

**IN THE MORROW COUNTY MUNICIPAL COURT  
MORROW COUNTY, OHIO**

**IN RE:           SECOND TEMPORARY ORDER IN RESPONSE TO THE COVID-19  
PUBLIC HEALTH EMERGENCY**

**JOURNAL ENTRY**

On March 18, 2020, this Court issued a Temporary Order in Response to the COVID-19 Public Health Emergency making certain findings of fact, and, based upon those findings, ordered certain changes to provide the Court with flexibility, within Constitutional limits, to respond to the public health emergency created by the COVID-19 virus.

In further response to this public health emergency, the Morrow County Municipal Court is taking the following additional measures to maintain essential court functions and to protect the rights of all individuals subject to the authority of the Court.

Therefore, it is hereby ORDERED:

1.    **Minor Misdemeanors:** All minor misdemeanor citations set for arraignment can be paid online, by phone, or by mail. If additional time is needed to pay, individuals may utilize the motion for continuance on the Court's website –  
          <https://morrowcountymunict.org/online-continuance-form.pdf>
2.    **Jury Trials:** Effective immediately, jury trials scheduled to take place on April 8, 2020, April 15, 2020, April 22, 2020, and April 29, 2020 are continued. All jury trials scheduled on or after May 6, 2020 shall remain as currently scheduled.

Counsel and parties are advised that the Pre-Jury Trial Pretrial Conferences scheduled to take place on April 3, 2020, April 10, 2020, April 17, 2020, and April 24, 2020 are NOT continued by this Order. Participants shall continue to negotiate diligently to determine whether a plea agreement has been reached and shall appear in person unless accommodations to appear by telephone are requested.

3.    **Pay or Appear Hearings:** All Pay or Appear Hearings in April are canceled and will be continued for ninety (90) days.
4.    **Civil and Small Claims Cases:** Effective immediately, civil and small claims hearings, for which a personal appearance is required, that are scheduled to take place during the weeks of March 30, 2020, April 6, 2020, April 13, 2020, April 20, 2020, and April 27, 2020 will be continued at least thirty (30) days. All hearings scheduled on or after May 4, 2020 shall remain as currently scheduled.

This order does NOT affect civil pretrial, status, and settlement conferences nor does it affect non-oral hearings for default judgment and summary judgment. Those matters will continue to be heard pursuant to this Court's prior Temporary Order.

5. All other court hearings will be conducted as scheduled. Motions for continuance will be liberally granted and the Court will suspend certain local rules to permit individuals to file a motion for continuance in any civil, criminal, or traffic case due to the current health situation.
6. **Bond Schedule:** In accordance with Crim. R. 46 and R.C. 2937.222, the following bond schedule is adapted for all traffic and criminal cases when the person has been arrested. There shall be a presumption of pretrial release by the least restrictive means necessary to reasonably assure appearance in court and promote public safety.

Except as set forth below, for all charges, the defendant may be released on their own recognizance, to the appropriate governmental agency if there is an outstanding warrant, or to a responsible, sober person as law enforcement deems appropriate, unless, based on the circumstances of the case, the prosecutor or law enforcement request a bond or condition of bond.

The Court shall set bond for the following cases:

- a. All felonies.
- b. The following misdemeanor charges regardless of whether charged under state or village code:
  - i. Domestic violence;
  - ii. Assault;
  - iii. Violation of any:
    - Protection order, or
    - Condition of community control/probation involving prohibition from contact with specific persons or places;
  - iv. Aggravated menacing, menacing by stalking, or menacing;
  - v. Aggravated trespass;
  - vi. Endangering children;
  - vii. Arson;
  - viii. Any offense involving a deadly weapon, firearm, or dangerous ordnance as those terms are defined by R.C. 2923.11 that is a misdemeanor of the first degree;
  - ix. Any sexually oriented offense as defined by R.C. 2950.01
  - x. Operating a vehicle under the influence of alcohol or drugs (OVI) where the allegation is a second or third offense in ten years. The bond shall be \$3,500 (cash, surety, or 10%) for all first offense in ten years OVI charges.
  - xi. Any other offense where the victim, police office, or prosecutor is seeking a protection order, restrictions with no contact, or other conditions of bond.

For all cases where the Court must set bond and, in all instances where the prosecutor or law enforcement requests a bond, the judge shall be contacted for additional authority.

Where the Court has previously set a bond in a case, or has ordered a new bond in its last capias or warrant entry, that bond shall supersede the above bond schedule.

In all cases, a surety bond may be posted instead of a cash bond if the surety has been approved by the Municipal Court Clerk.

If a person is arrested for two or more offenses, a single bond set forth in the bond schedule applicable to the highest level of offense shall apply to all charges unless a different bond is requested.

7. **Warrants:** While the Clerk does not have the capacity to recall all warrants, effective immediately, unless law enforcement or the prosecutor requests otherwise on a case-by-case basis, all warrants issued by this Court, other than those that, at their inception, would have required the Court to set bond under the bond schedule set forth above, shall be temporarily suspended.

The Court is continuously assessing the situation to determine if additional precautions are necessary. This Temporary Order and the prior Temporary Order filed on March 18, 2020, not amended herein, shall remain in effect until further order of the Court.

SO ORDERED.

  
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Judge Jennifer Murphy Burnaugh

DATE: 03-27-2020

**FILED**

**MAR 27 2020**

MORROW COUNTY MUNICIPAL COURT  
MT. GILEAD, OH 43338