

**IN THE SUPERIOR COURT OF THE
COWETA JUDICIAL CIRCUIT
STATE OF GEORGIA**

IN RE: Declaration of Judicial Emergency

Date: March 16, 2020

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ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in the Coweta Judicial Circuit of 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. And the Honorable Chief Justice of the Georgia Supreme Court issued an Order Declaring Judicial Emergency on March 14, 2020. For the scope and purpose of this order the language of Justice Melton’s order is adopted as follows:

To the extent feasible, courts should remain open to address essential functions, and in particular courts should give priority to matters necessary to protect health, safety, and liberty of individuals. Essential functions are subject to interpretation; however, some matters that fall into the essential function category are:(1)where an immediate liberty or safety concern is present requiring the attention of the court as soon as the court is available;(2) criminal court search warrants, arrest warrants, initial appearances, and bond reviews; (3) domestic abuse temporary protective orders and restraining orders;(4)juvenile court delinquency detention hearings and emergency removal matters; and(5) mental health commitment hearings.

Therefore, pursuant to O.C.G.A. § 38-3-61, The Honorable Chief Judge John Simpson of the Superior Court of the Coweta Judicial Circuit DOES HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in the Coweta Judicial Circuit. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout Carroll, Coweta,

Heard, Meriwether, and Troup Counties 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.

Thus, the undersigned hereby makes this declaration of a judicial emergency affecting all courts and clerk's offices in Carroll, Coweta, Heard, Meriwether, and Troup Counties 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:

- 1) 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.
- 2) Arraignments shall be done by written waiver of arraignment or by continuance until the next available arraignment calendar after April 16, 2020.
- 3) Unless otherwise ordered by the assigned judge, criminal non-jury days are not cancelled but Defendants out on bond shall not appear unless approved by the assigned judge. Matters concerning inmates will only be brought from the jail with approval of the assigned judge.
- 4) With the exception of domestic abuse temporary protective orders and restraining orders, no civil matters shall be heard by the courts during this 30-day time period. All civil matters are continued to the next available calendar after April 16, 2020. However, attorneys may contact the assigned judge if they believe that their civil matter is essential and needs an immediate hearing.

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.

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 the Sheriffs of all the respective counties of the Coweta Circuit post this Order on his public notification site and in the courthouses;

IT IS FURTHER ORDERED that the undersigned 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 undersigned 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; and

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 16th day of March, 2020 at 11:56 a.m./p.m.



Chief Judge John Simpson
Coweta Judicial Circuit