

PIEDMONT JUDICIAL CIRCUIT
STATE OF GEORGIA

FILED IN OFFICE
MAR 13 2020


CLERK OF SUPREME
COURT OF GEORGIA

IN RE: Declaration of Judicial Emergency

Date: March 13, 2020

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ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Banks, Barrow, and Jackson 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 undersigned Chief Judge Joseph Booth of the Superior Court of the Piedmont Judicial Circuit DOES HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in the Piedmont Judicial Circuit. The nature of this emergency is the potential transmission of Coronavirus/COVID-19 throughout Banks, Barrow, and Jackson 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 the Piedmont Judicial Circuit (comprised of Banks, Barrow, and Jackson 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 fourteen (14) days from the date of the entry of this Order. Furthermore, no non-essential matters shall be heard by the courts during this 14-day 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.

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; (5) the time for which to conduct a hearing following the grant of an ex parte family violence or stalking petition; and/or (6) 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 Sheriffs of Banks, Barrow, and Jackson Counties shall post this Order on their public notification sites and in the courthouses;

IT IS FURTHER ORDERED that each Superior Court Judge, and other judges affected by this order shall have discretion to determine which of their assigned matters are deemed essential and non-essential. The Court encourages the use of the Georgia Pandemic Bench Guide (which can be found at <https://georgiacourts.gov/wp-content/uploads/2019/09/Pandemic-Bench->

Guide-Final.pdf) in assisting with making those determinations. To the extent that conducting a previously scheduled criminal plea day may assist law enforcement by providing for the release of non-violent and otherwise qualified individuals from confinement, those cases may move forward as scheduled.

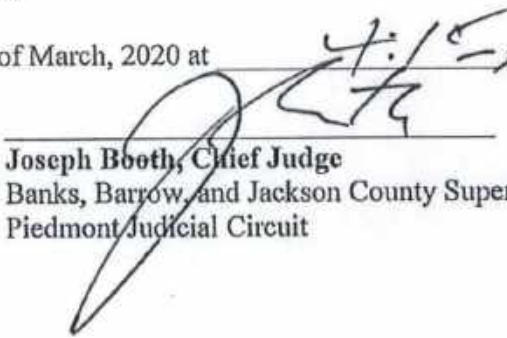
Recognizing that court and clerk staff may not be as available as is customary, IT IS FURTHER ORDERED that the Banks, Barrow, and Jackson County Sheriffs' Offices honor orders entered by a judge providing for the release of a detainee without the necessity of the release order being filed first. Such orders shall be filed as soon as reasonably practicable.

The undersigned hereby notifies and serves Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

The undersigned hereby notifies and serves 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

The undersigned hereby gives notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 13th day of March, 2020 at 4:15 a.m./p.m.



Joseph Booth, Chief Judge
Banks, Barrow, and Jackson County Superior Court
Piedmont Judicial Circuit