

IN THE MUNICIPAL COURT OF CHILlicoTHE, OHIO

IN THE MATTER OF:

CVH 20 00001

CONTINUED MAINTENANCE OF COURT OPERATIONS
SUBSEQUENT TO AM SUB HB 197 AND
DURING THE CORONAVIRUS (COVID-19)
PUBLIC HEALTH EMERGENCY

FILED

APR 07 2020

TINA E. LARGE, CLERK
CHILlicoTHE MUNICIPAL COURT
CHILlicoTHE, OHIO

TEMPORARY ORDER

The Findings of Fact stated in CVH 20 00001 as filed on March 18, 2020 are hereby incorporated by reference to this Temporary Order by the Judges of the Chillicothe Municipal Court, and are further supplemented as follows:

- The Governor of Ohio and the Director of the Ohio Department of Health have issued numerous orders resulting in the closure of private businesses to restrict or reduce the size of public or private gatherings in an effort to control the spread of the COVID-19 virus.
- On March 20, 2020 the Supreme Court of Ohio issued a document entitled “Guidance to Local Courts COVID-19 Public Health Emergency” with recommendations to ensure court access while minimizing transmission of COVID-19.
- On March 22, 2020, the Director of the Ohio Department of Health issued a “stay at home order” broadly requiring individuals residing within the state to stay at home and to adhere to certain protocols as defined in the order, with certain exceptions.
- On March 27, 2020 the Governor of Ohio signed into law emergency legislation identified as Am. Sub. H.B. 197, which includes certain provisions that immediately toll certain statutory time limitations set to expire between March 9, 2020 and July 30, 2020 or until the expiration of the Governor’s Executive Order 2020-01D, whichever is sooner.
- On March 27, 2020 the Chief Justice of the Supreme Court of Ohio issued an order tolling the time requirements as established by all rules promulgated by the Supreme Court of Ohio.

Therefore, the Court issues the following ORDERS:

1. This Court’s previous Order filed March 18, 2020 shall remain in effect unless a provision is specifically rescinded herein.
2. The Chillicothe Municipal Court will remain open and functioning during the state of emergency due to COVID-19, subject to the restrictions or limitations established by the Court. The Court’s hours of operation may be reduced at the discretion of the Court to allow cleaning and disinfecting of the building.
3. The COVID-19 public health emergency is hereby deemed “just cause” to continue any or all cases to protect the safety of the public.

4. For any case continued pursuant to this Order, the Bailiff-Assignment Commissioner or the Clerk is directed to issue notice of the continued date to the most recent address as filed with the court for individuals appearing pro se or to the attorney of record for those who are represented by counsel.

5. For any matter continued pursuant to this Order, and to which RC 2945.71 or Am. Sub. H.B. 197 applies, the period of the continuance shall 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 as permitted by RC 2945.72(H).

6. This Order shall remain in effect until modified or rescinded by Order of the Court.

Traffic and Criminal Cases

7. The scheduled appearance hearings for all traffic and criminal matters at any stage after arraignment or initial appearance (e.g. pre-trial, motion hearing, plea, sentencing, trial, probation violation, etc.) are hereby converted to status conferences, except felony preliminary hearings. The status conference will take place at the time of the scheduled hearing. The status conference may take place by telephone. Defense counsel (or the defendant if not represented) and the assistant Law Director assigned to the case shall discuss the case prior to the status conference. At the time of the status conference, the assistant Law Director and defense counsel (or the defendant if not represented) shall contact the court by telephone or (by agreement) may appear at the court for the status conference. The defendant, if represented by counsel, is not to appear in court for the status conference.

8. Arraignments, initial appearances, felony preliminary hearings, and emergency orders (e.g., motion for protection order, etc.) shall continue to be held as scheduled unless a continuance is granted on a case-by-case basis.

9. With respect to fines, fees, or court costs which are due for payment after March 23, 2020, and which are not paid by the existing enforcement date, the Clerk shall continue the enforcement date by six months.

10. With respect to community service work assigned on any criminal or traffic case which is to be completed after March 23, 2020, and which is not performed by the existing enforcement date, the probation department shall continue the enforcement date by six months.

11. With respect to a driver intervention program which is to be completed after March 23, 2020, and in which the program is not completed by the date ordered by the Court, the probation department shall continue the enforcement date by six months.

12. With respect to a minor traffic offense diversion program which is to be completed after March 23, 2020, and in which the program is not completed by the date ordered by the Court, the probation department shall continue the enforcement date by six months.

Evictions

13. Claims for eviction shall be scheduled for hearing on a date determined by the Clerk or Magistrate, with no hearings to be held sooner than May 15, 2020, absent exigent circumstances.

14. The number of scheduled hearings on claims for restitution of premises shall be limited to 10 cases per day. As much as practicable, evictions will be scheduled for hearing in the order in which they were received.

15. For any second cause of action for money damages arising in conjunction with a claim for restitution of premises, the defendant(s) shall serve any answer to the second cause within 14 days after the claim for restitution is adjudicated, notwithstanding Civ.R. 12(A)(1). No default judgment on the second cause shall be granted until the claim for restitution of premises has been adjudicated.

16. For the time period beginning March 23, 2020 through May 8, 2020, no writ of restitution for possession shall be executed when the property subject to the judgment for restitution of premises remains occupied. If five days have passed since the civil bailiff served a writ of restitution to vacate the premises on 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. The plaintiff shall be responsible for notifying the bailiff of the vacancy. The plaintiff shall be responsible for hiring and paying movers and shall arrange for trash removal after set-out is complete.

17. The time period in which writs of restitution may be filed may be extended on a case by case basis.

18. Eviction proceedings may be heard prior to May 15, 2020, and writs of restitution may be executed in exigent circumstances as determined by the Court on a case-by-case basis.

Small Claims Division

- 19. Claims pending in the Small Claims Division on March 23, 2020, shall be continued to a specific date as determined in the discretion of the Magistrate, with no hearings to be held sooner than May 15, 2020.
- 20. Notwithstanding RC 1925.04(B), any new claim received by the Small Claims Division after March 23, 2020, shall be scheduled by the Clerk for hearing eight weeks from the date of filing.
- 21. As much as practicable, claims pending or received in the Small Claims Division shall be heard in the order in which they were received.

Garnishment Hearings

- 22. The Clerk will continue to accept garnishment requests for filing. Wage garnishments will be processed as usual. For any bank attachment filed after March 23, 2020, the Clerk shall accept it for filing, and shall issue service of the action or order no sooner than May 11, 2020. As much as practicable, the Clerk shall issue service of the garnishments in the order in which they were received.


Miscellaneous Hearings

- 23. All other hearings will be held as scheduled unless they are continued on a case-by-case basis.

Jury Service

- 24. Jurors shall continue to check with Chillicothe Municipal Court as instructed to determine if they need to report for jury duty.

So ORDERED this 7th day of April, 2020.



John B. Street
Administrative and Presiding Judge



Toni L. Eddy
Judge