

FILED

IN THE COURT OF COMMON PLEAS, VINTON COUNTY, OHIO
GENERAL AND DOMESTIC RELATIONS DIVISIONS 2020 MAR 15 PM 4:31

IN THE MATTER OF: CIVIL, CRIMINAL CASES AND OTHER PROCEEDINGS DURING
THE COVID-19 CRISIS

Anna M. Kelland
VINTON COUNTY
CLERK OF COURTS

MISCELLANEOUS DOCKET

ADMINISTRATIVE JUDGE N. ROBERT GRILLO

ENTRY/ORDER

Introduction/Background/Findings:

1. The United States of America and State of Ohio are in uncertain times due to the COVID-19 CRISIS aka as the CORONA VIRUS.
2. The Vinton County Court of Common Pleas, General Division, has many criminal and civil cases set during the week of March 16, 2020 through March 20, 2020.
3. The Vinton County Court of Common Pleas, General Division, currently has a vacancy in said position with the retirement of the Honorable Judge Jeffrey L. Simmons, effective February 29, 2020.
4. The Supreme Court of Ohio has appointed Vinton County Court of Common Pleas, Probate-Juvenile Division Judge N. Robert Grillo, to be the Administrative Judge of the Court of Common Pleas until a Judge is appointed to fill the vacant seat in said Court and along with Judge Grillo, has Retired Judges Jerome Catanzaro, Michael Ward and Scott Nusbaum hearing and/or appointed to hear cases until said time.
5. The Ohio Supreme Court has partnered with experts from the Ohio Department of Health to update and expand the Judicial Guide to Public Health. The most recent version of that guide, released on January 23, 2020, contains recommendations for allowing remote appearances of individuals in court hearings. See Chapter VI. Judicial Operations During a Public Health Emergency, Section G. Remote Appearances of Individuals and Telecommunication Preparedness of the Court located here:
<http://www.sc.ohio.gov/Publications/JCS/PublicHealthJudicialGuide.pdf>.
6. To quote Ohio Supreme Court Justice Maureen O'Connor in a letter sent out to the judiciary via e-mail on March 13, 2020 "COVID-19 has disrupted our lives, our workplace, our scheduling, and our children's education. To complicate things further, there is no end in sight. So, as members of the judiciary we must formulate plans to respond in a manner that allows courts to meet both our purpose and essential functions. Closing the courthouse and disrupting services is not a plan. The Supreme Court of Ohio is open and will continue to be. Some modifications have been put into place but we will continue to conduct the Court's business".
7. Thus, our balancing act during this corona virus crisis is to make sure that our State of Ohio and Vinton County citizens' constitutional rights are protected while at the same time protecting the health of the employees in the Vinton County Courthouse, those associated with the Court System and the general public. As political leaders and public health officials throughout the nation and in Ohio, led by Governor Mike DeWine, ask

that we maintain social separation for a period of time (for example, keeping six feet away, not being in a large group, etc.) as a way to help curb the outbreak of the virus. We, in the Vinton County Court system, want to do our part to help slow the rate of infection so that our local hospitals (Holzer, Adena, Hocking Valley, O'Bleness, King's Daughters, local clinics, etc.) are not overwhelmed by the corona virus pandemic, while at the same time keeping our court system operating to ensure justice for our citizens.

8. Because of the above, the Court, through its Administrative Judge, hereby sets forth orders as set forth below as to the operation of the court during the week of Monday, March 16, 2020 through Friday March 20, 2020 to be reviewed on a week by week basis during the pendency of the COVID-19 CRISIS and of course, subject to change once the Ohio Supreme Court appoints a Judge to fill the currently vacant Vinton County Court of Common Pleas Court, General Division position so that he or she can make their own orders as to this crisis.

Orders.

9. The Court reincorporates Introduction/Background/Findings 1-8 above as if fully set out herein.

Criminal Cases:

10. The only people who are required to attend any criminal hearing set in the Court of Common Pleas during the week of Monday, 3-16-2020 through Friday, 3-20-2020 are the Court, Court Reporter, Prosecutor and Defense Counsel. If a Defendant is pro se, then the Defendant shall attend the hearing. If any of the aforementioned individuals are in at-risk class, for example due to age, medical conditions, etc., then they may petition/ask the Court to be allowed to appear by phone.
11. The Court informed the Vinton County Ohio Sheriff's Office on 3-13-2020 not to transport prisoners during the week of 3-16-2020 through 3-20-2020.
12. Whenever possible, Defendants in criminal hearings should be available to discuss this matter with counsel by telephone.
13. If Defendants in criminal hearings are in custody and have not yet been arraigned, an attempt to conduct any such hearing shall be made to conduct the hearing through video arraignment which is available in the Vinton County Court. As this Court suspects that many Courts using Regional Jail where our prisoners are generally held may be now using video arraignments, the Court understands and respects the fact that this may not be feasible in every situation to do this as the jail may not be able to have a Vinton County Defendant available for video arraignments when he have the hearing scheduled. If that occurs, a request for a continuance can be made until such a time as the Defendant may be available.
14. The Court realizes and respects the very important right for Defendants in criminal matters to attend any and all hearings concerning them.
15. Because of the COVID-19 CRISIS and the possibility of it spreading, this Court feels that having only the Court, Court Reporter, the Prosecutor and Defense Counsel appearing at the hearings is the most effective way at the current time to possibly avoid the spread of the disease while keeping the Criminal Court process moving.

