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WADSWORTH MUNICIPAL
COURT

In The Wadsworth Municipal Court
Wadsworth, Ohio

Administrative Order Number: 03-2020

Effective: May 4, 2020

The Wadsworth Municipal Court makes the following Findings of Fact:

- I. On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D "Declaring a State of Emergency in response to the growing COVID-19 public health crisis.
- II. On March 11, 2020, the World Health Organization officially declared COVID-19 to be a global "pandemic" requiring "urgent and aggressive action" to control the spread of the virus.
- III. On March 13, 2020, President Trump issued a "Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak," stating that "[a]dditional measures" are "needed to successfully contain and combat the virus in the United States."
- IV. On March 15, 2020, Governor Mike DeWine ordered closed all bars and restaurants other than carry-out service. On March 16, 2020, Governor DeWine ordered closed gyms, fitness centers, recreation centers, bowling alleys, indoor water parks, movie theaters, and other businesses. On March 18, 2020, Governor DeWine ordered closed Barbershops, Hair Salons and spas, Tattoo Parlors and BMV offices. Currently, the ban does not include public buildings, office environments, or places where it is not unusual for a large number of people to be within arm's length of each other. However, the volume of people that the Wadsworth Municipal Court serves on a daily basis warrants additional action on behalf of the Court.
- V. On March 27, 2020, the Supreme Court of Ohio issued an order which tolled the time requirements as established by all Supreme Court-promulgated rules. The order is in response to Am. Sub. H.B. 197, which Governor DeWine also signed on March 27, 2020. It is intended to align the time requirements contained in Supreme Court-promulgated rules with statutory time requirements tolled by Am. Sub. H.B. 197.
- VI. On April 17, 2020, Governor Mike DeWine indicated he wanted to begin a rolling re-opening of businesses as of May 1, 2020.

Based upon these Findings of Fact, the Wadsworth Municipal Court has developed a continuum of flexible responses in case the public health crisis escalates. The continuum of responses is 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 the Court.

THEREFORE, IT IS HEREBY ORDERED:

1. The Wadsworth Municipal Court will remain open and functioning during the state of emergency due to COVID-19, subject to the following.
2. 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.
3. Criminal and traffic arraignments and/or sentencing may be held by video from the Medina County Jail facility, any institution of the Ohio Department of Rehabilitation and Correction, or any other facility.
4. For any case continued pursuant to this Order, the Clerk is directed to issue notice of the continued date to the most recent address on file.
5. For any matter continued pursuant to this Order, and to which R.C. 2945.71 applies, the period of the continuance will toll the running of the time for speedy trial as the period of any reasonable continuance granted other than upon the accused's own motion. R.C. 2945.72(H). Also refer to paragraph V. above.

Assigned cases to be continued, except prisoner cases

6. Beginning on May 4, 2020, the Court will hold some hearing/ trials to the Court for criminal, traffic and civil cases provided the total number of participants do not exceed 10 persons. For cases with more than 10 participants, the court will continue that at least 4 weeks from date trial set. Furthermore, during the course of the pandemic, the court will liberally grant continuances upon written request.
7. If fines, fees, or court costs on any criminal or traffic case are not paid by the existing enforcement date, the Clerk is directed to continue the enforcement date by three months.
8. If community service on any criminal or traffic case is not performed by the existing enforcement date, the Clerk is directed to continue the enforcement date by three months.
9. If a defendant does not complete the driver intervention program (D.I.P.) by the enforcement date, the Clerk is directed to continue the enforcement date by three months.

Traffic arraignment

10. For traffic cases in which a ticket has already been filed, arraignment shall be continued to a specific date at least two weeks from the date of this Order.
11. For traffic tickets filed within two weeks from the date of this Order, the Clerk is hereby directed to schedule those cases for arraignment two weeks from the date the ticket is filed.

