

**JOURNAL ENTRY GRANTING DEFENSE COUNSEL'S MOTION TO EITHER  
APPEAR BY VIDEO CONFERENCING OR MOTION TO CONTINUE**

On April 2, 2020, the Court received courtesy copies of motions filed by Defense Counsel Jessica M. Hall:

**Re: *State of Ohio v. Corey Michael Little*, Champaign Case No. 2020 CR 027**

On April 2, 2020, Defense Counsel Jessica M. Hall filed a Motion to Continue the Final Pretrial Conference scheduled for April 9, 2020 at 8:15 a.m. due to COVID-19 public health emergency concerns and the need to address further plea negotiations with the State of Ohio. The Motion indicated that Counsel for the State was not opposed to the Motion.

**Re: *State of Ohio v. Kenneth Edward Wilson II*, Champaign Case No. 2019  
CR 255**

On April 2, 2020, Defense Counsel Jessica M. Hall filed a Motion to Appear by Video and/or Telephonically ("Motion") for Scheduling Conference / Hearing on Competency scheduled for April 9, 2020 at 9:45 a.m. due to COVID-19 public health emergency concerns. No position of the State was set forth in the Motion.

**Re: *State of Ohio v. Kayla Davis-Woods*, Champaign Case No. 2020 CR 009**

On April 2, 2020, Defense Counsel Jessica M. Hall filed a Motion to Appear by Video and/or Telephonically ("Motion") for Sentencing Hearing scheduled April 9, 2020 at 10:00 a.m. due to COVID-19 public health emergency concerns. No position of the State was set forth in the Motion.

**Re: *State of Ohio v. John Burkhart*, Champaign Case No. 2020 CR 261**

On April 2, 2020, Defense Counsel Jessica M. Hall filed a Motion to Appear by Video and/or Telephonically ("Motion") for Sentencing Hearing scheduled April 9,

2020 at 11:15 a.m. due to COVID-19 public health emergency concerns. No position of the State was set forth in the Motion.

**Re: *State of Ohio v. Ricky Thompson Evans, Jr.*, Champaign Case No. 2020 CR 041**

On April 2, 2020, Defense Counsel Jessica M. Hall filed a Motion to Continue the Final Pretrial Conference scheduled for April 9, 2020 at 11:45 a.m. due to COVID-19 public health emergency concerns and the need to review recently provided discovery (through Matrix on or about March 26, 2020, March 27, 2020, April 1, 2020 and through U.S. Mail on or about March 30, 2020). No position of the State was set forth in the Motion.

With regard to the above-cited five motions, the Court, on April 3, 2020, arranged for a 2:30 p.m. telephone conference with Prosecutor Kevin S. Talebi and Defense Counsel Hall in order to determine whether the Court's pro-offered accommodations through the use of video technology would resolve the COVID-19 health concerns raised by Defense Counsel Hall.

Prior to the telephone conference, the Court emailed the following proffered accommodations to both counsel for discussion during the telephone conference and solicited their opinion:

1. The Defendant would expressly waive on the record Defense Counsel Hall's in-person appearance and consent to Defense Counsel Hall's appearance by video.
2. The Court would employ the use of its iPads in the courtroom to arrange for video conferencing through the "Zoom" conferencing application. The "Zoom" conferencing application allows all parties participating in the conference to see and hear each other.
3. An iPad would be placed in front of the Prosecutor, the Defendant, and the Court.
4. Defense Counsel Hall would join the "Zoom" conference on her electronic device that contains a camera (i.e. smartphone, iPad or laptop computer).