16. Thus, if cases cannot be resolved without the Defendant being present, the Court reserves the rights of all Defendants to appear at hearings in the future once things involving the Corona Virus have settled down.
17. Until such time as hearings can be set with the Defendants being present (unless cases can be concluded without their presence or with them appearing by telephone), the Court realizes that speedy trial rights may become an issue. Chief Justice Moyer addressed this in her March 13, 2020 e-mail when she was asked if there will be an order from the Supreme Court waiving speedy trial requirements and other tollings. She replied "I do not find that to be necessary at this time. Please read The Stark County Temporary Order in Response to the COVID-19 Public Health Crisis item # 5: *The public health emergency maybe considered to be a finding of good cause for continuances deemed necessary by assigned Judges on a case-by-case basis.* I offer this as a good example of how to deal with the issue on a case-by-case basis."
18. Along this same line regarding speedy trial rights, Due to the Declaration of Emergency issued by the Office of the Governor, with regard to the speedy trial rights that remain in any criminal cases, this Court finds that pursuant to Ohio Revised Code Section 2945.72 (H) that the Court has the authority to sua sponte continue any criminal case, State vs. Talley, 2008-Ohio-6807. Specifically, the Court could find that the ends of justice served by ordering continuances and/or this procedure would outweigh the best interest of the public and Defendant's right to a speedy trial.
19. Case by case exceptions to any continuances provided herein may be ordered at the discretion of this Court after consultation with Counsel.
20. This ORDER does not affect the Court's consideration of criminal motions that can be resolved without oral argument.

Civil Cases.

21. For now, all status conferences, pre-trial, non-evidentiary proceedings, guardian ad litem conferences, trials, etc. will be as conducted in the past with the exception of them being able to be conducted upon written request by telephone if all parties agree and one of the parties can set up such a conference call including all parties. If a party is representing themselves, the party must provide the Court's office with their phone number at least a day in advance of the pretrial proceeding. Until further notice, *in camera* interviews of children will continue to be conducted in person.
22. This ORDER does not affect the Court's consideration of criminal motions that can be resolved without oral argument.

General.

The Court adopts Ohio Department of Health recommendations that the Court, its employees and those appearing in front of it:

23. Emphasize respiratory etiquette and hand hygiene by all employees, counsel and parties at all times;
24. Encourage employees and any person (counsel, parties, witnesses, etc.) with symptoms of acute respiratory illness to stay home and to notify a supervisor, the Court, etc. if the employee or an employee's family member has been tested for or exposed to COVID-19
25. Place posters at the entrance to the Courthouse that encourage staying home when sick, cough or sneeze etiquette, and hand hygiene;
26. Maintain adequate supplies of soap and water and alcohol-based hand rubs in the workplace and in places where the general public is found;

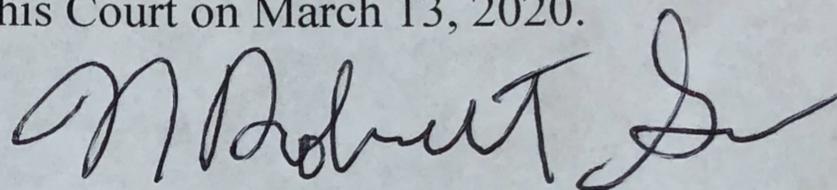
27. Routinely clean all frequently touched surfaces, such as countertops, doorknobs, workstations, courtrooms, and office equipment;
28. Plan for the cancelling of large in-person meetings, training, and non-essential travel; and
29. Implement plans to continue essential court functions with limited resources should you operate with higher than usual absenteeism or if critical supply chains are interrupted.

As we learn more about the Covid-19 crisis, additional orders relative to proceedings in the Vinton County Court of Common Pleas, General Division may follow.

This rule shall be reviewed on a week by week basis during the pendency of the COVID-19 CRISIS and of course, subject to change once the Ohio Supreme Court appoints a Judge to fill the currently vacant Vinton County Court of Common Pleas Court, General Division position so that he or she can make their own orders as to this crisis as to amend, vacate, or extend this order.

Any Judge (Administrative, Appointed or Otherwise) of this Court shall have the authority and power to vary from any terms of this order for good cause.

This ORDER takes the place of the one entered by this Court on March 13, 2020.



N. Robert Grillo, Administrative Judge