

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

FILED DURING JUDICIAL
EMERGENCY
CLAYTON COUNTY, GA
04/05/2020 09:03 pm
Jacqueline D. Wills
CLERK SUPERIOR COURT

**IN RE: Declaration of Judicial Emergency Following Clayton County
Department of Public Health Recommendations after confirmed COVID-19 case
Harold R. Banke Justice Center Employee Quarantine - April 6 – April 19, 2020
Harold R. Banke Justice Center CLOSURE- April 6 - April 8, 2020**

CLAYTON JUDICIAL CIRCUIT
ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, IT HAS BEEN ORDERED AND DECLARED by the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, that a judicial emergency, pursuant to O.C.G.A. § 38-3-60 et seq., see O.C.G.A. § 38-3-60 (2), exists in the State of Georgia affecting all courts and clerks' offices in the State of Georgia from March 16, 2020 through at least April 13, 2020, following the statewide public health emergency declared by Georgia Governor Brian Kemp:

WHEREAS, IT HAS ALSO BEEN DECLARED that a state of emergency exists in Clayton County relative to the ongoing public health emergency as declared by Clayton County Board of Commissioners Chairman, Jeffrey E. Turner and acknowledged in prior Clayton Judicial Circuit Emergency Declaration Orders, including that of March 18, 2020 (incorporated herein by reference);

WHEREAS, on April 2, 2020, Governor Kemp issued an Executive Order requiring residents to shelter-in-place, except for certain essential activities;

WHEREAS, multiple cases of COVID-19 have been identified in the Harold R. Banke Justice Center (hereinafter Justice Center), despite the courts and clerks' offices therein having made every attempt to limit access to only essential functions;

WHEREAS, the Clayton County Department of Public Health has recommended a 14-day quarantine for all individuals who work at the Justice Center, and has defined said quarantine as "staying at one's residence and not leaving for work or any reason other than to seek medical care," which would effectively close the Justice Center for the entire 14-day quarantine period;

WHEREAS, given the nature of the emergency as declared throughout this state, there is no other physical location available for public access to each of the courts and clerks' offices within the Justice Center, and given the recommendations of the Department of Public Health, there would be no court or clerks' office employee available for person to person contact;

WHEREAS, during the course of the emergency, the courts and clerks' offices within the Justice Center have and will continue to provide virtual access to essential matters;

WHEREAS, the decontamination of the building will take at least three days;

WHEREAS, following the decontamination, the employees responsible for opening the doors to the Justice Center are recommended to maintain their quarantine; and

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 clerks' offices or meet scheduled or time deadlines imposed by the court order or rule; statute or administrative rule; or regulation;

IT IS HEREBY ORDERED, pursuant to O.C.G.A. § 38-3-61, that the existence of a judicial emergency exists in the Clayton Judicial Circuit to warrant the closure of the Justice Center facility for proper decontamination from April 6, 2020 through at least April 8, 2020. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the Clayton Judicial Circuit and the State of Georgia, and the potential infection of those who are required to appear in our courts or who would otherwise elect to appear though not required.

Thus, the undersigned specifically makes this declaration of judicial emergency affecting all courts and clerks' offices in the JUSTICE CENTER as it relates to jury service, including grand jury service, and any matter, unless such matter can be conducted via video or teleconferencing.

IT IS FURTHER HEREBY ORDERED that each court and clerk's office affected by this order provide updates and instructions for public access on its website and be able to provide the same via telecommunication throughout the entire recommended 14-day quarantine period from April 6, 2020 through April 19, 2020.

Pursuant to O.C.G.A. § 38-3-62, during the period of this Order, the undersigned 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 determination; and
- (11) and such other legal proceedings as may be determined to be necessary.

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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 Harold D. 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 within the Justice Center 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.

BE IT SO ORDERED this 5th day of April, 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