


IN THE SUPERIOR COURT OF THE EASTERN JUDICIAL CIRCUIT
STATE OF GEORGIA

IN RE:)
DECLARATION OF)
JUDICIAL EMERGENCY)

FILED IN OFFICE
2021 JAN 27 A 11:24

DEP. CLK. SUPERIOR CT
CHATHAM COUNTY, GA

TEMPORARY DESIGNATION OF AN ALTERNATIVE FACILITY FOR THE
CONDUCT OF JUDICIAL BUSINESS (GRAND JURY)

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Chatham County, Georgia affecting all courts such that there is a serious health emergency pursuant to O.C.G.A. § 38-3-60(2)(D).

WHEREAS, effective March 14, 2020, the Chief Justice of the Supreme Court of Georgia determined that a statewide judicial emergency existed and such order has been continued by Tenth Order Extending Declaration of Statewide Judicial Emergency on January 8, 2021.¹

WHEREAS, as an “authorized judicial official” as defined in O.C.G.A. § 38-3-60, the undersigned hereby declares that this Court is confronted with a judicial emergency. Therefore, pursuant to O.C.G.A. § 38-3-61, the Honorable Chief Judge Penny Haas Freeseemann of the Superior Court of Chatham County, Eastern Judicial Circuit DOES HEREBY REAFFIRM the existence of a Judicial Emergency in the Eastern Judicial Circuit in Chatham County, Georgia. The nature of this emergency is the continued transmission of the Coronavirus/COVID-19 throughout Chatham County, Georgia and the potential for infection of those who are required to appear in our courts, who may be required to interact with large groups, and those who work in

¹ The Tenth Order Extending Declaration of Statewide Judicial Emergency authorizes Grand Jury proceedings. Specifically, the Tenth Order states: “The Chief Judge of each superior court, in his or her discretion after consulting with the District Attorney, may resume grand jury proceedings in person or remotely (where consistent with law), if doing so can be done safely and in compliance with public health guidance based on local conditions.” See Tenth Order Extending Declaration of Statewide Judicial Emergency, pg. 4, Section I(A)(1).

court facilities. Moreover, the Court is apprised that employees who work in the courthouse have tested positive or are symptomatic for COVID-19; such courthouse employees work directly with the public in close proximity to other employees, and the close and confined conditions of the work areas within the courthouse necessitate this Order.

WHEREFORE, pursuant to O.C.G.A. § 38-3-61(c), the Court finds that the circumstances underlying the judicial emergency makes access to the J. Tom Coleman Courthouse, 133 Montgomery Street, Savannah, Georgia 31401, temporarily impossible or impractical for conducting grand jury sessions.² **The Court hereby designates the following facility, which is reasonably accessible and appropriate, for the conduct of court business: Savannah Cultural Arts Center, 201 Montgomery Street, Savannah, Georgia 31401.³**

Unless otherwise ordered, this Order shall remain in effect for a period of thirty (30) days from five o'clock (5:00) p.m. Wednesday, January 20, 2021 until eight o'clock (8:00) a.m., Friday, February 19, 2021.

This Order shall not serve to alter, amend or in any way modify the earlier declarations and determinations referenced above.

IT IS ORDERED that the Sheriff of Chatham County shall post this Order in a public manner in the affected courthouse location and at each public entry point of the courthouse.

There shall be no interruption of normal electronic filing services and electronic or digital search capabilities in the affected courts to the extent that they are otherwise normally available.

² Attached hereto is the Order In Re: Agreement and Protocol for Grand Jury Proceedings During the Covid-19 Pandemic, which outlines the protocols this Court will take to conduct the Grand Jury proceedings safely and in compliance with public health guidance.

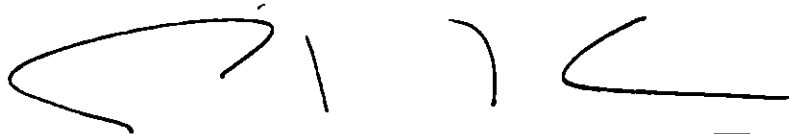
³ The Savannah Cultural Arts Center is one block from the J. Tom Coleman Courthouse and is within the Eastern Judicial Circuit.

Moreover, all courthouse offices, including the Clerk of the Superior Court, shall remain open for public access by email, telephone and by person during regular business hours of eight o'clock (8:00) a.m. until five o'clock (5:00) p.m. Monday through Friday, less and except legal holidays.

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 ta barnest@gasupreme.us.

IT IS FURTHER ORDERED that a copy of this order shall be served copy on the judges and clerks of all courts sitting within the jurisdiction affected and on the clerks of the Georgia Court of Appeals and Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt.

SO ORDERED this 27 day of JANUARY 2021 at 11:30 a.m., **NUNC PRO TUNC** as of January 20, 2021.



