FILED
CLAYTON COUNTY, G
2020 MAR 18 AM 11:31
JACQULINE D. WILLS
CLERK SUPERIOR COURT

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

IN RE: Declaration of Judicial Emergency
Date(s): March 16 - April 13, 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 clerk's 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, who closed Clayton County government offices and buildings (including the courthouse) to the general public for a period of two (2) weeks, unless extended, beginning Monday, March 16, 2020, thereby activating the County Emergency Operations Plan, Continuity of Government Operations Plan, and the Continuity of Operations Plan for Pandemic Influenza and issued recommendations as provided by the Clayton County Emergency Management Director and the Clayton County Emergency Services Physician/Epidemiologist, all of which serve to support the existence of a local state of emergency or other serious emergency;

WHEREAS, IT HAS BEEN DETERMINED that despite the closure of the courthouse building itself to the general public, all courts and clerks' offices within this circuit who have essential functions as defined in Justice Melton's Amended Order Declaring Statewide Judicial Emergency have remained open and are nonetheless able to complete those functions pursuant to their own internal continuity plans set in place prior to or at the time of this circuit's original order of March 16, 2020;

WHEREAS, IT HAS BEEN DETERMINED that the courts so affected were asked and have formalized those internal continuity plans set in place to ensure that essential functions, such as: (1) where an immediate liberty or safety concern is present requiring the attention of the court; (2) criminal court search warrants, arrest warrants, initial appearance hearings, and bond reviews; (3) domestic abuse temporary protective and restraining orders; (4) juvenile court delinquency detention hearings and emergency removal matters; and (5) mental health commitment hearings, were addressed;

WHEREAS, IT HAS BEEN DETERMINED that the courts and clerks' offices of this circuit have taken appropriate measures to comply with the Order & Declaration of Justice Melton, the Declaration of Chairman Turner, and comply fully with their respective oaths of office;

WHEREAS, IT HAS BEEN DETERMINED that 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;

WHEREAS, IT HAS BEEN DETERMINED that based on the internal continuity plans of the courts and clerks' offices, members of the public relevant to any essential matters will have access to the courts and clerks' offices on a restricted basis for the safety of all concerned;

WHEREAS, IT HAS BEEN DETERMINED that such limited access shall seek to comply with the health and safety directives and recommendations of the Centers for Disease Control (CDC) and Clayton County Emergency Management in affect at said time for the health and safety of the public as well as the employees of the courts and clerks' offices serving the public; and

WHEREAS, IT HAS BEEN DETERMINED that the current level of access to the courts and clerks' offices may be from time to time further restricted when the safety of the public would be at risk as may be determined by President Donald Trump, Chief Justice Melton, Governor Kemp, the CDC, or Clayton County Emergency Management, and at such times the affected courts and clerks' offices shall resort to an alternative plan for access to the courts or clerks' offices as necessary to complete any essential functions, if possible;

IT IS HEREBY ORDERED, pursuant to O.C.G.A. § 38-3-61, the undersigned Chief Judge of the 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 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 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.

IT IS FURTHER HEREBY ORDERED that each level of court affected by the County's activation of the Emergency Plans are to comply with the continuity plans developed for their courts in the event of an emergency such as that declared by the Governor, the Chief Justice, and Chairman Turner for an initial period from March 16, 2020 through April 13, 2020.

IT IS FURTHER HEREBY ORDERED that no jurors or grand jurors shall report and no jury trials shall be held. Furthermore, no civil or non-essential matters shall be heard by the courts during this period, unless they can be conducted via video or teleconferencing. Since the courts and clerks' offices with essential functions still have full access, when safe to do so, to their offices, files, and electronic equipment, parties or attorneys in any matter before such courts, essential or otherwise, should contact the chambers of the judge assigned to their case or the relevant clerks' offices if they have any questions and/or need to ensure their compliance with this Order.

IT IS FURTHER HEREBY ORDERED that each court and clerks' office affected by this order provide updates and instructions for public access on its website and be able to provide the same via telecommunication.

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 other determination; and
(11) and such other legal proceedings as may be determined to be necessary.

Given the closure of county government and county buildings to the general public by Chairman Turner and the closure of Clayton County Public Schools, the court is unable to designate another facility for the transaction of all court business. However, given the unknown duration of the emergency, alternative facilities have been selected for certain essential functions, which may regularly occur outside of normal business hours, as outlined or as may be directed based on the attached Orders from the magistrate, juvenile, and probate courts. Moreover, should the state of emergency extend beyond the period indicated above, the courts and clerks' offices will make a determination of an available appropriate facility for the transaction of essential court business, if necessary.

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 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.

BE IT SO ORDERED this 18th day of March, 2020.

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

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JACQULINE D. WILLS
CLERK SUPERIOR COURT

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