

*Filed 7.13.2020
molena Municipal
Court.
Kasha
Court Clerk

IN THE MUNICIPAL COURT
CITY OF MOLENA
STATE OF GEORGIA

ORDER OF RESUMPTION OF OPEN COURT
AND TEMPORARY OPERATIONAL
GUIDELINES

WHEREAS, pursuant to the Order Declaring a Statewide Judicial Emergency by the Chief Justice of the Supreme Court of Georgia as a result of the COVID-19 pandemic on March 14, 2020, as amended on May 11, 2020, by the Chief Justice in an Order Extending Declaration of Statewide Judicial Emergency until 12 June 2020; and

WHEREAS, the Municipal Court of Molena has been opened for only essential emergency court business and has not performed regular courtroom sessions during the months of the last half of March and all of April and May and the first part of June, 2020; and

WHEREAS, pursuant to the terms of the Extended Order, Courts are allowed to begin court operations provided each court develop written guidelines as to how in-court proceedings and particular types of proceedings will be conducted to safeguard and protect the health of litigants, lawyers, judges, court personnel, and the public; and

WHEREAS, the Council of Municipal Court Judges has promulgated the Best Practices & Guidelines for Operating Municipal Courts During the COVID-19 Recovery (Exhibit A) which are hereby adopted by this Court by specific reference; and

WHEREAS, as a result of this authorization to begin open court sessions once again, the Municipal Court of Molena will begin open court sessions beginning July 20, 2020; and

WHEREAS, the following guidelines shall be followed for all open court sessions, and the procedures and provisions set out herein shall be the Order of the Court and shall be followed by all

court personnel and citizens to the extent practicable for the operation of the Municipal Court of Molena, Georgia.

IT IS HEREBY ORDERED:

1. Court calendars shall be scheduled with no more than twelve (12) Defendants on any one calendar.
2. Calendar starting times will be at 5:00 P.M. On the third Monday of each month unless otherwise ordered by the Court.
3. These guidelines shall apply to all open courtroom matters, including but not limited to Arraignments, Motion Hearings, Probation Revocation Hearings, and Bench Trials.
4. Defendants who request a reset because of COVID-19 concerns shall be granted a continuance if they are a member of an at-risk group, such as those persons over 65 years of age; or they have small children and no available childcare; or they have a family member suffering with COVID-19 or if they have been exposed to someone suffering from the virus; or they are a member of an immune-compromised population (or living in a household with someone who is immune compromised).
5. All staff members, including, but not limited to, law enforcement personnel, clerks, probation personnel, city employees and lawyers who have business or provide services during courtroom sessions shall be required to wear protective masks and, where necessary, protective gloves.
6. All persons within public areas of the Molena City Hall must conduct themselves in such a manner as to respect the concept of "social distancing" and maintain six (6) feet of separation from other persons.
7. All persons shall be required to wear a mask, cloth, bandanna, scarf or other covering over their mouth and nose which must be worn at all times in the main building of the Government Complex. If a person does not have a mask, one may be provided by the courtroom personnel. If no

masks are available or the person refuses to wear a mask that is provided and the person is a Defendant, the case may be continued or held until the end of the calendar for disposition.

8. All individuals entering the building for Court shall check in through the security entrance station. At the security entrance station, court personnel shall screen each person by asking the following questions:

- (a) Has the person traveled to or from any area in which COVID-19 is particularly active within the past thirty (30) days?
- (b) Have they or anyone in their household experienced symptoms of COVID-19?
- (c) Have they been tested for the virus? If the response is yes, they should be questioned further as to the date and results of the test. If they advise that they tested positive within 14 days of the court date, they should be rescheduled by the Court.

9. If these questions are answered satisfactorily, each person will have their temperature taken electronically and anyone exceeding 100.4 degrees shall not be allowed in the auditorium or courtroom. If the person is a Defendant, their case will be rescheduled. If they do not exhibit such a level of temperature, they will be admitted inside the auditorium and courtroom.

10. The courtroom shall be set up to accommodate persons in such a manner as to allow six feet of spacing between each person. If a space limitation problem arises during any court session, the previously referenced staggering method may be implemented. Additionally, any Defendant may choose to provide a cellphone number to the bailiff and be directed to wait in their car until they are notified by court personnel via cellphone to return to the courtroom.

11. Any and all citizens shall have access to the courtroom. However, due to the necessity of ensuring low-density population inside the courtroom so as to protect the health, safety, and welfare of the general public, litigants, court personnel, lawyers and all others, Defendant's will be given priority for admission into the courtroom.

12. Once inside the courtroom, individuals should only be seated in designated areas. Appropriate seats will be indicated and certain seats shall remain empty. Bailiffs shall assist and instruct individuals upon entering and being seated in the courtroom.

13. In order to facilitate appropriate crowd flow and social distancing concerns, certain areas will be quarantined off. Only designated court officials shall be allowed within those restricted areas.

14. If it is necessary for the Defendant to meet with probation, the Probation Officer will set up their desk and surrounding area in consideration of the social distancing six (6) foot requirement. Once the probation procedures have been completed, the Defendant shall exit the building.

15. Signs shall be posted in prominent locations in the courtroom and lobby advising persons to wash their hands, maintain social distancing and wear protective masks.

16. Court personnel will set up hand sanitizing stations in the courtroom and lobby at appropriate locations and people will be encouraged to use these stations as they come into and exit the area.

17. City personnel shall regularly clean and sanitize the courtroom and public areas utilized by the Municipal Court in the building in a reasonable manner.

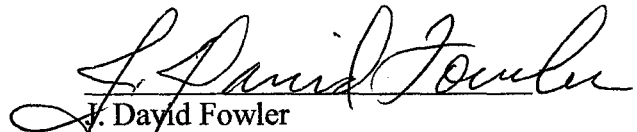
18. Any individual who violates or fails to comply with these Court Operational Guidelines shall be subject to the following:

1. Will be asked to comply with the specific guideline;
2. If any individual then fails to comply, they will be instructed to quietly leave the building or, where appropriate, be quarantined in the auditorium until all other cases are disposed and they can be brought to the courtroom with proper social distancing;
3. If, based upon a violation or failure to comply, any individual refuses the request

of a bailiff or law enforcement officer to leave the building, they may be subject to a citation for contempt.

These provisions regarding the conduct of Court shall remain in full force and effect until such time as rescinded by further Order of the Court.

SO ORDERED, this 13th day of July, 2020.


J. David Fowler
Judge of Municipal Court
City of Molena