

**IN THE SUPERIOR COURT OF CLAYTON COUNTY
CLAYTON JUDICIAL CIRCUIT
STATE OF GEORGIA**

**IN RE: Declaration of Local Judicial Emergency
CLOSURE of the Harold R. Banke Justice Center and Clayton County Youth
Development Justice Center on December 27, 2022**

**CLAYTON JUDICIAL CIRCUIT
ORDER DECLARING LOCAL JUDICIAL EMERGENCY**

Pursuant to O.C.G.A. § 38-3-61, the undersigned, Geronda V. Carter, Chief Judge of the Superior Court for the Clayton Judicial Circuit of Georgia does hereby declare the existence of a local judicial emergency in the Clayton Judicial Circuit. The nature of this emergency is the extreme winter weather state of emergency declared by Georgia Governor Brian Kemp on December 22, 2022 (and currently extended through today) and the local state of emergency declared on the evening of December 26, 2022 by Clayton County Board of Commissioners Chairman Jeffrey E. Turner for the widespread water disruption to Clayton County citizens and government properties.

WHEREAS, it has been determined that a local judicial emergency exists in this county affecting the courts and clerks' offices in this circuit such that the extreme winter weather system caused damage to the Clayton County plumbing infrastructure;

WHEREAS, Chairman Turner expressed concerns for the public and court employees regarding the continued use of the Harold R. Banke Justice Center and Clayton County Youth Development and Justice Center without access to water;

WHEREAS, the Court finds that the emergency substantially endangers or infringes upon the normal functioning of the judicial system; the ability of persons to avail themselves of the judicial system; or the ability of litigants or others to have access to the courts or meet scheduled or time deadlines imposed by the court order or rule, statute, or administrative rule or regulation; and

WHEREAS, the superior, state, magistrate, probate, and juvenile court judges have been consulted in consideration of any currently scheduled court proceedings and necessity of facility use;

Thus, the undersigned makes this declaration of judicial emergency affecting the Superior, State, Magistrate and Juvenile Courts and Clerks' Offices in Clayton County. Accordingly, it is Ordered that the Harold R. Banke Justice Center and Clayton County Youth Development and Justice Center, which house the Clayton County Superior, State, Magistrate, and Juvenile Courtrooms and Clerk's Offices, be closed for in-person business on December 27, 2022 through noon on December 28, 2022. Nothing in this Order shall prevent the Courts or Clerks' offices from operating virtually. Virtual court proceedings that were scheduled prior to or after this order, to occur during the duration of this declaration, are not affected by this declaration of judicial emergency. Participants or parties to virtual proceedings should contact the relevant judge's office for guidance, if needed.

Given the state of emergency and the anticipated limited duration, the courts and clerks' offices intend to conduct virtual operations, where possible. Electronic filing is offered by the State and Superior Court Clerks' offices and information can be found on their respective websites. The Clayton County Probate Court located at 121 S McDonough St, Jonesboro, GA 30236 is available for any proceedings that require an in-person facility. Judges in need of such space will coordinate with probate court.

Based on the information provided by Chairman Turner, the undersigned expects the courthouses will reopen for in-person business subject to improved weather conditions and water restoration, by noon on December 28, 2022. Should the state of emergency extend beyond the period indicated, the court will make a determination of any additional alternate facilities for the conduct of in-person court business, if necessary.

Pursuant to O.C.G.A. § 38-3-62, during the period when the Clayton County Courthouses are closed, the court hereby suspends, tolls, extends, and otherwise grants relief from all deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil or criminal cases or administrative matters, including, but not limited to:

- (1) A statute of limitation;
- (2) The time within which to issue a warrant;
- (3) The time within which to try a case for which a demand for speedy trial has been filed;
- (4) The time within which to hold a commitment hearing;
- (5) A deadline or other schedule regarding the detention of a juvenile;
- (6) The time within which to return a bill of indictment or an accusation or to bring a matter before the grand jury;

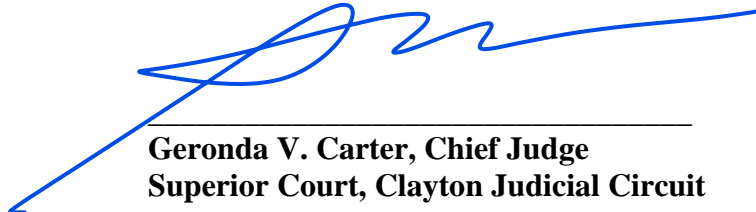
- (7) The time within which to file a writ of habeas corpus;
- (8) The time within which discovery or any aspect thereof is to be completed;
- (9) The time within which to serve a party;
- (10) The time within which to appeal or seek the right to appeal any order, ruling, or other determination; and
- (11) such other legal proceedings as may be determined to be necessary.

IT IS FURTHER ORDERED that the Sheriff shall post the Order of Judicial Emergency on his public notification site;

IT IS FURTHER ORDERED that the Clerk of the Superior Court or her designee shall immediately notify and serve the Chief Justice of the Supreme Court and the Clerks of the Court Appeals and Supreme Court by sending them a copy of this Order; and

IT IS FURTHER ORDERED that the County Manager/Chief Operating Officer or their designee shall post a copy of this notice and any subsequent modification or extension in accordance with O.C.G.A. § 38-3-63 by posting it on the county website or other appropriate public address system.

IT IS SO ORDERED at **7:57 a.m.** this **27th** day of **December, 2022.**



**Geronda V. Carter, Chief Judge
Superior Court, Clayton Judicial Circuit**

cc: Chief Justice, Georgia Supreme Court
All Judges and Clerks of Court
Sheriff
State Attorney General
District Attorney
Solicitor General
Chairman, County Commission
Court Administration
County COO
News Media