

**IN THE MUNICIPAL COURT OF FORT VALLEY
STATE OF GEORGIA**

IN RE: ORDER DECLARING JUDICIAL :
EMERGENCY AND ADOPTION :
OF GUIDELINS FOR COURT :
PROCEEDINGS AND OPERATIONS :
DATE: JUNE 1st, 2020 :

**ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY AND
ADOPTION OF GUIDELINES FOR COURT PROCEEDINGS AND OPERATIONS**

WHEREAS, on March 13th, 2020, the Honorable Howard Z. Simms, Chief Judge of the Superior Court of Bibb County, Macon Judicial Circuit issued an Order determining that a Judicial Emergency exists in Bibb, Crawford and Peach County, Georgia affecting all courts such that there is a serious health emergency pursuant to O.C.G.A. §38-3-60(2)(d) (PROVIDING THAT “Judicial Emergency” means “[s]uch other serious emergency”).

WHEREAS, said Order was served upon Chief Justice Harold D. Melton of the Supreme Court via email to Tee Barnes, the Clerk of the Supreme Court of Georgia at barnes@gasupreme.us on March 13th, 2020, at 11:45 a.m.

WHEREAS, on March 14th, 2020, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia issued an amended Order declaring a Statewide Judicial Emergency in the State of Georgia. The nature of the emergency is the continued transmission of coronavirus/COVID-19 throughout the State and the potential infection of those who work in or are required to appear in the Courts.

WHEREAS, on April 6th, 2020, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, extended the March 14th (amended) Order Declaring Statewide Judicial Emergency, which would have expired on April 13th, 2020 at 11:59 p.m. until Wednesday, May 13th, 2020 at 11:59 p.m., unless otherwise further modified or extended.

WHEREAS on May 11th, 2020, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, extended the March 14th (amended) Order Declaring Statewide Judicial Emergency, indicating with the exception of jury and grand jury proceedings, courts have discretion to conduct essential and non-essential in-person judicial proceedings in compliance with public health and with the requirements of the United States and Georgia constitutions and applicable statutes and court rules, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms, with written guidelines as to how in-court proceedings generally and particular types or proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. In addition, guidelines should specify who should be admitted to the courthouse and courtroom, how public health guidance will be followed regarding such matters as health screening of court personnel and visitors, social distancing in interior areas and courtrooms, use of personal protective equipment (PPE) by personnel and visitors, and sanitation practices.

WHEREAS, it is necessary and proper to adopt guidelines to ensure public safety and protect the health of the general public, litigants, court personnel, lawyers, and all others whom the court comes in contact in keeping with the general and local public health guidelines and the Order of Chief Justice Melton.

NOW THEREFORE, pursuant to O.C.G.A §38-3-61, the Honorable Judge Chimere Trimble of the Municipal Court of Fort Valley in Peach County, Georgia, DOES HEREBY declare that the Fort Valley Municipal Court will resume operations, including in-court arraignment and bench trials effective July 14, 2020, beginning at 10:00 a.m. The Fort Valley Municipal Court shall operate in compliance with the Guidelines For Court Proceedings, For Courts in the Macon Judicial Circuit prepared and enacted by the Honorable Howard Z. Simms, Chief Judge of the Superior Court of Bibb County, Macon Judicial Circuit on May 13th, 2020, and are hereto attached as Exhibit "A". In addition, the City of Fort Valley Municipal Court's Court Procedures in Response to COVID-19 were prepared and enacted June 1st, 2020 and are hereto attached as Exhibit "B". Both sets of procedures have been made available to the public and are also posted online on the City's webpage. **Please note that the Court is agreeable to special schedule hearings for matters where doing so will lessen the**

risk to individuals with a heightened risk of exposure as a result of COVID-19, where a matter will involve multiple witnesses, or any other situation that an individual or prosecutor believes would warrant a specially scheduled hearing upon both parties consulting with the Judge and the agreement of the parties.

NOW THEREFORE, individuals taken into custody by the City of Fort Valley Police Department and charged with violations that fall under the jurisdiction of the Fort Valley Municipal Court shall be given OR bonds, released, and provided with future court dates with the exception of individuals arrested as a result of warrants due to probation violation or contempt of court. Arraignment, probation violations and contempt matters will be addressed via remote hearing. This will remain in effect until June 12th, 2020, at 11:50 p.m., or shall run concurrent with any extensions made by either the Macon Judicial Circuit and /or the Georgia Supreme Court.

A copy of this Order shall be served on all affected personnel: the City of Fort Valley City Manager and Police Department.