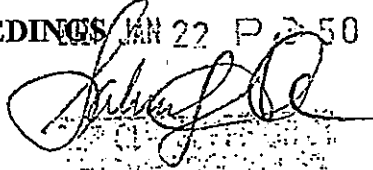
PENNY HAAS FREESEMANN
CHIEF JUDGE, SUPERIOR COURT
EASTERN JUDICIAL CIRCUIT

ATTACHMENT A

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

FILED IN OFFICE

IN RE: AGREEMENT AND PROTOCOL FOR GRAND JURY PROCEEDINGS
DURING THE COVID PANDEMIC

JAN 22 P 2 50


ORDER

1.

The December Grand Jury Term officially began on Monday, December 7, 2020. O.C.G.A. §15-6-3(17). Due to the outbreak and subsequent spread of the novel coronavirus (Covid-19) both nationally and locally, the social distancing requirements associated therewith, grand jurors were not selected or sworn at the beginning of the December 2020 term.

2.

The health and safety of Chatham County citizens, including court staff and personnel is of primary importance. However, continued court closures and mounting caseloads have brought the criminal justice system to a virtual stand-still, which has adversely affected our criminal justice system.

3.

The Georgia Supreme Court has ruled that the Chief Judge of each Superior Court in his or her discretion, after consultation with the District Attorney, may decide to resume Grand Jury proceedings “if doing so can be done safely and in compliance with public health guidance based on local conditions.” See Tenth Order Extending Declaration of Statewide Judicial Emergency.

4.

Therefore, having consulted with the Superior Court bench and having considered the guidance issued by the courts of this state, the Center for Disease Control (hereinafter “CDC”) and the local Department of Health, and recognizing the need to keep our criminal justice system moving, the District Attorney believes that Grand Jury proceedings may be conducted safely and in compliance with public health guidance and submits the following proposal for the court’s consideration.

a. Reporting for Duty

- The December 2020 Grand Jury shall report for duty on **Wednesday, January 20, 2021 at 8:30 a.m.** (hereinafter “Report Date”) to the Savannah Cultural Arts building

located at 201 Montgomery Street, Savannah, Georgia 31401. Upon arrival, jurors will be directed to the room where their service will take place (hereinafter the “Jury Assembly Room”).

- Therefore, Grand Jurors shall continue to check the information lines provided to ensure that their Report Date has not changed.
- Upon their arrival, Grand Jurors will undergo Grand Jury Orientation as outlined by the Court and the District Attorney’s Office.

b. Grand Jury Schedule

- The Grand Jury schedule shall be as outlined in Exhibit A attached hereto.
- Unless otherwise instructed by the Court, Grand Jurors shall report for duty at 8:30 a.m. on their designated day of service and shall serve until 4:00 p.m., or earlier if all cases scheduled for that day have been heard. Grand Jury service shall run from January 20 until February 24, 2021, the end of the December term or at such other time as may be decided by the members of the Superior Court.
- The duties and procedures outlined herein shall not conflict with any other roles and duties imposed upon the Grand Jury by the Superior Court.

c. Check-In Procedure

- Each Grand Juror will be screened upon entering the building. This screening shall include, but is not limited to, completing the sign in sheet, having their temperature taken and answering standard screening questions in keeping with the same screening process conducted at the main courthouse that are in accordance with CDC procedures.
- Grand jurors will be seated and spaced no less than six feet apart in either direction. Each seat will be marked with their name and grand jurors will be assigned to sit in the same seat every week.
- A mask, clipboard and pen will be placed in each seat.
- Masks must be worn at all times during the Grand Jury proceedings even with proper social distancing.

- Should it be found that the facilities provided do not allow for sufficient air turnover or circulation, the District Attorney's Office will provide a standing air-purifier(s) for the Jury Assembly Room.
- Once grand jurors have been seated, the Jury Assembly Room shall be closed to all members of the public and staff that are not essential to the Grand Jury proceedings.
- Each Grand Juror will be provided with a temporary bracelet showing that they have been screened for entry.
- Each Grand Jury should consist of 16 to 23 members with no fewer than 5 alternates and shall be designated Grand Jury A and Grand Jury B.

d. Presentations

- All presentments and examinations shall be conducted electronically by closed circuit television, video teleconference, or other internet-based, electronic or digital means.
- Prosecutors and their witnesses will present the case from the Grand Jury room (in the main courthouse) in keeping with the existing protocol for Grand Jury proceedings to minimize the amount of traffic flowing into and out of the Jury Assembly Room.
- All oaths may be administered virtually and/or remotely as indicated in the Executive Order issued by Governor Brian Kemp on September 10, 2020.

e. Lunch and Breaks

- The District Attorney's Office will not serve food or lunch during Grand Jury service. However, the District Attorney will provide an hour for lunch and grand jurors are free to bring lunch and snacks with them or leave the building to get lunch if they desire.
- Grand Jurors may, by majority vote, decide to work through lunch in exchange for an early departure.
- The District Attorney may provide light individually wrapped snacks and bottled water.
- The District Attorney will provide sufficient stretch breaks.

f. Covid-19 Policy

- In the event a Grand Juror tests positive for Covid-19 or has close contact with someone who test positive for Covid-19, that particular Grand Juror shall immediately notify the

Court and the District Attorney. After consultation with Public Health Officials, the Court and the District Attorney shall consult to determine the better course of action for resuming service on the next scheduled service day, if possible.

