

LOOKOUT MOUNTAIN JUDICIAL CIRCUIT
(CATOOSA, CHATTOOGA, DADE & WALKER COUNTIES)
STATE OF GEORGIA

FILED IN OFFICE

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MAR 13 2020

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IN RE: Declaration of Judicial Emergency

CLERK OF SUPREME
COURT OF GEORGIA

CLERK

Date: March 13, 2020

ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Catoosa, Chattooga, Dade and Walker Counties, Georgia affecting all courts such that there is a serious health emergency pursuant to O.C.G.A. § 38-3-60(2)(D). See O.C.G.A. § 38-3-60(2)(D) (providing that "Judicial Emergency" means "[s]uch other serious emergency").

WHEREAS, IT HAS BEEN DETERMINED that the Judicial Emergency substantially endangers or infringes upon the normal functioning of the judicial system as it relates to jury service, including grand jury service, and any non-essential matters, unless they can be conducted via video or teleconferencing.

Therefore, pursuant to O.C.G.A. § 38-3-61, The Honorable Chief Judge Kristina Cook Graham of the Superior Court of Catoosa, Chattooga, Dade and Walker Counties, Lookout Mountain Judicial Circuit DOES HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in the Lookout Mountain Judicial Circuit. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout our counties and the potential infection of those who are required to appear in our courts and interact with large groups due to jury service, including grand jury service, or other large, non-essential calendars.

Thus, the undersigned hereby makes this declaration of a judicial emergency affecting all courts and clerk's offices in Catoosa, Chattooga, Dade and Walker Counties as it relates to jury service, including grand jury service, and any non-essential matters, unless they can be conducted via video or teleconferencing.

Accordingly, IT IS THE ORDER of the Court that no jurors or grand jurors shall report and no jury trials shall be held for a period of thirty (30) days from the date of the entry of this Order. All other regularly scheduled matters that are essential and necessary shall be heard during this 30 day period. Parties or attorneys in any non-essential matters should contact the chambers of the judge assigned to their case or the presiding judge if they have any questions and/or need to ensure their compliance with this Order.

Pursuant to O.C.G.A. § 38-3-62, during the period of this Order, the Court hereby suspends, tolls, extends, and otherwise grants relief from: (1) a statute of limitation; (2) the time within which to try a case for which a demand for speedy trial has been filed; (3) the time within which to hold a commitment hearing; (4) the time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury; and/or (5) such other legal proceedings as determined to be necessary, including calendars involving large numbers of litigants, lawyers, or other persons.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification by the Court, the Court will make a determination of available alternative remedies for the conduct of court business, as necessary, and a corresponding Order will be entered and distributed in accordance with Georgia law.

Pursuant to O.C.G.A. § 38-3-63:

IT IS ORDERED that the Sheriff of Catoosa, Chattooga, Dade and Walker Counties shall post this Order on his public notification site and in the courthouses;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges and clerks of all courts sitting within the jurisdictions affected and

on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 13 day of March, 2020 at 10:15 ~~a.m.~~ ~~p.m.~~

Kristina Cole
Suhaim, Chief Judge
Lookout Mountain Judicial Circuit