SO ORDERED this 1st day of June 2020

A handwritten signature in black ink, appearing to read 'COCOA R', written over a horizontal line.

Honorable Judge Chimere Trimble
City of Fort Valley

Re: **Guidelines For Court Proceedings For Courts In The Macon Judicial Circuit**
(In compliance with the Second Order Extending Declaration Of Statewide Judicial
Emergency)

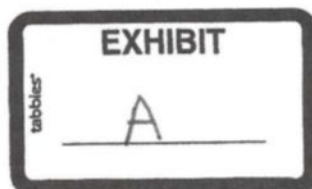
As with everything else, the coronavirus has significantly disrupted the judicial system. By order of the Chief Justice of the Supreme Court, court functions have all but ceased for the better part of three months. A Second Order Extending Declaration of Statewide Judicial Emergency has now been issued. That Order extends the prohibition of any jury trials at least until Friday, June 12, 2020 at 11:59pm. While it does allow for the resumption of some non-jury court functions, the restrictions and limitations do not allow anything approaching what we once knew as "normal." Please refer to that Order for information as to the parameters for operation of the courts.

To comply with Section Four of the Chief Justice's Order, this memorandum will serve as the written guidelines for proceedings in the Courts of the Macon Judicial Circuit. The operative term is "guidelines. " Each judge and each court will necessarily have the leeway to vary the guidelines as particular circumstances dictate.

Access: Anyone coming to the courthouse to attend any court proceeding will be required to submit to a screening at the entrance to the courthouse. The particular area for the screening will be determined by security. This screening will include questions as to whether the person is experiencing fever, shortness of breath, persistent cough or sore throat, or any other symptoms of respiratory infection. The visitor will also be asked questions concerning their travel and possible exposure to COVID-19 within the last fourteen days. As the availability of equipment permits, each person's temperature will be taken using a no-touch thermometer. Should concerns be raised as a result of this screening, the Court will immediately be notified, and a decision will be made as to whether that person will be allowed in the building. If they are not permitted entry, the particular Court/Judge presiding in their proceeding is to be contacted so that the matter can be heard by alternative remote means or continued to a later date.

Social Distancing: For all court proceedings, social distancing will be required. Within the courtrooms, there must be a six-foot space between every person. For example, a litigant must sit at one end of the table and his/her counsel at the other end. Members of the public attending the proceeding must sit six feet apart in the gallery; the courtroom will be considered "full" when that distancing has reached its capacity. In the hallway outside of the courtrooms the floor will be marked at six-foot intervals; those in the hallway will be required to abide by this distancing. When capacity has been reached in the hallway, security will help others to a location outside the building to wait until space is available.

Personal Protective Equipment (PPE): All persons entering the courthouse for business should wear face masks or face covering. Further, all participants in litigation will be required to wear protective masks in the courtrooms and while in the courthouse. This includes counsel, parties and witnesses. Applicants for weapons carry permits and marriage licenses are also required to wear face masks or face coverings. Members of the public attending the proceedings are strongly urged to wear masks; if a sufficient number of masks are available to security or to the court, then members of the public will be provided same and required to wear



them at all times when in courtroom or the hallway.

Remote Judicial Proceedings: All judges will continue to use technology to provide an alternative to in person proceedings. Our preferred methods are Microsoft Teams, Zoom and WebEx (accommodations might be possible for alternative platforms on an availability and cases by case basis). Whether to use these platforms in a pending matter will be within the sole discretion of the judge presiding in that case. Should the decision be made to use this alternative, litigants, lawyers, witnesses and other essential personnel must comply with this decision (See Section Three of the Chief Justice's Order). Of course, to the extent possible, in person proceedings are preferred by all participants; but the circumstances may not allow this luxury. Finally, no proceeding - whether in person or remote - will be conducted if doing so would violate a constitutional right of a litigant.

Types of Proceedings: While the most recent Order from the Chief Justice allows in court proceedings, whether to conduct those proceedings - and how - depends on the nature of the event. For example, some hearings involve only the parties and counsel; these are more amenable to being held in person (domestic rules, motions for new trial, pre-trial motions, etc.). Other proceedings traditionally involving a large number of people will - if held in person - be subject to more modifications and restrictions (arraignments, child support, calendar calls, etc.). Each judge will determine whether to hold these proceedings in person, and if so, whether to limit the number of hearings, whether to stagger the times for appearance, etc. Questions as to whether and how a proceeding will be conducted are to be addressed to the judge for that proceeding.

