FILED IN OPEN COURT

MAR 13 2020

GERONDA V. CARTER
SUPERIOR COURT JUDGE
STATE OF GEORGIA

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

IN RE: Declaration of Judicial Emergency *

Date: March 16, 2020 *

ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Clayton County, Georgia affecting all courts such that there is a serious health emergency pursuant to O.C.G.A. § 38-3-60(2)(D). *See* O.C.G.A. § 38-3-60(2)(D) (providing that "Judicial Emergency" means "[s]uch other serious emergency").

WHEREAS, IT HAS BEEN DETERMINED that the Judicial Emergency substantially endangers or infringes upon the normal functioning of the judicial system as it relates to jury service, including grand jury service, and any non-essential matters, unless they can be conducted via video or teleconferencing.

Therefore, pursuant to O.C.G.A. § 38-3-61, Chief Judge Geronda V. Carter of the Superior Court of Clayton County, Clayton Judicial Circuit DOES HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in the Clayton Judicial 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 interact with large groups due to jury service, including grand jury service, or other large, non-essential calendars or matters.

Thus, the undersigned hereby makes this declaration of a judicial emergency affecting all courts and clerk's offices in Clayton County as it relates to jury service, including grand jury service, and any non-essential matters, unless they can be conducted via video or teleconferencing.

Accordingly, IT IS THE ORDER of the Court that no jurors or grand jurors shall report and no jury trials shall be held for a period of **thirty (30) days** from the date of the entry of this Order. Furthermore, no civil or non-essential matters shall be heard by the courts during this 30-day time period, unless they can be conducted via video or teleconferencing. Parties or attorneys in any non-essential matters should contact the chambers of the judge assigned to their case if they have any questions and/or need to ensure their compliance with this Order. Additionally, parties and attorneys who have travelled to any of the Coronavirus/COVID-19 affected areas, as listed by the Centers for Disease Control, within the last 30 days, who have within the last 14 days come in contact with someone who has so travelled, or who are sick on any level, must not enter the Clayton County Courthouse or any court building within the Clayton Judicial Circuit, but shall immediately notify the chambers of the judge for which any matter remains scheduled because it falls outside of the restrictions of this order or notify the relevant office within the courthouse that has requested said parties or attorneys appearance.

Pursuant to O.C.G.A. § 38-3-62, during the period of this Order, the Court hereby suspends, tolls, extends, and otherwise grants relief from: (1) a statute of limitation; (2) the time within which to try a case for which a demand for speedy trial has been filed; (3) the time within which to hold a commitment hearing; (4) the time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury; and/or (5) such other legal proceedings as

determined to be necessary, including calendars involving large numbers of litigants, lawyers, or other persons.

Moreover, the lenient practices instituted within the Clayton Judicial Circuit of permitting the service of bailiffs, as provided by court administration, upon the signature or sole request of judges is hereby suspended for the duration of this order. Such suspension should in no way effect any of the services of any division of court where said bailiff's use is already restricted to jury service and other matters that are being restricted by this order.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification by the Court, the Court will make a determination of available alternative remedies for the conduct of court business, as necessary, and a corresponding Order will be entered and distributed in accordance with Georgia law.

Pursuant to O.C.G.A. § 38-3-63:

IT IS ORDERED that Sheriff Victor Hill shall post this Order on his public notification site and in the courthouses;

IT IS FURTHER ORDERED that the Clerk of 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 Clerk of Court and the Calendar Clerks of each court division, consistent with the way notice of court proceedings are traditionally provided within the Clayton Judicial Circuit, shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public;

IT IS FURTHER ORDERED that the County Manager/Chief Operating Officers 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; and

IT IS FURTHER ORDERED that all those instructed to provide notice of this Order is to be clear in providing such notice that the Clayton County Judicial Circuit and Courthouse is NOT closed pursuant to this order, but the business to be conducted is restricted consistent with the contents of this Order.

BE IT SO ORDERED this 13th day of March, 2020 at 11:55 a.m.

Geronda V. Carter, Chief Judge
Clayton Superior Court
Clayton Judicial Circuit

CC: Chief Justice, Georgia Supreme Court
All Judges & Clerks of Court
Sheriff
State Attorney General
District Attorney
Solicitor General
Chair, County Commission
Court Administration
County COO
News Media