

**FILED IN OFFICE**

July 1, 2021

*Theresa A. Banne*

SUPREME COURT OF GEORGIA

IN THE STATE COURT OF LOWNDES COUNTY  
STATE OF GEORGIA

GEORGIA LOWNDES COUNTY  
Received in office this

JUL 01 2021

**ORDER GRANTING RELIEF FROM STATUTORY SPEEDY TRIAL REQUIREMENTS PURSUANT TO O.C.G.A. § 38-3-62 (b)**

*Steph C. Greene*  
Clerk Superior Court/State Court/  
Juvenile Court

Pursuant to O.C.G.A. § 38-3-62 (b), based upon the certification attached hereto and incorporated herein as Exhibit A, the statutory speedy trial requirements imposed by O.C.G.A. §§ 17-7-170 and 17-7-171 are suspended in the State Court of Lowndes County.

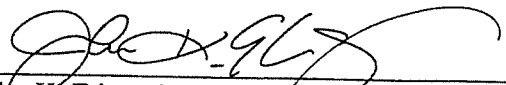
Pursuant to O.C.G.A. § 38-3-62 (b) (9), an order granting relief from statutory speedy trial requirements following a judicial emergency shall not exceed a total of eight months; shall end on the last day of a term of court; and pursuant to O.C.G.A. § 38-3-62 (b) (13), no such order shall issue after June 30, 2023. Accordingly, this Order is issued on this 1st day of July 2021, and it shall terminate on the 14th day of January 2022, a date that is: (1) not more than eight months from the date it is entered; and (2) the last day of a term of the State Court of Lowndes County, unless statutory speedy trial requirements are reinstated by the Chief Justice of the Georgia Supreme Court pursuant to O.C.G.A. § 38-3-62 (b) (11). Pursuant to O.C.G.A. § 38-3-62 (b) (12), nothing in this Order shall relieve the State of its constitutional obligation to provide for a speedy and public criminal trial.

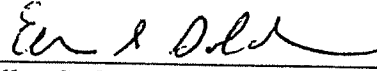
It is hereby ORDERED that this Order shall be filed with the clerk of state court in this county to be filed in the General Docket. Pursuant to O.C.G.A. § 38-3-63 (1)-(2), it is further ORDERED that a copy of this Order be immediately served by e-mail upon the Chief Justice of the Georgia Supreme Court, the judges and clerks of all courts in this county, the clerk of the Georgia Court of Appeals, and the clerk of the Georgia Supreme Court. Further, it is ORDERED that notice of the issuance of this Order be given to the affected parties, counsel for the affected parties, and the public in a manner that meets the requirements of O.C.G.A. § 38-3-63 (3) and specifically as follows: This order shall be furnished to the Solicitor General's Office, the

**ORDER SUSPENDING DEADLINES UNDER O.C.G.A. § 38-3-62 (b)**

applicable bar association, and shall be posted by the Clerk of Court where all written notices appear at the Lowndes County Courthouse.

SO ORDERED this 1<sup>st</sup> day of July, 2021.

  
\_\_\_\_\_  
John K. Edwards, Chief Judge  
State Court of Lowndes County

  
\_\_\_\_\_  
Ellen S. Golden, Judge  
State Court of Lowndes County

## EXHIBIT A - CERTIFICATION

Pursuant to O.C.G.A. § 38-3-62 (b) (3), all active State Court Judges, including the Chief Judge, of the State Court of Lowndes County certify as follows:

**(1)**

Pursuant to O.C.G.A. § 38-3-62 (b) (2), under the totality of the circumstances arising from the statewide judicial emergency first declared by the Supreme Court of Georgia and the local judicial emergency declared by the Chief Judge of the Southern Judicial Circuit, pursuant to O.C.G.A. § 38-3-61 on the 14th day of March, 2020 and ending on the 30th day of June, 2021, inclusive of any modifications or extensions thereof, compliance with the statutory speedy trial requirements established in O.C.G.A. §§ 17-7-170 and 17-7-171 is impracticable in the State Court of Lowndes County.

**(2)**

Pursuant to O.C.G.A. § 38-3-62 (b) (2) (B) (i), the pending criminal case volume in the State Court of Lowndes County is substantially above the average pending criminal case volume that existed at the end of each of the three full calendar years immediately preceding the initial declaration of the applicable judicial emergency. The pending criminal case volume in the State Court of Lowndes County currently totals: 7495; the pending criminal case volume that existed in (2019) totaled: 5020; the pending criminal case volume that existed in (2018) totaled: 4074 and the pending criminal case volume that existed in (2017) totaled 3815. (2017 data incomplete but number based on all available data)

