

FILED IN OFFICE

July 7, 2021



SUPREME COURT OF GEORGIA

IN THE SUPERIOR COURT OF DEKALB COUNTY
STONE MOUNTAIN JUDICIAL CIRCUIT
STATE OF GEORGIAIN RE:)
STATUTORY SPEEDY TRIAL)
DEMANDS)

21AP1180

**AMENDED ORDER REIMPOSING FILING REQUIREMENTS FOR STATUTORY
SPEEDY TRIAL DEMANDS AND 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) and based upon the certification attached hereto and incorporated herein as “Exhibit A,” **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 DeKalb County within the Stone Mountain Judicial Circuit for the duration of this Order.**

The requirements for the timely 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.

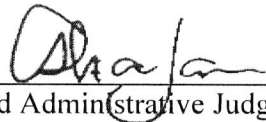
Pursuant to O.C.G.A. § 38-3-62 (b) (9), an order granting relief from statutory speedy trial requirements following a judicial emergency shall not exceed a total of eight months and shall end on the last day of a term of court, and pursuant to O.C.G.A. § 38-3-62 (b) (13), no such order shall issue after June 30, 2023. **This Order shall become effective on July 1, 2021, and it shall terminate on January 2, 2022**, a date that is: (1) not more than eight months from its effective date; and (2) the last day of a term of the Superior Court of DeKalb 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 DeKalb 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: by posting a copy in the courthouse lobby and on the Superior Court website, by sending electronic copies to the offices of the District Attorney and the Public Defender, and by distribution to all members of the DeKalb Bar Association. Additionally, a copy of this Order will be filed into each case in which a statutory speedy trial demand has been filed; each service contact listed for that case will receive notice. Copies of this Order will also be mailed directly to all defendants in the affected cases. All defendants and their attorneys who file statutory speedy demands while this Order is effective will also receive copies as outlined above.

This Order shall take effect July 1, 2021.

IT IS SO ORDERED this June 30, 2021.



Chief and Administrative Judge Asha F. Jackson
DeKalb County Superior Court
Stone Mountain Judicial Circuit

EXHIBIT A - CERTIFICATION

Pursuant to O.C.G.A. § 38-3-62 (b) (3), the Chief Judge of the Stone Mountain 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 Chief Justice 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 DeKalb County within the Stone Mountain 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 DeKalb 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 Superior Court of DeKalb County currently totals: **3275**; the pending criminal case volume that existed at the end of 2019 totaled: **1508**; the pending criminal case volume that existed at the end of 2018 totaled: **1676**; and the pending criminal case volume that existed at the end of 2017 totaled **1913**.

(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 DeKalb 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 DeKalb County in the current calendar year is: **94.1** percent; the annualized criminal case clearance rate in 2019 was: **122.4** percent; the annualized criminal case clearance rate in 2018 was: **114.8** percent; and the annualized criminal case clearance rate in 2017 was: **123.1** 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 DeKalb County totals: 7.

(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 DeKalb County (the March term), was: 0.

(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 DeKalb County that limit the use of facilities available to conduct criminal trials and related activities: in order to maintain social distancing during jury assembly so as to prevent the possible spread of COVID-19, no more than 6 superior court jury trials are able to be held each month. This is due to the need to have no more than one jury reporting to each floor at any one time, there being three floors with available courtrooms, and it taking no less than two weeks (with jury selection) to try a case.

(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 DeKalb County, as follows: The DeKalb County Sheriff reports that the Detention Center remains understaffed making it difficult to arrange for safe transportation of inmates for trial.

(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 DeKalb County are as follows: the prosecuting attorneys and the court have conducted remote plea and bond hearings regularly and often so as to minimize the number of criminal defendants held in custody awaiting trial. Those efforts began at the outset of the judicial emergency with a goal of minimizing the spread of COVID-19 within the jail and have continued and expanded throughout the judicial emergency as a result of the extreme delay in being able to bring cases to trial.

(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 DeKalb County, if any, are as follows: The level of vaccine hesitancy in DeKalb County is well-documented and is an even greater problem in the DeKalb County Detention Center. The Sheriff has reported that of the inmates currently housed at the Detention Center, only 20% have agreed to be vaccinated. The Detention Center also remains understaffed. These two issues make it especially difficult to resolve criminal cases or conduct in-person hearings involving defendants who are incarcerated despite the fact that those cases have been prioritized since the beginning of the judicial emergency.

(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 DeKalb County has been established: 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.

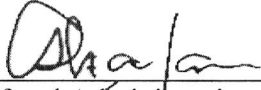
(11)

Pursuant to O.C.G.A. § 38-3-62 (b) (4) (B), in the Superior Court of DeKalb County, Judge Courtney L. Johnson has been scheduled for 4 trial weeks during the period of this Order; Chief Judge Asha F. Jackson has been scheduled for 4 trial weeks during the period of this Order; Judge Yolanda C. Parker-Smith has been scheduled for 6 trial weeks during the period of this Order; Judge Shondeana C. Morris has been scheduled for 8 trial weeks during the period of this Order; Judge Gregory A. Adams has been scheduled for 6 trial weeks during the period of this Order; Judge Stacey K. Hydrick has been scheduled for 4 trial weeks during the period of this Order; Judge LaTisha Dear Jackson has been scheduled for 8.5 trial weeks during the period of this Order; Judge Linda W. Hunter has been scheduled for 6 trial weeks during the period of this Order; Judge Mark Anthony Scott has been scheduled for 7 trial weeks during the period of this Order; Judge Tangela Barrie has been scheduled for 4 trial weeks during the period of this Order.

It should be noted that these numbers represent the total number of weeks each division has scheduled for trial and that, as indicated above, each trial will require a minimum of two weeks with the first week being expressly reserved for jury selection.

This Certification has been entered by the undersigned Chief Judge pursuant to O.C.G.A. § 38-3-62 (b) (3) (A) and in support of an order entered pursuant to O.C.G.A. § 38-3-62(b)(2).

So certified by the Chief Judge of the Stone Mountain Judicial Circuit, this 1st day of July, 2021.



Chief and Administrative Judge Asha F. Jackson
DeKalb County Superior Court
Stone Mountain Judicial Circuit