, that are to occur during March, April and May 2020, are hereby suspended and shall be **rescheduled for June 2020 and thereafter**, subject to further order of the Court.

Discovery

All discovery shall be exchanged electronically between the prosecutor and defense counsel. No discovery shall be exchanged at the courthouse/city hall.

Status and Pre-Trial Conferences

All criminal and traffic status and pre-trial conferences, where the defendant is represented by counsel, shall be conducted via telephone only between the attorneys and the Court. The attorneys for the parties shall call (605) 313-4818 then type in the code 251376# no longer than five (5) minutes after the conference is scheduled to join the call. These status and pre-trial conferences shall be treated as if they are being conducted in the Court's chambers and shall not be recorded.

The Conneaut Law Director or Assistant Law Director shall use their best efforts to conduct all criminal and traffic status and pre-trial conferences with *pro se* defendants via email, telephone, or video between the parties. The Court will not participate in any status or pre-trial conference involving *pro se* defendants.

The Court shall be notified in writing on the "Pretrial Report Form" by the Conneaut Law Director or Assistant Law Director of the outcome of the status or pre-trial conference within twenty-four (24) hours of the scheduled conference. Upon completion of the scheduled status or pre-trial conference, the matter will be set for a *final* pre-trial conference, change of plea hearing, or bench trial, based on notification from the Conneaut Law Director or Assistant Law Director. With respect to *pro se* defendants, the Conneaut Law Director or Assistant Law Director should note on the "Pre-Trial Report Form" whether they were able to make contact with the defendant and conduct a status or pre-trial conference, and if not able to make contact with the *pro se* defendant whether the Conneaut Law Director or Assistant Law Director perceives an active avoidance by the *pro se* defendant to engage in discussions as part of any status or pre-trial conference.

Change of Plea Hearings

Subject to further order of the Court, all change of plea hearings shall be and are hereby **continued until Monday, May 11, 2020 and thereafter.**

Written Guilty Pleas

Subject to further order of the Court, the Court will accept the filing of a written plea of “Guilty”, which will be submitted utilizing the “Guilty Plea” form attached to this Order. Such written “Guilty Plea” must be completed and executed by the defendant, defendant’s attorney, and the Conneaut Law Director or Assistant Law Director. Upon the filing of the completed written “Guilty Plea” form, the Court will schedule the matter for a Change of Plea/Sentencing Hearing at a later date. At the Change of Plea/Sentencing Hearing, the Court may make a finding of Guilty, but is not required to do so, and after making a finding of Guilty at the Change of Plea/Sentencing Hearing the Court shall proceed to the sentencing phase. The Court may reject the Guilty plea at the Change of Plea/Sentencing Hearing, after which time the matter shall be scheduled for a Final Pre-Trial Conference, Bench Trial or Jury Trial. The written “Guilty Plea” option shall not apply to defendants who are not represented by counsel.

Speedy Trial Rights, Statutes of Limitation, and Time Limitations

Pursuant to Section 2945.72(H) of the Ohio Revised Code, Am. Sub. H.B 197 which was enacted March 27, 2020, and the March 27, 2020 “Administrative Actions” Entry of The Supreme Court of Ohio and unless otherwise ordered in a particular case, the Court hereby immediately tolls, extends the time for and continues all preliminary hearings and trials, including jury trials, and all statutes of limitation **retroactive to March 9, 2020 and until expiration of the Governor of Ohio’s Executive Order 2020-01D or July 30, 2020, whichever occurs earlier.** All filing deadlines established in any specific case pending before this Court shall NOT be affected by this

provision pursuant to Section (G) of the aforesaid The Supreme Court of Ohio March 27, 2020
Entry

License Forfeitures

All licenses forfeitures which are pending issuance to the Bureau of Motor Vehicles for failure to appear for arraignment or waiver are hereby **stayed until Monday, May 11, 2020 and thereafter.**

CIVIL

Jury Trials

All jury trials, both criminal and civil, that are to occur during March, April, and May 2020, are hereby suspended and shall be **rescheduled for June 2020 and thereafter**, subject to further order of the Court.

