

**IN THE SUPERIOR COURT OF FRANKLIN COUNTY  
STATE OF GEORGIA**

**IN RE: DECLARATION OF  
JUDICIAL EMERGENCY  
& AUTHORIZATION OF  
OFF-SITE GRAND JURY  
PROCEEDINGS**

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**ORDER DECLARING JUDICIAL EMERGENCY**

On March 14<sup>th</sup>, 2020, in response to the COVID-19 Pandemic, the Honorable Harold D. Melton, as Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency, pursuant to O.C.G.A. §38-3-61. That Order has been extended eleven times, with modifications, by Orders issued on April 6<sup>th</sup>, May 11<sup>th</sup>, June 12<sup>th</sup>, July 10<sup>th</sup>, August 11<sup>th</sup>, September 10<sup>th</sup>, October 10<sup>th</sup>, November 9<sup>th</sup>, December 9<sup>th</sup>, 2020, and January 8<sup>th</sup>, and February 7<sup>th</sup>, 2021. On May 4<sup>th</sup>, 2020, the Supreme Court of Georgia issued Guidance on the Continued Authority of Grand Juries Impaneled Prior to the Issuance of the Chief Justice’s Order Declaring Statewide Judicial Emergency, and on May 11<sup>th</sup>, 2020, the Georgia Supreme Court issued Guidance on Grand Jury Proceedings Under the Chief Justice’s Second Order Extending Declaration of Statewide Judicial Emergency. Upon review of all of the above-mentioned Orders from the Georgia Supreme Court, the Guidance on Grand Jury Proceedings, and all relevant CDC guidelines and recommended practices, it is apparent that the convening of the Grand Jury of Franklin County, Georgia in its traditional location at the Courthouse cannot be done safely (due to the ongoing pandemic) while following the recommended guidelines from the CDC, Georgia Department of Public Health, and the Judicial Emergency Order and extensions thereof. There is a reasonably accessible and appropriate location for such business to be conducted in Franklin County. The undersigned, Chief Judge Jeffery S. Malcom, after consultation with District Attorney D. Parks White, has determined that Grand Jury proceedings can be done safely and in compliance with public health guidelines, albeit with proper protocols and an alternative location for such proceedings.

*See, Uniform Superior Court Rule 45, “Judicial Operations Emergency Order,”* which provides, in pertinent part, “Pursuant to OCGA § 38-3-60 et seq., upon his/her own motion or after consideration of a request from another judge or court official, the Chief Judge of the circuit experiencing an emergency or disruption in operations may issue an order authorizing relief from time deadlines imposed by statutes, rules, regulations, or court orders until the restoration of normal court operations or as specified.

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Order Declaring Judicial Emergency in Franklin County, Georgia &  
Authorizing Off-Site Grand Jury Proceedings  
By Order of Chief Judge Jeffery S. Malcom, Northern Judicial Circuit

The emergency order may also designate one or more facilities as temporary courthouses that shall be suitable for court business and located as near as possible to the county seat.

The order shall contain (1) the identity and position of the judge, (2) the date, time, and place executed, (3) the jurisdiction affected, (4) the nature of the emergency, (5) the period of duration, and (6) other information relevant to the suspension or restoration of court operations. The duration of a court emergency order is limited to a maximum of 30 days. The order may only be extended twice by the issuing judge for additional 30-day periods, and any extension must contain the information required in the original order.”

*See also*, O.C.G.A. § 38-3-61, which provides,

“(a) An authorized judicial official is authorized to declare the existence of a judicial emergency which shall be done by order either upon his or her own motion or upon motion by any interested person. The order shall state:

- (1) The identity and position of the issuing authorized judicial official;
- (2) The time, date, and place at which the order is executed;
- (3) The jurisdiction or jurisdictions affected by the order;
- (4) The nature of the emergency necessitating the order;
- (5) The period or duration of the judicial emergency; and
- (6) Any other information relevant to the suspension or restoration of court operations.

(b) An order declaring the existence of a judicial emergency shall be limited to an initial duration of not more than 30 days; provided, however, that the order may be modified or extended for no more than two periods not exceeding 30 days each unless a public health emergency exists as set forth in Code Section 38-3-51, in which case the Chief Justice of the Supreme Court of Georgia may extend the emergency order for so long as such emergency exists, as declared by the Governor. Any modification or extension of the initial order shall require information regarding the same matters set forth in subsection (a) of this Code section for the issuance of the initial order.

(c) In the event the circumstances underlying the judicial emergency make access to the office of a clerk of court or a courthouse impossible or impractical, the order declaring the judicial emergency shall designate another facility, which is reasonably accessible and appropriate, for the conduct of court business.”

**IT IS HEREBY ORDERED THAT** a state of judicial emergency is declared in Franklin County, Georgia, by Chief Judge Jeffery S. Malcom of the Northern Judicial Circuit of the State of Georgia. This emergency declaration shall terminate on the 14<sup>th</sup> day of March, 2021 at 11:59 p.m., unless further modified or extended;

**IT IS FURTHER ORDERED THAT** that Grand Jury of Franklin County, Georgia that otherwise would have convened at the Franklin County Courthouse for the month of February, 2021, shall convene instead at the Carnesville Elementary Primary School (located at 825 Hull Drive, Carnesville, Georgia 30521), on account of the ongoing COVID-19 Pandemic making access to the Franklin County Courthouse impossible and impractical. This alternate location is

reasonably accessible and appropriate for the conduct of such business by the Grand Jury, and is located as near as possible to the County seat;

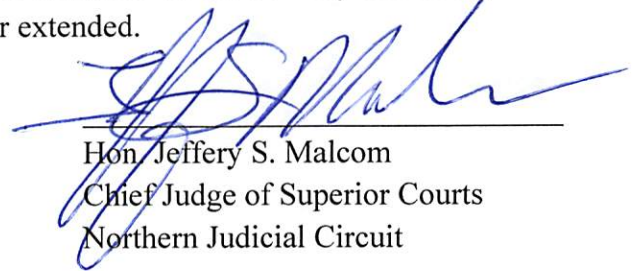
**IT IS FURTHER ORDERED THAT** all personnel conducting or otherwise supervising such Grand Jury proceedings shall review and be familiar with the various Orders and guidance directives issued by the Chief Justice of the Georgia Supreme Court and the undersigned Chief Judge of the Northern Judicial Circuit, and implement such guidance. The Franklin County Clerk of Superior Court shall ensure that summonses for the Grand Jurors conform to the various procedures prescribed by the aforementioned Orders and guidance directives, and provide avenues through which citizens may give notice of circumstances which would render their civic service a danger to them, their family, or other citizens. Additionally, the Franklin County Clerk of Superior Court shall cause a copy of this Order to be recorded in the Minutes and Final Records of Franklin County, Georgia;

**IT IS FURTHER ORDERED THAT** the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court of Georgia 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 undersigned shall 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; and

**IT IS FURTHER ORDERED THAT** the undersigned shall give notice of the issuance of this Order to the affected parties, Counsel for the affected parties, and the public. The Sheriff of Franklin County shall post a copy of this Order on the public notification site at the Courthouse.

**IT IS SO ORDERED**, this 12<sup>th</sup> day of February, 2021 at 4:00 p.m. in Hartwell, Hart County, Georgia. This Judicial Emergency Order shall terminate on the 14<sup>th</sup> day of March, 2021 at 11:59 p.m., unless otherwise modified, amended, or extended.



Hon. Jeffery S. Malcom  
Chief Judge of Superior Courts  
Northern Judicial Circuit