

Kettering Municipal Court
Criminal Division

FILED
KETTERING
MUNICIPAL COURT

2021 SEP 10 PM 2:42

CASE NO. 20CRB01311

ROBERT L. SCOTT
CLERK

State of Ohio

:

Plaintiff

:

v

:

Aaron P. Hartley

:

Defendant

:

Judge James F. Long

Entry

Jury Trial in this case was scheduled for 25 August 2021 at 8:45 a.m.

On 23 August 2021 the Court continued this case, *sua sponte*, due to the sudden and unexpected unavailability of the assigned Judge for the trial date.

On 23 August 2021, the Court notified the Prosecutor and Defense Counsel by telephone that due to exposure to a Covid19 positive family member, the assigned Judge would be unable to appear at Court on 25 August 2021 for jury trial. Options were discussed, but given the nature of the case and the complexity of several of the legal issues, obtaining another Judge on short notice was deemed not practical.

This case has been pending since October 2020. However, a time waiver was filed by Defendant covering most of that time period. On 15 July 2021, Defendant withdrew that time waiver from 20CRB01311.

The Defendant's oldest pending case (20CRB00148) proceeded to jury trial on 28 July 2021. This case (20CRB01311) was scheduled for the next available jury trial date (11 August 2021). However, that date had to be continued due to a State's witness being medically unavailable to testify on 11 August 2021. The case was set for the Court's next available jury trial date, which was 25 August 2021.

Due to the unavailability of the assigned Judge on 25 August 2021, the Court then scheduled the new jury trial date for 15 September 2021, which was the next available jury trial date on the Court's docket. The parties agreed that new date was acceptable and a conference with both Counsel was held on 8 September 2021 to address issues ahead of that new trial date. At the conclusion of the 8 September 2021 conference all parties planned to proceed to jury trial on 15 September 2021.

On 9 September 2021, Defendant filed a motion to continue the jury trial date. Defendant's request was based upon Defendant's desire to retain the services of an expert witness to assist in the defense of the case. The Court grants Defendant's motion to continue the 15 September 2021 trial date. The case is now rescheduled for jury trial on 3 November 2021, which is the new agreed upon date as outlined below.

Immediately upon receipt of the 9 September 2021 motion, the Court scheduled a phone conference with Counsel to discuss the motion to continue, amount of additional time needed and a related issue regarding Defendant's right to speedy trial in this case. After discussion, Defendant elected to file a limited time waiver to offer additional flexibility for the trial to be re-scheduled on a jury date which would be convenient to all parties and allow adequate time for defense trial preparation.

The Court forwarded the available future jury dates to the Prosecutor and to Defense Counsel, so they could check schedules with necessary parties. The Court then followed up with Counsel to schedule the case for a jury trial date on the available jury trial date which is convenient to the schedule of the State of Ohio and to the Defense, and which preserves Defendant's right to a speedy trial. The parties agreed that the new jury trial date would be 3 November 2021.

The Court notes that it has consistently worked to get all of Defendant's pending cases to trial as quickly as possible since Defendant made that desire known to the Court on 15 July 2021. Prior to July 2021, the Court had been consistently asked by the Defense to delay any trial dates in this case, to allow other matters to be addressed by the Defense team.

The Court further notes that due to the ongoing Covid19 pandemic, there are many Defendants who have requested a trial by jury and have been waiting for months for the Court to be able to safely resume holding jury trials. As an example, the Court notes that it had to move two other jury trials scheduled for 15 September 2021, in order to make that date available for the trial of this case.

The Court is doing its best to schedule jury trial dates and ensure that all Defendants have the opportunity to be judged by a jury of their peers in a timely fashion, subject to local health conditions related to the Covid19 pandemic.

A date for bench trial of 21TRDO2262 may also be scheduled, if Defense Counsel wishes to schedule a trial date in that case.

So Ordered.

/s/ *James F. Long*

James F. Long, Judge

c: Prosecutor

Defense Counsel (Joseph W. Stadnicar, Esq.)