

IN THE LIMA MUNICIPAL COURT
LIMA, ALLEN COUNTY, OHIOJIM LINK, CPA, CLERK
LIMA MUNICIPAL COURTORDER DECLARING A JUDICIAL EMERGENCY
AND CONTINUITY OF OPERATIONS OF
THE COURT DUE TO COVID-19 PANDEMICSUPPLEMENTAL
AND
CUMULATIVE
Effective 6/2/2021

JOURNAL ENTRY NO. 21MISC00002

Based upon review and findings of fact, the Lima Municipal Court has developed a continuum of flexible responses as the public health crisis continues. This shall be in effect until the response to the COVID-19 health crisis has controlled the spread of the disease or until further order of the Court. The continuum of responses serves to protect the 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 local rules of Lima Municipal Court may be temporarily adapted to allow court flexibility, within constitutional limits, in response to the public health emergency.
2. The Court may temporarily amend or supplement its security policies to protect public health while maintaining essential court functions.
3. The Court may temporarily adjust its Personnel Policies and Procedures Handbook and other usual and customary human resource provisions to maintain essential court operations and functions.
4. The Court authorizes the use of audio-visual devices and other similar technologies for all actions and proceedings.
5. Assigned judges or magistrates may consider this public health emergency a finding of "just cause" for continuances on a case-by-case basis.
6. 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.

7. For any criminal case that must proceed, jurors will be instructed to utilize a "call-in" system to determine the necessity of their appearance.

8. Criminal arraignments may be held by video from the Allen County Correction Center, any institution of the Ohio Department of Rehabilitation and Correction, or any other facility.

9. All criminal proceedings will be reviewed on a case-by-case basis, with an emphasis on expediting those cases involving incarcerated individuals.

10. All individuals, including Court judicial officers and personnel, desiring to enter the courthouse may be subject to available health screening or testing and excluded from admission based upon the results of such screening or testing.

11. Any Court employee who exhibits signs of illness must notify their direct supervisor by telephone or e-mail and shall not come into the courthouse or report for duty. Any individual within the courthouse who exhibits signs of illness shall be directed to leave the building immediately and seek medical advice before being permitted to re-enter the building at a later date.

12. The courthouse shall have three states of opening, use, and operations, as follows, to be declared by the Court:

- A. "Open" means normal operations, with full, healthy, staffing on hand, and full hearings and trials, both civil and criminal, jury and bench, to the extent possible under the circumstances.
- B. "Open with Restrictions" means only essential judicial and Court personnel may be on duty in the courthouse, including sufficient security officers, and if a trial, hearing, or other proceeding must be held, the judge assigned is authorized to determine who may be present in the courtroom other than those necessary to conduct the trial or proceedings; no other persons will be permitted entry.
- C. "Closed" means the courthouse is closed for all operations, in which instance, all filings are preserved to the next business day that the courthouse is not closed, and all trials, hearings, and appearances are postponed unless the same can be conducted electronically.

Under this amended order, the courthouse is OPEN.

13. The Court shall attempt to minimize the social interaction of litigants, attorneys, witnesses, jurors, law enforcement personnel, and judicial personnel by continuing non-essential proceedings or conducting proceedings, to the extent practicable, by remote video, telephonic, or other available technological means.

14. Judicial officers may issue all orders electronically, serve orders by email notification, and use video and telephone conferencing in an effort to reduce the number of people who come into the courthouse each day.

15. Any proceedings conducted electronically shall be recorded, or if necessary, the Court and parties shall jointly craft a statement in lieu of a transcript of the proceedings in accordance with the appellate rules.

16. When the emergency subsides, the Court will enter an order declaring an end to the emergency and a resumption of normal operations.

17. This "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Allen County Bar Association, Allen County Prosecutor's Office, Allen County Public Defender's Office, Allen County Sheriff, Allen County Board of Health, Allen County Commissioners, Lima City Council, Lima Mayor's Office, Lima Law Department, Lima Police Department, the website of this Court, and distributed to the media.

18. All persons entering the courthouse **may** wear a facemask. All persons in the courthouse shall practice social distancing and proper hygiene. When necessary, judicial officers, attorneys, and witnesses may be required to wear facemasks for in-court proceedings, along with maintaining proper social distancing.

19. Defendants wishing to contest traffic and criminal minor misdemeanor citations are encouraged to submit Written Pleas of Not Guilty. Forms are available on the Court's website or the 1st floor front lobby.

20. Defendants appearing for Minor Misdemeanor Traffic Arraignments shall be provided a Written Waiver of Rights and an alternative to plead in writing either Guilty, Not Guilty, or No Contest.

21. If a Written Waiver of Rights and Written Plea of Guilty is entered in a minor misdemeanor traffic case, that person will be assessed a \$25.00 fine and

court costs, along with the number of points required to be assessed for the offense. This same fine and court costs shall apply to Written Pleas of No Contest, with the Defendant agreeing to a finding of Guilty.

22. In cases of a Guilty plea to an Unspecified Misdemeanor, the fine imposed shall be \$100.00, plus court costs, and appropriate points assessed.

23. If a written Plea of Not Guilty is entered to any minor misdemeanor traffic offense, a Time Waiver will be provided for signature and bond set at \$1250.00 Unsecured Appearance. A trial date shall be set.

24. Defendants appearing for arraignment on a criminal minor misdemeanor offense shall be permitted to file a written plea of guilty. The Court shall impose a \$25.00 fine and court costs for each offense.

25. If you do not have personal business before the Court, you may be asked to leave the Courthouse. Personal business is defined as a mandatory attendance at a scheduled hearing, resolving a driver's license warrant block or license forfeiture, or obtaining driving privileges or release of your vehicle or other proper business with the Clerk of Courts.

26. Defendants should contact the Public Defender or their attorney to request a continuance if they have health concerns with appearing in court.

27. Self-represented plaintiffs or defendants may call the court to request a continuance if they have health concerns with appearing in court.

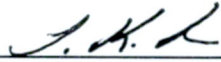
28. Witnesses concerned about appearing in Court during this health crisis should contact the attorney for the party that issued the subpoena.

29. Victims should contact the prosecutor's office if they have concerns about appearing due to the health crisis.

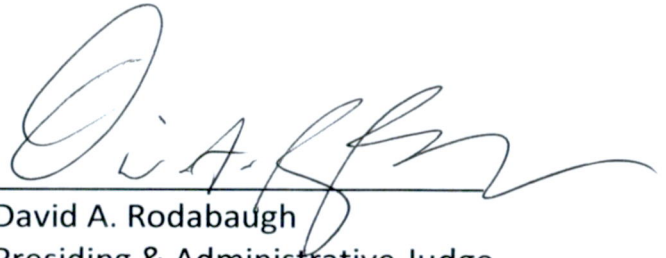
30. Bench warrants will be ordered for defendants not appearing for scheduled cases, with bond conditions set on a case-by-case basis.

**THIS ORDER SUPERSEDES PRIOR COVID-19 ORDERS ONLY TO THE EXTENT
THAT THE PRIOR ORDERS ARE INCONSISTENT WITH ANY PROVISION HEREIN.**

IT IS SO ORDERED.



Tammie K. Hursh
Judge



David A. Rodabaugh
Presiding & Administrative Judge