EFILED DURING JUDICIAL EMERGENCY
CLAYTON COUNTY, GA
03/09/2021 05:51 pm
Jacquline D. Wills
CLERK SUPERIOR COURT

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

IN RE: Extended Declaration of Judicial Emergency
Date(s): March 10, 2021 – April 8, 2021

ORDER EXTENDING CLAYTON JUDICIAL CIRCUIT DECLARATION OF JUDICIAL EMERGENCY

WHEREAS the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, has issued his TWELVETH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY (hereinafter "extended order") through Thursday, April 8, 2021;

WHEREAS the Honorable Chief Justice Melton ordered that Georgia courts shall continue to operate under the restrictions and modifications as directed in the extended order;

WHEREAS a prior statewide order of Chief Justice Melton reimposed all deadlines and other time schedules and filing requirements that are imposed on litigants by statutes, rules, regulations, or court orders in civil and criminal cases and administrative actions that had been suspended, tolled, extended, or otherwise relieved by the March 14, 2020 Order Declaring Statewide Judicial Emergency, as extended; and continued to suspend and toll deadlines for jury trial proceedings (including statutory speedy trial demands); deadlines for grand jury proceedings; and deadlines calculated by reference to the date of a civil or criminal jury trial or grand jury proceedings;

WHEREAS the Clayton Judicial Circuit has steadfastly taken every measure available to balance constitutional mandates and the health and safety of all, from the beginning of the local and statewide emergency declarations;

WHEREAS the Clayton Judicial Circuit has expanded its use of virtual technology and will continue to use and increase the use of such technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, in the interest of public health and safety;

WHEREAS the Clayton Judicial Circuit established an in-court, out-to-bond pod system (hereinafter "pod"), effective June 15, 2020, to afford a criminal defendent the opportunity to

appear before the court in a virtual capacity when said person does not have the technological resources to appear virtually without having to present him/herself in the courtroom;

WHEREAS the Clayton Judicial Circuit expanded the use of the pod, effective July 13, 2020, to afford civil litigants or witnesses in all levels of court the opportunity to appear before the court in a virtual capacity, when said litigant or witness does not have the technological resources to appear virtually without having to appear in court ("in court" in some instances may be a room, other than a courtroom, used by the court to provide court access to a witness, litigant, or member of the public, via virtual technology);

WHEREAS the Clayton Judicial Circuit has determined not to expand in-court proceedings beyond the use of pod systems, given the spread of the COVID-19 virus;

WHEREAS the extended order acknowledges the possible need for a more restrictive local judicial emergency declaration, as necessitated by local conditions;

WHEREAS the Clayton Judicial Circuit will continue to closely monitor the trend in the COVID-19 numbers reflecting the spread of the virus and its variants, while acknowledging that the services provided by our circuit are not limited to county residents;

WHEREAS the undersigned Chief Judge of the Clayton Judicial Circuit, upon the directive of Chief Justice Melton to all chief judges throughout the State of Georgia, did convene a local committee on resuming jury trials (hereinafter CRJT), and did consult with the District Attorney, Solicitor General, Circuit Public Defender, Clerk of Superior Court (Jury Division), and Chief Judge of State Court, among many others;

WHEREAS said CRJT completed and presented its detailed and comprehensive report to the chief judges and other judges of the trial courts on December 17, 2020, recommending that our circuit decline to resume jury trials at that time;

WHEREAS subsequent to our receipt of the CRJT report and recommendation, Chief Justice Melton restricted resumption of jury trials in his December 23, 2020 Order and lifted said restriction in his March 9, 2021 extended order;

WHEREAS the undersigned Chief Judge of the Clayton Judicial Circuit, upon consultation with the District Attorney, Circuit Public Defender, and Clerk of Superior Court (Jury Division), among others, did also convene a local committee on resuming grand jury, and said committee having released its report to the superior court judges on January 15, 2021;

WHEREAS on January 22, 2021, Superior Court decided to table the issue of resumption of in-person grand jury in light of the data reflecting an increase in COVID-19 at that time;

WHEREAS the Clayton Judicial Circuit has formulated an acceptable plan for the virtual selection of a grand jury for the May term of court; and

WHEREAS the Clayton Judicial Circuit is hopeful that it will be able to resume in-person grand jury deliberations in the next local order for the May term of court;

IT IS HEREBY ORDERED, pursuant to O.C.G.A. § 38-3-61 and due to the continued existence of a judicial emergency in the Clayton Judicial Circuit involving the transmission of Coronavirus/COVID-19 and the potential infection of those who are required to appear in our courts or who would otherwise elect to appear though not required, that the February 8, 2021 Order Extending Clayton Judicial Circuit Declaration of Judicial Emergency entered (to extend the January 9, 2021 order extending the original March 18, 2020 Order, as subsequently modified) by the undersigned Chief Judge of the Clayton Judicial Circuit set to otherwise expire at 11:59 p.m. on March 9, 2021 is extended through Thursday, April 8, 2021 at 11:59 p.m., unless otherwise further modified or extended;

IT IS FURTHER HEREBY ORDERED that all in-court proceedings, with the exception of the pods, remain suspended and will not resume until the expiration of this order or any extension thereof;

IT IS FURTHER HEREBY ORDERED that (1) use of the pod shall be limited to defendants that are not incarcerated or litigants who do not elect to appear virtually without having to appear in court or who do not have the technological resources necessary for virtual appearance; (2) only the defendant in criminal cases, one party to a civil matter, or one witness in either a criminal or civil matter will be permitted to appear before the court via the pod; all other participants must appear via video-conferencing, except as determined by the judge in hearings related to a death penalty case or as approved by the designated members of the taskforce on a case by case basis as detailed in the Clayton Judicial Circuit Comprehensive Court Operations – Phase I Guidelines; and (3) defendants, litigants, and witnesses who are noticed to appear before the court via the pod must be given options to appear virtually on or before his/her noticed pod appearance date and time, unless the individual noticed to appear is subject to confinement;

IT IS FURTHER HEREBY ORDERED that each division of court and clerk's office shall maintain the emergency protocols originally put in place at the inception of the judicial

emergency or as have been amended from time to time in order to comply with the directives of Chief Justice Melton and any further restrictions as imposed by this Order;

IT IS FURTHER HEREBY ORDERED that each division of court and clerk's office is to continue to maintain its website and other means for the public to access information regarding the status of the court and clerk's office at all times, in addition to providing the means for public access to virtual proceedings;

IT IS FURTHER HEREBY ORDERED that our circuit taskforce, that has been meeting from time to time and prior to the initial statewide judicial emergency order, shall continue their small group meetings and convene for a large group meeting to consider the grand jury and trial jury reports regarding the process to be followed once a determination has been made that our circuit is prepared to resume such operations;

IT IS FURTHER HEREBY ORDERED that each division of court present any protocol amendments (with superior, state, and magistrate court presenting a combined protocol) to the undersigned Chief Judge no later than March 30, 2021;

IT IS FURTHER HEREBY ORDERED that nothing contained in this order shall serve to prevent a municipal court within this judicial circuit from complying with the statewide municipal court guidelines or protocols that have been established and approved consistent with the Order(s) from Chief Justice Melton, so long as those guidelines or protocols do not provide for use of any county court facility in contradiction to this Order;

IT IS FURTHER ORDERED that the Sheriff shall post this 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 Chief Justice Melton of the Georgia 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 the Superior Court or her designee shall immediately notify and serve a copy of this 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; and

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.

BE IT SO ORDERED this **9th** day of **March**, **2021**.

Geronda V. Carter, Chief Judge
Clayton County 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

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