

JOURNALIZED

MAR 16 2020

**IN THE LYNDHURST MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO**

LYNDHURST MUNICIPAL COURT
JANET R. COLALUCA, CLERK OF COURT

**IN RE: TEMPORARY ORDER IN RESPONSE)
 TO THE COVID-19 PUBLIC HEALTH)
 EMERGENCY)**

JOURNAL ENTRY

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 emergency.

In response to this public health emergency, the Lyndhurst Municipal Court is taking measures to minimize the number of people who need to come to the courthouse in the coming weeks. Therefore, the Lyndhurst Municipal Court is modifying its schedule and daily operations in order to protect the public while maintaining essential court functions and protecting the rights of all individuals subject to the authority of the Court.

Therefore, it is hereby ordered:

1. Effective immediately, all appearances and hearings are limited to attorneys, defendants, and victims in proceedings or anyone making payments to the Court. Individuals that do not have business before the Court will not be permitted in the courthouse.
2. **Jailed Defendants:** The Court will continue to see the majority of jailed defendants via video conferencing. The Court will see Lyndhurst prisoners in person. The Court will continue to make every effort to minimize the number of prisoners in jail, to the extent that the safety of the community or the alleged victim, if any, is not jeopardized.
3. **Criminal and Traffic Arraignments:** Effective March 17, 2020, criminal and traffic arraignments will be continued for at least two (2) weeks. Law enforcement will be advised of the arraignment dates for newly issued citations and complaints.
4. **Criminal/Traffic Pretrials, Hearings and Trials:** In cases in which the defendant previously waived his/her right to a speedy trial, all proceedings (pretrials, status hearings, show cause hearings and trials) will be continued for at least three (3) weeks. This includes all hearings currently scheduled from March 17, 2020 through April 10, 2020. All hearings currently scheduled on or after April 13, 2020 shall remain as currently scheduled. Defendants and/or counsel will be notified of their rescheduled court date through the mail.

Upon the Court's own motion, all cases in which the defendant demanded a speedy trial are hereby continued for thirty (30) days pursuant to O.R.C. 2945.72(H). In light of the current public health emergency, the Court finds that such a continuance is not only reasonable, but also necessary to protect public health.

5. **Probation Appointments:** As soon as feasible, the Court will be extending telephonic reporting to as many probationers as possible. Probationers are to report as regularly scheduled until contacted by the Probation Department.
6. **Felony Initial Appearances:** The Court will continue to hold a felony initial appearance docket every Monday at 10:30 a.m.
7. **Civil Pretrials:** Effective immediately, all civil pretrials will be conducted telephonically.
8. **Civil Trials:** Effective immediately, all civil trials, including small claims trials, will be suspended for thirty (30) days.
9. **Evictions Hearings:** Effective immediately, all eviction hearings will be continued for at least three (3) weeks. All hearings currently scheduled on or after April 13, 2020 shall remain as currently scheduled.
10. This public health emergency may be considered “just cause” for continuances deemed necessary by the Court on a case-by-case basis.

The above-stated measures will significantly reduce the number of individuals appearing in court in the coming weeks. Defendants can also take steps to eliminate or postpone their next court appearance. Defendants are hereby advised of the following:

1. **Online Payments:** The Court accepts online payments through its website at www.lyndhurstmunicipalcourt.org. The Court encourages individuals to make online payments when possible. Individuals who do not want to contest a waivable citation can conclude their case by paying their fine online. No court appearance is necessary. Pay plan payments can also be made online.
2. **Drop Box Payments:** The Court has a drop box on the first floor of the Lyndhurst Municipal Center. Payments via check, cash or money order can be dropped off 24 hours a day, 7 days a week.
3. **Continuances:** Defendants that would like to contest their case can avoid coming to the courthouse for their arraignment by filing a not guilty plea prior to their arraignment. Defendants can download a Not Guilty Plea form from the Court’s website, fill it out and file it with the Court prior to their arraignment date. The Not Guilty Plea form also gives Defendants the option to waive their right to a speedy trial and permit the Court to set their next court date further out into the future. See Number 5 below for filing instructions.
4. **Speedy Trial Waivers:** Any Defendant that previously demanded a speedy trial but now wants to continue his/her pretrial or trial can download a Motion to Continue form from the Court’s website and file it with the Court. See Number 5 below for filing instructions.

5. **Filings:** While the Court will continue to accept filings at the window, it also accepts filings by facsimile and by mail. The Court's fax number is (440) 442-1910. The Court will also accept filings through its drop box on the first floor of the Lyndhurst Municipal Center during this emergency. If possible, the Court encourages individuals to file documents by facsimile or by mail instead of filing at the window.

The Court is continuously assessing the situation to determine if additional precautions are necessary.

This Temporary Order shall remain in effect until further order of the Court.

IT IS SO ORDERED.



JUDGE DOMINIC J. COLETTA