



# PARMA MUNICIPAL COURT

5555 POWERS BOULEVARD

440-887-7400

PARMA, OHIO 44129

TIMOTHY P. GILLIGAN  
PRESIDING JUDGE  
ADMINISTRATIVE JUDGE

DEANNA O'DONNELL  
JUDGE

KENNETH SPANAGEL  
JUDGE

EDWARD J. FINK  
MAGISTRATE

DAVID A. LAMBROS  
MAGISTRATE

GEORGE F. LONJAK  
MAGISTRATE

## TEMPORARY ORDER IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY

Effective August 4, 2020, The Parma Municipal Court hereby adopts and incorporates herein the findings of facts adopted and journalized on August 3, 2020, by the Court of Common Pleas, General Division, Cuyahoga County, Ohio.

Therefore, it is hereby ordered:

1. The Order Extending the Judicial Emergency and Continuity of Operations of the Court Due to COVID-19 Pandemic, signed April 22, 2020, is incorporated herein by reference. Where there is any discrepancy, this order supersedes the April 22 order;
2. **Jailed Defendants:** The Court will continue to see the majority of 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. **Felony Initial Appearances:** The Court will continue to hold a felony initial appearance docket at 11:00 a.m. These shall now take place by video.
4. **Criminal and Civil Filings and Motions:** All filings shall be through the U.S. Mail, or sent electronically to: [clerk@parmamunicipalcourt.org](mailto:clerk@parmamunicipalcourt.org). The appropriate fees must accompany the filing if by mail, or arrive within 5 days business days of electronic filing.
5. This public health emergency may be considered "just cause" for continuances deemed necessary by the Court on a case-by-case basis.
6. Pursuant to Opinion No. 2020-002, issued by Attorney General Dave Yost on March 18, 2020, courts may suspend trials to prevent the spread of the novel coronavirus, and they may do so consistent with state and federal speedy-trial obligations. Although tolling speedy-trial time by suspending trial activity is an extraordinary step, it is lawful-and responsible-to do so during a pandemic emergency.

7. The Local Rules of the Court may be temporarily adapted to allow court flexibility, within constitutional limits, in response to the public health emergency.
8. The Court authorizes the use of audio-visual devices and technologies for all actions and proceedings, except for a trial by jury in a criminal matter.
9. The Court shall continue to function under current physical distancing protocols as ordered by the Governor of Ohio. Should the Governor order further protective protocols, all individuals within the courthouse shall abide by said protocols. These protocols must be followed at all times, including jury trials.
10. Criminal Jury Trials:
  - a. Jury trials in criminal cases will not commence until October 5, 2020. This date will be re-evaluated no later than September 1, 2020.
  - b. To accommodate trials and the effect of public health recommendations on trials, the period of the continuances implemented by this Order are excluded under O.R.C. 2945.72 and Ohio Constitution I, Sec. 10. The Court specifically finds that the ends of justice served by ordering the continuances outweigh the interest of the public and any defendant's right to a speedy trial.
  - c. Further, this Court finds that a continuance of trial which supersedes a defendant's speedy trial right is hereby considered permissible by all judges under the Ohio Constitution and O.R.C. 2945.72 (H) as a "reasonable continuance granted other than upon the accused's own motion", due to current pandemic levels.
  - d. The use of video conference and teleconference as permitted by law for criminal proceedings will continue. If necessary, in-person criminal proceedings will be limited to the number of people that permits the observance of the physical distancing requirements of six feet.
11. Civil Jury Trials:
  - a. Jury trials in civil cases will not commence until October 5, 2020. This date will be re-evaluated no later than September 1, 2020.
  - b. The use of video conference and teleconference in civil proceedings will continue. If necessary, in-person court proceedings and in-person chamber proceedings will be limited to the number of people that permits the observance of physical distancing requirements of six feet.
12. Bench Trials:
  - a. Bench trials are permitted, however proper protocols must be in place to accommodate social distancing standards for the safety of all parties.
13. The effect of this order is retroactive to July 31, 2020, and shall remain in effect until further order of the Court.

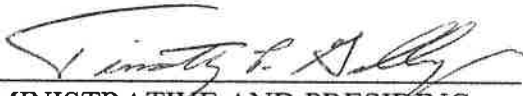
Upon the Court's own motion, all cases in which the defendant demanded a speedy trial are hereby continued pursuant to O.R.C. 2945.72(H). In light of the current public health emergency, the Court finds that such a continuance is not only reasonable, but also necessary to protect public health.

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.


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.

  
ADMINISTRATIVE AND PRESIDING  
JUDGE TIMOTHY P. GILLIGAN

  
JUDGE DEANNA O'DONNELL

  
JUDGE KENNETH SPANAGEL

Order see Journal Vo. 111 page 75

  
JAN 10 2020 11:00 AM  
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