Criminal Arraignment

12. For criminal cases in which the defendant is not being held in jail , arraignment shall be continued to a specific date at least two weeks from the date of this Order.
13. For criminal complaints filed within two weeks from the date of this Order, and for which the defendant is to appear in response to a summons, the Clerk is hereby directed to schedule those cases for arraignment two weeks from the date the complaint is filed.
14. Effective immediately, the Clerk of Courts is authorized to grant a recognizance bond and provide a hearing date to any person who is charged with a non-violent misdemeanor or traffic case, and who has had a warrant issued for failure to appear in court, either by personal surrender of the defendant or by presentation in the company of a sworn officer who has effectuated an arrest of the person pursuant to the warrant previously issued by the Court.
15. Any not guilty plea received by the Clerk during two weeks from the date of this Order shall be processed as normal.
16. Arraignments for defendants who are in custody will be conducted as normal
17. Felony cases in which the defendant does not waive preliminary hearing shall be presented to the Judge for disposition pursuant to Crim.R, 5(B).

Evictions

18. For pending cases in which the plaintiff seeks restitution of premises, hearings shall be continued to a specific date at least four weeks from the date of this Order.
19. Claims for eviction filed between May 4, 2020, and four weeks from the date of this Order shall be scheduled for hearing four weeks from the date of filing.
20. For any claim for restitution of premises filed within four weeks of this Order with a second cause of action for money damages, and notwithstanding Civ.R. 12(A) (1), all parties will be subject to the March 27,2020, order issued by the Ohio Supreme Court concerning tolling of time requirements and Am. Sub H.B.197, signed by the Governor on the same date. No default judgment on the second cause shall be granted until the claim for restitution of premises has been adjudicated.
21. For four weeks from the date of this Order, no writ of possession shall be executed when the property subject to the judgment for restitution of premises remains occupied. If five days have passed since the sheriff served a notice to vacate the premises on the property subject to eviction, and the property is found to be vacant, the plaintiff may be restored to possession of the property by execution of the writ.

Small Claims Division

22. Pending claims in the Small Claims Division shall be continued at least two weeks to a specific date as determined in the discretion of the Judge.

23. For any new claim received by the Small Claims Division for assignment within two weeks from the date of this Order, and notwithstanding R.C. 1925.04(B), the Assignment Commissioner is directed to schedule the case for hearing 30 days from the date of filing.

Miscellaneous Hearings

24. All Garnishments, judgment debtor examinations hearings, rent escrow hearings, and damages hearings shall be continued to a specific date at least four weeks from the date of this Order.

25. For four weeks from the date of this Order, any motion for Garnishments, judgment debtor examination, any motion pertaining to a rent escrow matter, and any damages hearing shall be scheduled four weeks from the date the motion or partial judgment as to liability was filed.

26. Applications relating to limited driving privileges, 12-point license suspensions, and cases that are time sensitive shall be scheduled and heard as normal.

27. Criminal crimes of violence shall be heard as normal. Those include, but not limited to, Domestic Violence, Threatening Domestic Violence, Violation of T.P.O. and T.P.O. hearing.

Jury Service

28. All jury trials shall be continued until after June 1, 2020.

29. Individuals who are summoned for jury service are requested to stay home until or unless they are notified that their services are needed for a particular trial.

Weddings

30. Those who have scheduled weddings at the Courthouse are discouraged from having their weddings take place during the next four weeks. However, for weddings that do go forward, only two individuals may attend the wedding, in addition to the individuals being married.

Civil filings

31. For two weeks from the date of this Order, the Clerk shall encourage civil case filings (complaints, motions, notices, etc.) by mail, by fax or by e-mail. The Court will still accept in-person filing.

Courthouse access

32. Courthouse access is being restricted to essential parties and personnel only. That includes participants, attorneys, witnesses, victims and victim advocates. No family or friends for moral support are to be admitted.
33. The Court has access to Zoom technology to hold hearing. Upon agreement of all parties, the Court may hold hearings, including but limited to, trials to the Court, change of pleas, status conferences, pre-trials, sentencings or motion hearings, by Zoom.
34. All persons entering the Court facilities shall wear protective masks and exercise social distancing. Anyone with a temperature of 100.4 or greater shall not be admitted. Anyone who enters the Court facilities shall be subject to having their temperature taken by Court personnel.
35. When the emergency subsides, the Court shall enter an order declaring an end to the emergency and a resumption of normal operations.

IT IS SO ORDERED.

4.28.20
Date


Stephen B. McIlvaine, Judge