

FILED
COURT OF COMMON PLEAS
2020 MAR 16 PM 2:45

CLERK OF COURTS
MONTGOMERY CO., OHIO

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

**TEMPORARY EMERGENCY ORDER AND ENTRY
RE: GENERAL DIVISION OPERATIONS DURING
COVID-19 PUBLIC HEALTH EMERGENCY AND
EXTENDING CRIMINAL CASE SPEEDY TRIAL
DEADLINES DUE TO EMERGENCY PUBLIC
HEALTH CONDITIONS**


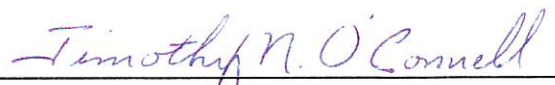
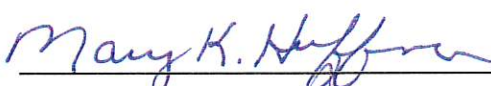
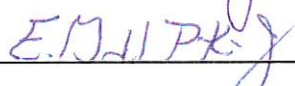
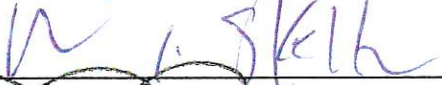


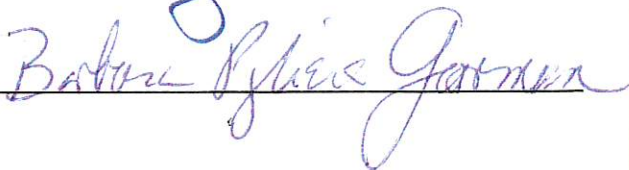
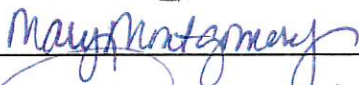
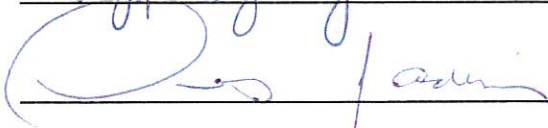
ENTRY AND ORDER

In keeping with its solemn constitutional and statutory obligations, the Montgomery County Court of Common Pleas, General Division, WILL NEITHER CLOSE NOR DISCONTINUE OPERATIONS. However, a present public health emergency demands that certain actions be undertaken to insure ongoing court operations and functions. On March 9, 2020, Ohio Governor Mike DeWine declared a state of emergency under Executive Order 2020-01D, for the reasons stated therein, pertaining to the COVID-19 public health threat. Subsequently, Governor DeWine has ordered further public health protection measures that include, but are not limited to, the cancellation of all K-12 school classes for a period of three weeks; a prohibition on mass gatherings of one hundred people or more; and other measures designed to enhance social distancing to prevent or mitigate the spread of COVID-19. On March 13, 2020, President Donald J. Trump declared a national state of emergency based upon the broad and expanding public health impact of COVID-19. In addition to these national and state governmental actions to address the present public health crisis arising from COVID-19, various private sector entities, county and local governments, and others have enacted crisis management protocols, deploying stringent emergency measures to protect public health. The present public health emergency directly impacts certain critical court functions, including but not limited to, the ability to empanel and maintain jurors.

To insure that the court maintains essential functions and operations during this crisis, maintains staffing levels at risk due to illness or family care responsibilities, minimizes large gatherings of people at the courthouse that may compromise public health guidelines, and to protect the health and safety of all citizens interacting with the court, the court enters this temporary emergency order. In enacting this order under the present emergency conditions, the court has fully and carefully considered R.C. 2945.72(H) and *State v. Talley*, 6th Dist. Lucas No. L-07-1153, 2008-Ohio-6807, in addition to the emergency declarations stated above.

1. In the interests of justice, fairness and public safety, the court orders that, subject to the exception discussed below in Paragraph 2 that may apply based upon unique and unavoidable conditions in specific matters, all jury trials are suspended for a period of thirty (30) days. The Court recognizes that some criminal defendants' statutory speedy trial deadlines may expire during this thirty (30) day period. In all pending criminal matters in which a criminal defendant's statutory speedy trial deadline expires during this thirty (30) day period, the judge presiding over the criminal matter should enter an order in that matter pursuant to R.C. 2945.72 (H), extending the speedy trial deadline. The suspension of all jury trials for a period of thirty (30) days is necessitated by the emergency situation described above which reduces the ability to obtain and maintain an adequate spectrum of prospective and seated jurors, the availability of counsel, litigants, witnesses, court staff, and others for pre-trial and trial matters, and the public health considerations in light of the volume of individuals necessary for the court's usual jury trial calendar were this order not in place. In such manner, the court shall minimize the number of jury trials occurring and the concomitant public health considerations.
2. HOWEVER, recognizing that certain case by case differences may exist based upon a broad constellation of factors, each judge may order that a specific case proceed to jury trial during the effectiveness of this temporary emergency order. A judge, on a case by case basis, will determine whether bench trials, hearings, and other matters will proceed. In such event, the court's full and conscientious COVID-19 mitigation protocols will be utilized, which protocols include but are not limited to enhanced sanitation, cleaning, and hygiene protocols.

SO ORDERED:

**JUDGES OF THE COMMON PLEAS COURT, GENERAL DIVISION
MONTGOMERY COUNTY**