

FILED IN OFFICE

June 30, 2021

Theresa A. Bame

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

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

SUPREME COURT OF GEORGIA

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

2021 JUN 30 AM 11:28

The Order Granting Relief From Statutory Speedy Trial Requirements Pursuant to

James Lewis
CLERK

O.C.G.A. § 38-3-62 (b) and the “Exhibit A – Certification,” both of which were signed and filed of record on June 28, 2021, are **HEREBY VACATED AND SET ASIDE AND THE FOLLOWING ORDER AND “EXHIBIT A – CERTIFICATION” ARE ENTERED IN LIEU THEREOF.**

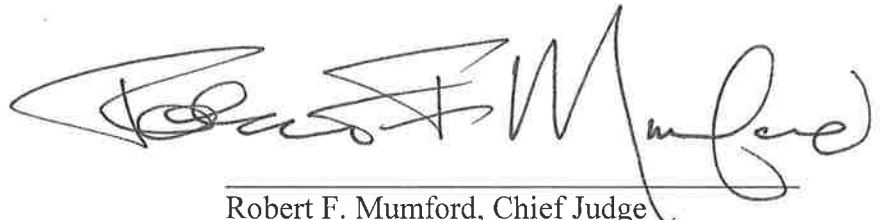
Pursuant to O.C.G.A. § 38-3-62 (b), based upon the certification attached hereto and incorporated herein as “Exhibit A - Certification,” the requirements for the filing of a statutory speedy trial demand imposed by O.C.G.A. §§ 17-7-170 and 17-7-171 are hereby reinstated effective July 1, 2021. The time constraints to bring a case to trial imposed by O.C.G.A. §§ 17-7-170 and 17-7-171 will remain 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 July term on July 1, 2021, and it shall terminate on December 31, 2021, 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.

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

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; (3) Emailing to the Rockdale County Bar Association for distribution to all members; and (4) Emailing to the Rockdale County District Attorney, the Rockdale County Public Defender, and the Rockdale County Sheriff.

SO ORDERED this 30th day of JUNE, 2021.

A handwritten signature in black ink, appearing to read "Robert F. Mumford", written over a horizontal line.

Robert F. Mumford, Chief Judge
Rockdale Judicial Circuit

EXHIBIT A - CERTIFICATION

FILED IN OFFICE
CLERK SUPERIOR CT.
ROCKDALE CO., GA
2021 JUN 30 AM 11:28

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 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 Court anticipates the volume of cases for the entire year of 2021 to be substantially higher than the past three years based on the number of pending unindicted cases.¹ The pending criminal case volume in the Superior Court of Rockdale County currently totals: 843 cases as of May 31, 2021 (an average monthly volume of 168.6). The average monthly case volume for the first 5 (five) months of 2021 is substantially higher than the average monthly volume count for the years 2017, 2018, and 2019. Based on the current filings for the first 5 (five) months, the Court projects that the total case volume for 2021 will be approximately 2023 cases. The pending criminal case volume that existed in (2019) totaled: 1448 (an average monthly case volume of 120.66); the pending criminal case volume that existed in (2018) totaled: 1362 (an average monthly volume of 113.5); and the pending criminal case volume that existed in (2017) totaled 1358 (an average monthly volume of 113.16). The cases that remain unresolved through the pandemic are cases that are more difficult to resolve, require more judge time, and courthouse space/resources.

¹ The Rockdale Judicial Circuit did not call a Grand Jury for its January through March 2021 term of court due to COVID-19.

(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 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 Superior Court of Rockdale County in the current calendar year is: 83 percent for 2020 and 2021 through May 31, 2021, combined; 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 1 (one).

(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; and (5) The HVAC system needs to be upgraded to exchange air at a higher rate and provide better filtration.

² The act has been tolled since March of 2020 and the absence of the deadline to file may be suppressing this number.

(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.

(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 five trial weeks during the period of this Order; Judge Nancy N. Bills has been scheduled for five trial weeks during the period of this Order. In addition to these regularly scheduled trial weeks, the Court anticipates specially setting capital trials.

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 30th day of June, 2021.



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