

# Fairborn Municipal Court

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www.fairbornmunicipalcourt.us

Beth W. Cappelli  
Judge

Melissa A. Litteral  
Clerk of Court

Dan Zwiesler  
Chief of Probation

FILED  
FAIRBORN MUNICIPAL COURT  
MELISSA A. LITTERAL  
CLERK OF COURTS

Amy E. Bailey  
Court Administrator

Tamela Womack  
Magistrate

Wayne Furay  
Chief Bailiff

## IN THE MUNICIPAL COURT OF FAIRBORN, GREENE COUNTY, OHIO

### ORDER DECLARING A TEMPORARY JUDICIAL EMERGENCY IN RESPONSE TO THE COVID-19 PANDEMIC

Judge Beth W. Cappelli of the Fairborn Municipal Court makes the following Findings of Fact:

1. On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D "Declaring a State of Emergency" after testing by the Ohio Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio, creating a potentially dangerous condition which may affect the health, safety, and welfare of the citizens of Ohio;
2. On March 11, 2020, the World Health Organization officially declared COVID-19 to be a global pandemic requiring "urgent and aggressive action" to control the spread of the virus.
3. On March 12, 2020 the second "community transfer" positive case of COVID-19 in the State of Ohio was confirmed.
4. On March 13, 2020, President Donald Trump declared a national emergency to provide federal funding to fight the COVID-19 pandemic and empowered the Secretary of Health and Human Services to waive certain laws and regulations to ensure the virus can be contained and patients treated.

Based upon these Finding of Fact, the Fairborn Municipal Court has developed a continuum of flexible responses to this public health emergency that are designed to protect public health, maintain essential court functions, and continue to protect the rights of all individuals subject to the authority of the Court.

#### **THEREFORE, IT IS HEREBY ORDERED:**

1. All traffic and criminal arraignments, hearings, dispositions, bench trials, civil and small claims hearings are hereby continued except:
  - a. Initial Hearings for detained Defendants;
  - b. Arraignments for felony offenses and violent offenses;
  - c. Felony preliminary hearings;
  - d. Temporary protection order hearings;
  - e. Probation Violation Hearings;
  - f. Pre-trials that occur via telephone conference wherein all parties have counsel (for civil, traffic, and criminal cases);
  - g. Emergency hearings deemed appropriate by the Court; and
  - h. Weddings (limiting the number of guests to 5).
2. If fines, fees, or court costs on any criminal or traffic case are not paid by the existing enforcement date, the Clerk is directed to continue the enforcement date by six months.

3. If community service on any criminal or traffic case is not performed by the existing enforcement date, the Clerk is directed to continue the enforcement date by six months.
4. If a defendant does not complete the weekend intervention program by the enforcement date, the Clerk is directed to continue the enforcement date by six months.
5. At this time the Clerk's office and Courthouse will remain open with limited hours between 8:00AM and 3:00PM.
6. The Court will be closed to all individuals who do not have essential business with the Court as outlined above pending further order of the Court.
7. For matters that are currently pending, counsel and any pro se parties will be contacted with a new court date when scheduled.
8. All notices of new court dates will be sent to the addresses the court has on file.
9. Jurors shall continue to check Fairborn Municipal Court's website to determine if they need to report for jury duty.
10. Local Rules of Court may be temporarily adapted or suspended to allow the Court flexibility, within Constitutional limits, in response to the public health emergency.
11. Security policies may be temporarily amended or supplemented to protect public health while maintaining essential Court functions.
12. Personnel Policies and Procedures may be temporarily enacted, amended or adjusted to maintain and protect staff in order to ensure essential Court operations are staffed to the fullest extent possible.
13. Technologies designed to promote the delivery of case processing and Court services "at a distance" of all actions and proceedings are temporarily authorized as necessary.
14. The public health emergency may be considered to be a finding of good cause for continuances deemed necessary by the Judge on a case-by-case basis.

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

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

This Temporary Order of Judicial Emergency is ordered to be served on the Supreme Court of Ohio, the Second District Court of Appeals, the Greene County Court of Common Pleas and its Divisions, the Greene County Sheriff's Office, The Greene County Jail, the Adult Detention Center, the Fairborn Jail, all police departments within the jurisdiction of the Court, the City of Fairborn, the Prosecutor's Office, Greene County Public Defender's Office, Greene County Bar Association, and Dayton Bar Association.

**IT IS SO ORDERED**

**MARCH 18, 2020**

  
Beth W. Cappelli, Judge

FILED  
FAIRBORN MUNICIPAL COURT  
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FAIRBORN GREENE COUNTY  
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