

IN THE CLEVELAND HEIGHTS MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

In the matter of
TEMPORARY ORDER IN RESPONSE TO THE
COVID-19 (CORONAVIRUS) PUBLIC HEALTH
CRISIS

GENERAL ORDER

On March 13, 2020, this Court issued a General Order making certain findings of fact, and, based upon those findings, ordered certain changes to provide the Court with the flexibility, within Constitutional limits, to respond to the public health emergency created by COVID-19.

In further response to this public health emergency, the Cleveland Heights Municipal Court is taking measures to minimize the number of people who need to come to the courthouse in the coming weeks. Therefore, the Cleveland Heights Municipal Court is modifying its schedule and daily operations 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, victims, and litigants 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 rely on its recently amended bond schedule that presumption of pre-trial release. In addition, the Court will continue to see jailed defendants via video conferencing. 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 immediately, criminal and traffic arraignments for the weeks of March 16, 2020, March 23, 2020, March 30, 2020, and April 6, 2020, will be continued three (3) weeks out from their presently scheduled date. All hearings currently scheduled on or after April 13, 2020, shall remain as currently scheduled. Law enforcement will be advised of the arraignment dates for newly issued citations and complaints.

4. **Criminal/Traffic Pre-trials:** Effective immediately, criminal and traffic pre-trials will be conducted via telephone. Defendants and attorneys will be contacted to make arrangements for conducting the phone pre-trial.

5. **Criminal/Traffic Motion Hearings and Trials:** In cases in which the defendant previously waived his/her right to a speedy trial, all proceedings (motion hearings, trials, and sentencings) for the weeks of March 16, 2020, March 23, 2020, March 30, 2020, and April 6, 2020, will be continued three (3) weeks out from their presently scheduled date. 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.

In cases in which the defendant demanded a speedy trial, proceedings will be held as previously scheduled.

6. **Probation Appointments:** The Court will minimize, to the greatest extent possible, all in-person meeting requirements with probationers and instead have them report via telephone, Skype, or some other preapproved method.

7. **Civil Pre-trials:** Effective immediately, where possible, all civil hearings, other than trials, will be conducted telephonically.

8. **Civil Trials:** Effective immediately, all civil trials, including small claims trials, will be suspended for thirty (30) days. New dates will be sent to the parties via electronic or regular mail. Effective immediately, for the weeks of March 16, 2020, March 23, 2020, March 30, 2020, and April 6, 2020, all civil trials, including small claims trials, will be continued three (3) weeks out from their presently scheduled date

9. **Evictions Trials:** Effective immediately, for the weeks of March 16, 2020, March 23, 2020, March 30, 2020, and April 6, 2020, all eviction trials and status hearings will be continued three (3) weeks out from their presently scheduled date. All hearings currently scheduled on or after April 13, 2020, shall remain as currently scheduled.

10. **Ability-to-Pay Hearings:** Effective immediately, the ability-to-pay hearings scheduled for March 20, 2020, are continued to April 17, 2020, at 9:30 AM and the ability-to-pay hearings scheduled for April 3, 2020, are continued to April 24, 2020, at 9:30 AM. All hearings currently scheduled on or after April 13, 2020, shall remain as currently scheduled.

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 Filing:** While the Court will continue to accept in-person filings, the Court encourages litigants, in all criminal, traffic, and civil matter, to file documents electronically through its website at www.clevelandheightscourt.com.

2. **Online Payments:** The Court accepts online payments through its website at www.clevelandheightscourt.com. 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. Payment plan payments can also be made online.

3. **Not Guilty Plea:** Defendants that would like to contest their case can avoid coming to the courthouse for their arraignment by filing a not guilty plea before their arraignment. Defendants can download a Not Guilty Plea with Time Waiver form from the Court's website, fill it out and file it with the Court before their arraignment date. See Number 1 above 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 Time Waiver form from the Court's website and file it with the Court. See Number 1 above for filing instructions.

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.

March 16, 2020
DATE



JUDGE J.J. COSTELLO