- In the event a Grand Juror presents himself/herself at the Jury Assembly Room with symptoms indicative of Covid-19 or answers any questions of the protocol that may cause alarm, that Grand Juror will not be allowed into the Jury Assembly Room so that the Court and the District Attorney can be notified in order to determine if an alternate can be located, if necessary, or to determine if Public Health Officials need to be consulted.
- The Court and the District Attorney's Office have collaborated with the Savannah Cultural Arts Center to assure that public areas such as restrooms, break rooms, and the Jury Assembly Room are sanitized on a regular basis

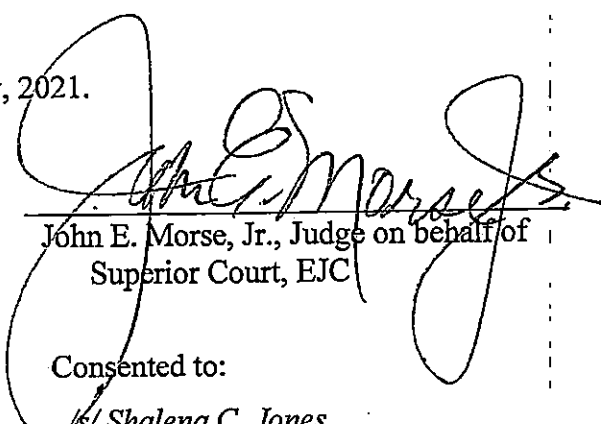
5.

The Sheriff of Chatham County shall secure the Jury Assembly Room and all appurtenant areas thereto while the Grand Jury is in session.

6.

The County Health Officials, the Superior Court bench and the District Attorney's Office have collaborated with the Savannah Cultural Arts Center to reach consensus as to the above enumerations.

SO ORDERED, this 22nd day of January, 2021.



John E. Morse, Jr., Judge on behalf of
Superior Court, EJC

Consented to:

/s/ Shalena C. Jones

Shalena Cook Jones, Esq.
Georgia Bar No.: 526846
District Attorney-Elect for the
Eastern Judicial Circuit of Georgia

EXHIBIT A
Grand Jury Schedule
December 2020 Term of Court
Savannah Cultural Arts Center – Ben Tucker Auditorium

Date	Grand Jury A	Grand Jury B
Jan. 20, 2021	9:00 am	12:00 pm
Jan. 26, 2021	8:30 am	
Jan. 28, 2021		8:30 am
Feb. 2, 2021	8:30 am	
Feb. 4, 2021		8:30 am
Feb. 9, 2021	8:30 am	
Feb. 11, 2021		8:30 am
Feb. 16, 2021	8:30 am	
Feb. 18, 2021		8:30 am
Feb. 23, 2021	8:30 am	
Feb. 25, 2021		8:30 am
END OF DEC. 2020 TERM		
BEG. OF SPEC. TERM GJ		
Mar. 2, 2021	8:30 am	
Mar. 4, 2021		8:30 am
Mar. 9, 2021	8:30 am	
Mar 11, 2021		8:30 am
Mar. 16, 2021 <i>** St. Patrick's Day Week</i>	8:30 am	
Mar. 18, 2021 <i>** St. Patrick's Day Week</i>		8:30 am
Mar. 23, 2021	8:30 am	
Mar. 25, 2021		8:30 am
Mar. 30, 2021	8:30 am	
Apr. 1, 2021 <i>** Day before Good Friday</i>		8:30 am
Apr. 6, 2021	8:30 am	
Apr. 8, 2021 <i>** Day after Holocaust Remembrance Day</i>		8:30 am
Apr. 13, 2021 <i>** First day of Ramadan</i>	8:30 am	
Apr. 15, 2021		8:30 am
Apr. 20, 2021	8:30 am	
Apr. 22, 2021		8:30 am
Apr. 27, 2021	8:30 am	
Apr. 29, 2021		8:30 am
May 4, 2021	8:30 am	
May 6, 2021		8:30 am
May 11, 2021	8:30 am	
May 13, 2021		8:30 am
May 18, 2021	8:30 am	
May 20, 2021		8:30 am
May 25, 2021	8:30 am	

May 27, 2021		8:30 am
Jun. 1, 2021	8:30 am	
Jun. 3, 2021		8:30 am

Cc: Superior Court Judges
Shalena Cook Jones, District Attorney
Tammie Mosely, Clerk of Court
John T. Wilcher, Sheriff
Capt. Carlos Michael
Dr. Lawton Davis, Department of Public Health
David Higdon, Performing Arts Coordinator