

FILED IN OFFICE

July 1, 2021

Theresa A. Banne

SUPREME COURT OF GEORGIA

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

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CLERK STATE CT.
ROCKDALE CO. GA

21 JUN 30 PM 2:35

**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 – Certification," the requirements for filing the 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 State 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 the 1st day of July, 2021, and it shall terminate on the 31st day of December, 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 State 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 State 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 State Court; (3) Email to the Rockdale County Bar Association for distribution to all members; and (4) Email to the Rockdale County District Attorney, the Rockdale County Public Defender, and the Rockdale County Sheriff.

SO **ORDERED** this 30th day of June, 2021.



Clarence Cuthpert, Jr., Chief Judge
Rockdale County State Court
Rockdale Judicial Circuit

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SUPREME COURT OF GEORGIA

Judicial Circuit certifies as follows:

EXHIBIT A - CERTIFICATION

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(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 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, 2021 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 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 State 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 pending criminal case volume in the State Court of Rockdale County currently totals: 10,406 cases as of May 31, 2021 (an average monthly volume of 2,081.2); the pending criminal case volume that existed in (2019) totaled: 11,578 (an average monthly volume of 964.83); the pending criminal case volume that existed in (2018) totaled: 10,646 (an average monthly volume of 887.16); and the pending criminal case volume that existed in (2017) totaled: 10,919 (an average monthly volume of 909.91) The average monthly case volume for the first 5 (five) months of 2021 is substantially higher than the average monthly volume for the years of 2017, 2018, and 2019. Based on the current filings for the first 5 (five) months, the Court projects the total case volume for 2021 will be approximately 14,568 cases which is substantially higher than the past three years.

(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 Rockdale County is below the average criminal case clearance rate for each of the years of 2018 and 2019 immediately preceding the initial declaration of the applicable judicial emergency. The annualized criminal case clearance rate in the State Court of Rockdale County in the current calendar year is 94 percent for 2020 and 2021 through

May 31, 2021; the annualized criminal case clearance rate that existed in (2019) was 96 percent; the annualized criminal case clearance rate that existed in (2018) was 95 percent; and the annualized criminal case clearance rate that existed in (2017) was 92 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 State Court of Rockdale County totals 0 (zero).

(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 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 State 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 large enough to have proper social distancing during jury selection or a trial with multiple spectators; (3) A large percentage of Jurors who are summoned for jury service are not reporting making the trial of multiple cases in the same week difficult with Superior Court taking precedence in the disbursement of available jurors; and (4) The HVAC system needs to be upgraded to exchange air at a higher rate and provide better filtration.

(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 Rockdale County, as follows: There is an insufficient number of public defenders to hold multiple hearings. As of June 4, 2021, Rockdale County State Court has one (1) public defender assigned to our court.

(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 Rockdale County are as follows: (1) Many defendants have been released on

own recognizance bonds; (2) Bonds have been set lower than in the past; and (3) 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 State Court of Rockdale County, if any, are as follows: (1) Rockdale County has experienced an increase in the number of 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 surplus 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 State 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 State 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 State Court of Rockdale County, Chief Judge Clarence Cuthpert, Jr. has been scheduled for 8 (eight) trial weeks during the period of this Order.

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

So certified by the Chief Judge of Rockdale County State Court, Rockdale Judicial Circuit, this 30th day of June, 2021.



Clarence Cuthpert, Jr., Chief Judge
Rockdale County State Court
Rockdale Judicial Circuit