These guidelines will remain in effect at least as long as any Judicial Emergency Order exists. The length and degree of restriction may also depend on what is deemed necessary in the Macon Judicial Circuit and allowed by statute (See O.C.G.A. §§ 38-3-61 and 38-3-62). It is not the intention of any judge of this circuit to impose any restriction for any period of time beyond what is absolutely necessary to ensure the safety of all who enter our courthouses. As do you, we look forward to the day when the administration of justice returns to its normal course. Until then, we will work with all who have business before the court to find a way to provide access and a fair hearing for their concerns.

FORT VALLEY MUNICIPAL COURT
COURT PROCEDURE IN RESPONSE TO COVID-19

DEAR DEFENDANTS WITH UPCOMING COURT DATES:

Ticket fine and payment information are available online at www.fortvalleytix.com via Municipals Court's webpage; or by calling 478-825-8261 to pay by phone.

If you wish to dispute the violation, it is your right to appear in court. If you have already paid your citation, your appearance is not mandatory. For many traffic violation, a court appearance is not mandatory.

Examples of violations that **are a mandatory appearance** include:

No Insurance	Hit and Run
Suspended Registration	Reckless Driving
Driving While License Suspended	Speeding 40+Over Limit
Driving While Unlicensed	Theft by Shoplifting
Permitting Unlicensed Person to Drive	Possession of Marijuana
Resisting/Interfering with Officer	Possession of Drug Related Objects

If you are not sure whether you must appear for court, please contact the **clerk's office: 478-825-8261 or lhutchins@fortvalleyusa.com**.

If you do not have an attorney and would like information about resolving your case without a court appearance, contact the clerk's office at **478-825-8261** for information on meeting with a solicitor or assigned officer. You may be able to accept a plea recommendation to resolve your case without appearing in court.

In response to the threat posed by the COVID-19 virus, Fort Valley Municipal Court has implemented changes to court hearing procedures. Please be advised of the following:

- When you arrive for your court hearing, you will check in the at the main entrance 204 W. Church Street, Fort Valley, Georgia 31030. A Court Security staff member will ask that you provide your name; then give you a court time as to when it is your time to meet with the Prosecutor and Judge. You may also be asked to provide your contact information You will be asked to return to your car and wait in the parking lot until that return time.



- Only the Defendant listed on the citation will be allowed to enter the court, with their attorney if applicable. Individuals under 21 years of age may be accompanied by one parent/guardian.
- **No friends, family members, or children may enter the courtroom.** If you encounter a childcare issue, please contact the clerk's office prior to your hearing. Continuances will be granted. Defendants who are 65 years of age or older and are not comfortable coming to court due to increased risk may contact the clerk's office prior to the hearing date. Continuances will be granted.
- **Any Defendant who is ill will not be permitted to enter the courthouse.** If you do not feel well, please stay at home and call the clerk's office at 478-825-8261. If necessary, you may email lhutchins@fortvalleyusa.com so that you can be contacted. Continuance will be granted.
- **Defendants will be encourage to wear a face covering (mask or cloth) the entire time while inside of the courthouse building. (Los acusado deben traer y usar una mascara facial (se permitted mascarar de tala) todo el tiemp mientras ente dentro edificio del trimbuan).**
- Defendants who require an interpreter for court proceedings please contact the clerk's office at 478-825-8261 or lhutchins@fortvalleyusa.com prior to your court date. **(Los acusado que requieran un interprete, comuniquense telefono numero 478-825-8261 inmediato para obtener mas informacion por favor).**
- All Defendants and staff must always observe at least **six feet of social distance.**
- If a Defendant or Attorney requests to conduct a hearing using technology to provide an alternate to in person proceedings, a request should be made to the presiding Judge via the Court Clerk at lhutchins@fortvalleyusa.com. No proceeding shall be conducted that would violate the constitutional right of the Defendant.

In summary: **Please arrive for your court hearing at the time noted on your hearing notice as the court will be operating on a staggered hearing schedule. If your report time is not printed on your notice, please contact the courthouse no later than 9:00 a.m. to obtain your report time. When you arrive for your court hearing, you will check in at the main entrance of 204 W. Church Street, Fort Valley, Georgia 31030. Court Security will ask that you require that you complete the necessary court screening process, will obtain your name, telephone number and email address. They will verify what time you are scheduled to report. If you have arrived too early, you will be told what you are to report and asked to leave the Courthouse and return at your scheduled time.**

If you a report time is not printed on your notice, you may contact Municipal Court via email for your report time at lhutchins@fortvalleyusa.com no later than 24 hours prior to the date of your haring. Monday through Friday from 8 am to 5 pm only to obtain your report time.

Sincerely,

Clerk and Staff of Fort Valley Municipal Court