

IN THE SUPERIOR COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

FILED IN OFFICE
CLERK SUPERIOR CT.
ROCKDALE CO., GA

2021 DEC 29
AT 10:50
CLERK

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

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 and tolled in the Superior Court of Rockdale County within the Rockdale Judicial Circuit.

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 and 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 shall become effective at the beginning of the January term on January 3, 2022, and it shall terminate on July 3, 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 Superior Court of Rockdale 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 superior court in Rockdale 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: (1) Publication in the Rockdale Citizen, the legal organ for Rockdale County; (2) Posting in the public area of the office of the Rockdale County Clerk of Superior Court; and (3) Emailing to the Rockdale County Bar Association for distribution to all members.

SO ORDERED this 29th day of December, 2021.

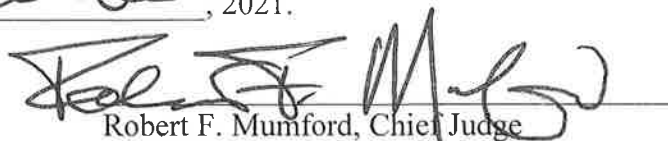

Robert F. Mumford, Chief Judge
Rockdale Judicial Circuit

EXHIBIT A - CERTIFICATION

Pursuant to O.C.G.A. § 38-3-62 (b) (3), the Chief Judge of the Rockdale Judicial Circuit certifies 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 Honorable Chief Justice Harold D. Melton of the Georgia Supreme Court 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 Superior Court of Rockdale County within the Rockdale Judicial Circuit.

(2)

Pursuant to O.C.G.A. § 38-3-62 (b) (2) (B) (i), the pending criminal case volume in the Superior Court of Rockdale County as of December 10, 2021, totals: 962 active cases plus 332 cases which have not been indicted or accused for a total of 1,294 cases;¹ the pending criminal case volume that existed in (2019) totaled: 1448 cases; the pending criminal case volume that existed in (2018) totaled: 1362 cases; and the pending criminal case volume that existed in (2017) totaled: 1358 cases. Thus, while the pending criminal case volume in the Superior Court of Rockdale County is currently not 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 cases that remain unresolved at the end of 2021 are cases that are more difficult to resolve, require more judge time, and courthouse space/resources. Additionally, the number of pending cases will increase substantially once the Sheriff of Rockdale County is able to execute all pending but unexecuted warrants for nonviolent felonies that occurred in 2021.

(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 Superior Court of Rockdale County is not substantially below

¹ This number does not reflect all of the cases that result from crimes committed in 2021 as the Covid-19 pandemic and the need to lessen potential overcrowding at the Rockdale County Jail has resulted in a substantial number of arrest warrants issued in 2021 for nonviolent felony cases to remain unexecuted.

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 Superior Court of Rockdale County in the current calendar year is: 98 percent; for 2020 the annualized criminal case clearance rate was 73 percent. When the annualized criminal case rate for 2020 and 2021 is combined and averaged the clearance rate is 85 percent. This rate is substantially less than the case clearance rates for 2017 through 2019. The annualized criminal case clearance rate that existed in (2019) was: 91 percent; the annualized criminal case clearance rate that existed in (2018) was: 86 percent; and the annualized criminal case clearance rate that existed in (2017) was: 103 percent.

(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 Superior Court of Rockdale County totals: 0 (zero).²

(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 Superior Court of Rockdale County was: 0 (zero).

(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 Superior Court of Rockdale County that limit the use of facilities available to conduct criminal trials and related activities: (1) The jury assembly room and jury room are inadequate for social distancing; (2) there is only one courtroom available that is large enough to have proper social distancing during jury selection or a trial with multiple defendants or spectators; (3) Despite best efforts, there is no feasible way to accommodate the constitutional right of public access for more than one trial at a time in the Superior courthouse. Holding offsite trials in criminal cases presents a huge burden on the Sheriff to secure the space without holding cells, which represents a major security risk; and (4) A large percentage of Jurors who are summoned for jury service are not reporting making the trial of multiple cases in the same trial week difficult; (5) The HVAC system needs to be upgraded to exchange air at a higher rate and provide better filtration and (6) a huge surge in Covid-19 cases in Rockdale County over the

² The Statutory Speedy Trial Act was tolled between March of 2020 and June 30, 2021. This, plus the continuing Covid-19 pandemic and this Court's prior Order granting relief from statutory speedy trial requirements may be suppressing this number.

last few weeks has the potential to limit the Court's ability to have jury trials and Grand Jury proceedings at least through the January term of 2022.

(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 Superior Court of Rockdale County, as follows: There are an insufficient number of assistant district attorneys and public defenders and staff in their offices to run simultaneous criminal trials. Employees in each of these departments are currently unable to work due to positive Covid-19 test results making the shortage more pronounced.

(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 Superior Court of Rockdale County are as follows: (1) Many bonds have been made as own recognizance; (2) Bonds have been set lower than in the past; (3) Virtual bond hearings have been held; and (4) Pleas have been expedited.

(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 Superior Court of Rockdale County, if any, are as follows: (1) Rockdale County has experienced an increase in the number of murder and other serious felony cases at levels never before seen; and (2) A large number of outstanding warrants remain unserved, and it is expected that once those warrants are executed a glut of new indictments and accusations will result.

(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 Superior Court of Rockdale 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 Superior Court of Rockdale County during the time this Order remains in effect: Cases with speedy trial demands will have priority over all other cases and will be scheduled and tried as soon as possible.

(11)

Pursuant to O.C.G.A. § 38-3-62 (b) (4) (B), in the Superior Court of Rockdale County, Chief Judge Robert F. Mumford has been scheduled for 14 trial weeks during the period of this Order; Judge Nancy N. Bills has been scheduled for 12 trial weeks during the period of this Order. In addition to these regularly scheduled trial weeks, the Court anticipates specially setting capital trials which announce ready for trial.

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 this Judicial Circuit, this 29th day of December, 2021.



Robert F. Mumford, Chief Judge,
Rockdale County Superior Court
Rockdale Judicial Circuit