

**FILED IN OFFICE**

**MAR 19 2020**

*Thomas B. ...*

**CLERK OF SUPREME  
COURT OF GEORGIA**

**IN THE SUPERIOR COURT OF HENRY COUNTY  
FLINT JUDICIAL CIRCUIT  
STATE OF GEORGIA**

Filed in office this the 18  
day of March, 2020  
at 1:45 o'clock P M  
*Deborah J. ...*  
Clark, Henry Superior Court

IN RE: Declaration of Judicial Emergency

Date: March 16, 2020

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**SECOND AMENDED ORDER DECLARING JUDICIAL EMERGENCY**

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Henry County, 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, Chief Judge Brian J. Amero of the Superior Court of Henry County, Flint Judicial Circuit DOES HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in the Flint Judicial Circuit. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout areas near and surrounding the Flint Judicial Circuit (and potentially within the Circuit itself), the counties of residence of many of our court employees, 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 Henry County 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 until after April 13, 2020, at 11:59 p.m. from the date of the entry of this Order. Furthermore, no civil or non-essential matters shall be heard by the courts during this time period, unless they can be conducted via video or teleconferencing. Parties or attorneys in any non-essential matters should contact the chambers of the judge assigned to their case if they have any questions and/or need to ensure their compliance with this Order. Additionally, parties and attorneys who have travelled to any of the Coronavirus/COVID-19 affected areas, as listed by the Centers for Disease Control, within the last 30 days, who have within the last 14 days come in contact with someone who has so travelled, or who are sick on any level, must not enter any Henry County courthouse or any court related building within the Flint Judicial Circuit, but shall immediately notify the chambers of the judge for which any matter remains scheduled because it falls outside of the restrictions of this order or notify the relevant office within the courthouse that has requested said parties or attorneys appearance.

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.

**This Order shall apply to all classes of court within the Flint Judicial Circuit.** With regard to each class of class of court:

All Superior Court hearings are continued for the duration of this order with the exception of statutory bond hearings, habeas corpus hearings, temporary protective order hearings, and matters deemed to be an emergency by the presiding Superior Court Judge;

All State Court hearings are continued for the duration of this order with the exception of matters deemed to be an emergency by the presiding State Court Judge;

All Juvenile Court hearings are continued for the duration of this order with the exception of detention hearings and other matters deemed to be an emergency by the presiding Juvenile Court Judge;

All Magistrate Court hearings are continued for the duration of this order with the exception of matters deemed to be an emergency by the presiding Magistrate Court Judge and jail cases, such as first appearance hearings or bond hearings;

All Probate Court hearings are continued for the duration of this order with the exception of matters deemed to be an emergency by the presiding Probate Court Judge.

**Furthermore, all courthouses within the Flint Judicial Circuit shall remain open to the public during regular business hours.**

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 Henry County shall post this Order on his public notification site and in the courthouses;

IT IS FURTHER ORDERED that the Clerk of Superior Court shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such



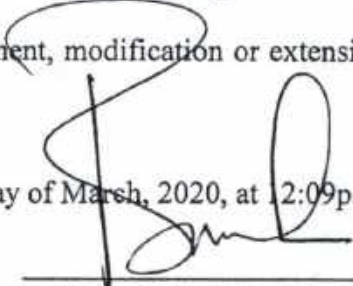
service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at [barnest@gasupreme.us](mailto:barnest@gasupreme.us);

IT IS FURTHER ORDERED that the Clerk of Superior Court shall immediately notify and serve a copy of this 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;

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

IT IS FURTHER ORDERED that the County Manager or her designee shall post a copy of this notice and any subsequent amendment, modification or extension on the county website or other appropriate public access system.

**BE IT SO ORDERED** this 18th day of March, 2020, at 12:09p.m.



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**Brian J. Amero, Chief Judge**  
Henry Superior Court  
Flint Judicial Circuit

CC: Chief Justice, Georgia Supreme Court  
All Judges and Clerks of Court  
Sheriff  
State Attorney General  
District Attorney  
Solicitor General  
Chair, County Commission  
Court Administration  
County COO  
News Media