Forcible Entry and Detainer Actions

Subject to further order of the Court, all hearings in Forcible Entry and Detainer Actions are hereby continued and shall be **rescheduled for May 18, 2020 and thereafter**. No bonds shall be required to be submitted as part of any continuances.

Writs of Restitution

All Writs of Restitution and move-outs shall **not be executed until May 18, 2020 and thereafter.**

Status and Pre-Trial Conferences

Until May 17, 2020 and subject to further order of the Court, all civil status and pre-trial conferences shall be conducted via telephone only between the attorneys for the parties and the Court. The attorneys for the parties shall call (605) 313-4818 then type in the code 251376# no longer than five (5) minutes after the hearing is scheduled to join the call.

Bench Trials, Small Claims, Garnishments, Bank Attachment and Other Hearings

All bench trials, small claims hearings, garnishment hearings, objection to garnishment hearings, and bank attachment hearings are hereby continued and shall be **rescheduled for May 18, 2020 and thereafter**. All service-of-process hearings where the defendant is to appear only shall proceed in the courthouse/city hall as scheduled.

All garnishment filings and pleadings shall continue to be accepted and processed by the Clerk after filing.

The Court hereby reserves the right to modify or terminate this Judgment Entry at any time with respect to a particular case pending before the Court or otherwise.

IT IS SO ORDERED.

Nicholas A. Iarocci

NICHOLAS A. IAROCCI, JUDGE
CONNEAUT MUNICIPAL COURT

IN THE CONNEAUT MUNICIPAL COURT
ASHTABULA COUNTY, OHIO

STATE OF OHIO/)	CASE NO.
CITY OF CONNEAUT)	
)	
V.)	<u>WRITTEN PLEA OF GUILTY</u>
)	<u>WAIVER OF TRIAL RIGHTS</u>
_____)	<u>AND RIGHT TO A JURY TRIAL</u>
DEFENDANT)	
)	

Defendant _____ (“Defendant”) acknowledges that he or she has been charged with the following offense(s):

ORIGINAL CHARGE (Code Section/Degree of Crime)

Defendant requests that this Court accept his or her Written Plea of Guilty to the following charges or amended charges:

ORIGINAL CHARGE (Code Section/Degree of Crime)		AMENDED CHARGE, IF APPLICABLE (Code Section/Degree of Crime)
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Defendant further states that he or she has been advised of the maximum potential penalty that can be assessed for a conviction of the above-referenced charge(s) or amended charge(s); that, after conferring with counsel, has been fully informed that he or she is NOT required to plead Guilty; that he or she has a right to a trial to the court, and that he or she has a right to a trial by jury of eight persons provided he or she submits to the court a written demand for a jury trial; that at any trial, he or she has the right to confront witnesses against him or her, to cross-examine witnesses and to require that the case be proven beyond a reasonable doubt; and that, at trial, he or she could testify on his or her own behalf but that he or she could not be compelled to do so and that he or she could have witnesses testify on their behalf and have compulsory process for obtaining the presence of witnesses.

Defendant further submits that no promises or threats have been made in conjunction with this Guilty Plea, and that, understanding all of his or her rights, wish to waive such rights and enter a Plea of Guilty to the above-referenced charge(s) or amended charge(s) and request the Court to accept the Guilty Plea and find him or her Guilty of said charge(s).

By entering this Written Plea of Guilty, the Defendant understands that he or she is waiving any and all of his or her constitutional and statutory rights to a speedy trial.

Defendant understands that this matter will be scheduled for a Change of Plea/Sentencing Hearing at a later date; that he or she may seek to withdraw this Written Plea of Guilty any time prior to the date and time of the Change of Plea/Sentencing Hearing; and that the Court is not required to find the Defendant Guilty of the charge(s) and/or to adopt or approve of any sentence recommended by the parties at said Hearing.

Defendant further states that he or she is able to read and write the English language.

Respectfully submitted:

DEFENDANT

COUNSEL FOR DEFENDANT

Date

APPROVED BY:

LAW DIRECTOR/
ASSISTANT LAW DIRECTOR
CITY OF CONNEAUT

Date

IT IS SO ORDERED.

NICHOLAS A. IAROCCI, JUDGE
CONNEAUT MUNICIPAL COURT