**(3)**

Pursuant to O.C.G.A. § 38-3-62 (b) (2) (B) (ii), the annualized criminal case clearance rate in the current calendar year in the State Court of Lowndes County is substantially below the average criminal case clearance rate for each of the three full calendar years immediately preceding the initial declaration of the applicable judicial emergency. The annualized criminal case clearance rate in the State Court of Lowndes County in the current calendar year is: 89 percent; the annualized criminal case clearance rate that existed in (2019) was: 93 percent; the annualized criminal case clearance rate that existed in (2018) was: 97 percent; and the annualized criminal case clearance rate that existed in (2017) was: 95 percent. (2017 data incomplete but number based on all available data)

(4)

Pursuant to O.C.G.A. § 38-3-62 (b) (2) (B) (iii), the number of speedy trial demands pending within one month of the date of this certification in the State Court of Lowndes County totals: 10. However, the Court is concerned with the potential of being overwhelmed by new speedy trial demands when the current judicial emergency order expires. Additionally, the Court is dealing with an exponential increase in the number of attorney conflicts as courts around the state resume full operation.

(5)

Pursuant to O.C.G.A. § 38-3-62 (b) (2) (B) (iv), the number of jury trials held during the last full term of court in the State Court of Lowndes County was 1.

(6)

Pursuant to O.C.G.A. § 38-3-62 (b) (2) (B) (v), the following ongoing space limitations or other health or safety concerns exist within the State Court of Lowndes County that limit the use of facilities available to conduct criminal trials and related activities: Space is currently limited as prospective jurors must be spread out amongst all courtrooms for jury selection to allow for social distancing. New COVID-19 cases are still reported daily in this region of the state.

(7)

Pursuant to O.C.G.A. § 38-3-62 (b) (2) (B) (vi), there is a limited availability of judges, courtroom personnel, prosecutors, public defenders, expert witnesses, forensic analysis, law enforcement officers, or other relevant persons in the State Court of Lowndes County, as follows: Due to the volume of criminal and civil cases pending, both Judges have full court schedules that allow for limited criminal trial weeks. This affects all necessary attorneys and personnel. Additionally, since the Judicial Emergency first declared by the Supreme Court of Georgia, the State Court of Lowndes County has utilized a senior judge to supplement the number of criminal court proceedings including jury trial weeks. The Court anticipates continuing to utilize a senior judge for the duration of this order granting relief.

(8)

Pursuant to O.C.G.A. § 38-3-62 (b) (2) (B) (vii), the extent of efforts made by prosecuting attorneys and the court to reduce the number of criminal defendants held in custody awaiting trial in the State Court of Lowndes County are as follows: Due to this Court's caseload being limited to misdemeanors only, very few criminal defendants are being held in custody awaiting trial in the State Court of Lowndes County. However, the Court holds multiple criminal hearing days every month for bonds, probation revocations, guilty pleas, and pre-trial motions.

(9)

Pursuant to O.C.G.A. § 38-3-62 (b) (2) (B) (viii), other relevant facts that justify ongoing relief from statutory speedy trial requirements in the State Court of Lowndes County, if any, are as follows: In addition to the factors listed above, other factors include the high volume of pending criminal cases in State Court (the court processes on average 12,000 criminal cases each year) and limited courtroom capabilities for conducting jury trials.

(10)

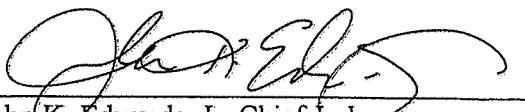
Pursuant to O.C.G.A. § 38-3-62 (b) (4) (B), the following plan to resolve cases in which a statutory speedy trial demand has been filed as expeditiously as possible in the State Court of Lowndes County has been established. It is hereby ordered that any case in which a valid statutory speedy trial demand has been filed shall be prioritized for trial, with the highest priority being given to any such case in which: (1) the defendant is in custody while awaiting trial; and (2) the defendant is in custody as a result of the charges in the case in which the statutory speedy trial demand has been filed. Such cases shall be further prioritized for trial based upon the length of time that the defendant has remained in custody, awaiting trial. Additionally, the following specific plan to resolve cases in which a statutory speedy trial demand has been filed as expeditiously as possible shall apply in the State Court of Lowndes County during the time this Order remains in effect: Priority will be based upon seriousness of pending charges.

(11)

Pursuant to O.C.G.A. § 38-3-62 (b) (4) (B), in the State Court of Lowndes County, Judge Edwards has been scheduled for 7 trial weeks during the period of this Order; Judge Golden has been scheduled for 7 trial weeks during the period of this Order; a senior Judge has been scheduled for 7 trial weeks during the period of this Order.

This Order has been entered by the undersigned Chief Judge pursuant to O.C.G.A. § 38-3-62 (b) (3) (A);

So certified by the Chief Judge of the State Court of Lowndes County, this 15<sup>th</sup> day of July, 2021.

  
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John K. Edwards, Jr., Chief Judge  
State Court of Lowndes County