5. The Court would record each hearing through its audio recorded sound system currently in use by the Court.
6. Defense Counsel Hall and the Defendant would be instructed that if at any time s/he desire to speak to each other privately, they need to so indicate, and the Court will stop the audio recording system and have everyone but the Defendant leave the courtroom.
7. The Defendant will be provided with an orange card.
8. The Defendant would then be given the opportunity to speak with Defense Counsel Hall privately. The Courtroom Security Deputy would watch the Defendant through the courtroom window. When the Defendant concludes the conversation with Defense Counsel, the Defendant would raise the orange card and the Courtroom Security Deputy would advise everyone to return to the courtroom.
9. If one of the hearings involves a plea of guilty, the Court would instruct Court Staff to email the proposed Plea Agreement to Defense Counsel during the hearing. When it came time to review the document, Court Staff would stop the audio recording and have everyone leave the courtroom. The Defendant would then be given the opportunity to speak with Defense Counsel Hall privately to review the document, and if needed, to read the entire Plea Agreement to the Defendant. The Courtroom Security Deputy would watch the Defendant through the courtroom window. When the Defendant concludes the conversation with Defense Counsel, the Defendant would raise the orange card and the Courtroom Security Deputy would advise everyone to return to the courtroom.
10. The Court would then resume the audio recording and watch as Defense Counsel and the Defendant each sign their individual copies of the Plea Agreement.
11. Defense Counsel Hall would then email her copy of the Plea Agreement to the Court Administrator at [sperry@co.champaign.oh.us](mailto:sperry@co.champaign.oh.us). Defense Counsel Hall would

also be instructed to mail the original signature copy to the Court Office at 200 North Main Street, Second Floor, Urbana, Ohio 43078.

12. The Court would then file both original signed copies and the email signed copy of the Plea Agreement in the case file.

The Court conducted the telephone conference as scheduled.

Upon inquiry by the Court, Prosecutor Talebi raised the following concerns with the proposal: None as long as Defendant consents to the video conferencing appearance of the defense attorney. Prosecutor Talebi asked that the consent be waived in writing and the Court agreed.

Defense Counsel Hall raised the following concerns with the proposal: Defense Counsel Hall uses Zoom Conferencing to appear in the Bellefontaine Municipal Court.

Defense Counsel Hall stated that she spoke with Defendant Burkhart and Defendant Davis-Woods and neither objected to the video conferencing appearance of the defense attorney. Defense Counsel Hall stated that she left Defendant Wilson and his brother a message to call her about the issue. Defense Counsel Hall stated that Defendant Little is currently an inmate at the Tri-County Regional Jail and that she just emailed the Defendant copies of the recently received prosecutor's discovery packet to him.

The Court then invited Prosecutor Talebi and Defense Counsel Hall to conduct a "dry run" hearing. Prosecutor Talebi was invited to the courtroom and Defense Counsel Hall acquired the "Zoom" conferencing number on her computer from the Court Administrator.

The Court, Prosecutor Talebi, Defense Counsel Hall and the Court Administrator (playing the role of the Defendant) engaged in a sample plea hearing and sample sentencing hearing. The Court, Prosecutor Talebi and Defense Counsel Hall then listened to an audio playback of the recording and discussed their thoughts regarding the video conferencing. The Court, Prosecutor Talebi and Defense Counsel Hall all agreed that they could hear each other's voice and see each other clearly.

Upon consideration of all matters, then, the Court **ORDERS**:

1. *State v. Little*, Case No. 2020 CR 027 – Final Pretrial Conference will be **CONTINUED** from Thursday, April 9, 2020 at 8:15 a.m. to **Tuesday, April 14, 2020 at 11:00 a.m.**;
2. *State v. Wilson*, Case No. 2019 CR 255 – Scheduling Conference / Hearing on Competency will **REMAIN** as scheduled on **Thursday, April 9, 2020 at 9:45 a.m.**;
3. *State v. Davis-Woods*, Case No. 2020 CR 009 – Sentencing Hearing will **REMAIN** as scheduled on **Thursday, April 9, 2020 at 10:00 a.m.**;
4. *State v. Burkhardt*, Case No. 2019 CR 261 – Sentencing Hearing will **REMAIN** as scheduled on **Thursday, April 9, 2020 at 11:30 a.m.**;
5. *State v. Evans*, Case No. 2020 CR 041 – Final Pretrial Conference will be **CONTINUED** from Thursday, April 9, 2020 at 11:45 a.m. to **Tuesday, April 14, 2020 at 10:15 a.m.**

The Court attaches a copy of the proposed Defendant's Waiver of Counsel's in-person appearance and Consent to Counsel's appearance via video conferencing to this entry so that Defense Counsel Hall can review it with her clients before the scheduled hearings.

**IT IS SO ORDERED.**

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Nick A. Selvaggio  
Judge

Copies: Kevin S. Talebi, Prosecuting Attorney  
Jessica M. Hall, Defense Counsel

