


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

MAR 13 2020


GERONDA V. CARTER
SUPERIOR COURT JUDGE
STATE OF GEORGIA

In Re: Declaration of Judicial Emergency
Date: March 16, 2020

SECOND ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, it has been determined that a judicial emergency exists in this county affecting all courts and clerk's offices in this circuit such that there is: a state of emergency as declared by Clayton County Commission Chairman Jeffrey E. Turner, who closed Clayton County government offices for a period of two (2) weeks beginning Monday, March 16, 2020, creating a local emergency or such other serious emergency;

WHEREAS, 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;

THEREFORE, pursuant to O.C.G.A. § 38-3-61, the undersigned Chief Judge of Superior Court for the Clayton Judicial Circuit of Georgia does hereby declare the existence of a judicial emergency in this circuit. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout areas near and surrounding the Clayton Judicial Circuit (and potentially within the Circuit itself), the counties of residence of many of our court employees, and the potential infection of those who are required to appear in our courts and the state of emergency declared by Chairman Turner, that is expected to affect this judicial circuit from Monday, March 16, 2020 through Sunday, March 29, 2020.

Thus, the undersigned makes this declaration of judicial emergency affecting all courts and clerk's offices in Clayton County. Accordingly, it is the order of the court that the Clayton County Courthouse be closed for business on March 16, 2020. The Court is currently expected to reopen on Monday, March 30, 2020, unless the closure is extended by further order. Upon the reopening of the courthouse, the March 16, 2020 Order Declaring Judicial Emergency, which allows only essential non-jury matters to be conducted, remains in full force and effect for the remaining period as specified in that Order.

Pursuant to O.C.G.A. § 38-3-62, during the period when the Clayton County Courthouse is 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) and such other legal proceedings as may be determined to be necessary.

Given the closure of county government by the Chairman and the closure of Clayton County Public Schools, the court is unable to designate another facility for the transaction of court business and further finds that such is not necessary given the currently anticipated duration of the closure. Should the closure extend beyond the period indicated above, the court will make a determination of an available appropriate facility or alternative for the conduct of court business, if necessary.

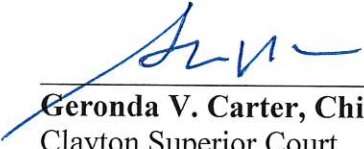
IT IS FURTHER ORDERED that the Sheriff shall post the Order of closing on his public notification site;

IT IS FURTHER ORDERED that the Clerk of the Superior Court shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the Clerk of Superior Court shall immediately notify and serve a copy of the order on the judges and clerks of all courts sitting within the jurisdictions affected and on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt;

IT IS FURTHER ORDERED that the County Manager/Chief Operating Officer or his designee shall post a copy of this notice and any subsequent modification or extension on the county website or other appropriate public access system.

IT IS SO ORDERED this 13th day of March, 2020.



Geronda V. Carter, Chief Judge
Clayton 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