

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

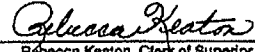
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CLERK OF SUPERIOR COURT
COBB COUNTY, GEORGIA

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MAR 13, 2020 04:32 PM

IN RE: Declaration of Judicial Emergency
Date: March 13, 2020

20-1-0005


Rebecca Keaton, Clerk of Superior Court
Cobb County, Georgia

ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Cobb 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 petit 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, The Honorable Chief Judge Reuben Green of the Superior Court of Cobb County, Cobb Judicial Circuit, DOES HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in the Cobb Judicial Circuit. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout Cobb County 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 Cobb 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 petit 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, civil and other non-essential matters shall be limited by the courts during this 30-day time period. Parties or attorneys in any civil or 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. The Superior Court is issuing a statement to provide guidance to litigants, attorneys, and members of the public.

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 Sheriff of Cobb County shall 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 by public notice and other reasonable means.

IT IS SO ORDERED this 13th day of March, 2020 at 3:45 p.m.

A handwritten signature in black ink, appearing to read 'R. Green', is written over a horizontal line.

Reuben Green, Chief Judge
Cobb County Superior Court
Cobb Judicial Circuit

CERTIFICATE OF SERVICE

This is to certify that I have this day served all interested parties in the within and foregoing matter a copy of the Order by delivering a copy in open court, electronic mail, via PeachCourt, and/or depositing a copy in the Cobb County Mail System in properly addressed envelopes with adequate postage thereon addressed as follows:

The Honorable Carl W. Bowers
Chief Judge, Cobb County State Court
12 East Park Square
Marietta, GA 30090

The Honorable Angie Davis
Clerk, Cobb County State Court
12 East Park Square
Marietta, GA 30090

The Honorable Brendan F. Murphy
Chief Judge, Cobb County Magistrate Court
32 Waddell Street
Marietta, GA 30090

Ms. Anne Gordon
Clerk, Cobb County Magistrate Court
32 Waddell Street
Marietta, GA 30090

The Honorable Amber N. Patterson
Chief Judge, Cobb County Juvenile Court
32 Waddell Street
Marietta, GA 30090

Ms. Shonell Sfreddo
Clerk, Cobb County Juvenile Court
32 Waddell Street
Marietta, GA 30090

The Honorable Kelli L. Wolk
Chief Judge, Cobb County Probate Court
32 Waddell Street
Marietta, GA 30090

Ms. Jennifer Ritchey
Chief Clerk, Cobb County Probate Court
32 Waddell Street
Marietta, GA 30090

The Honorable Rebecca Keaton
Clerk, Cobb County Superior Court
70 Haynes Street
Marietta, GA 30090

Ms. Therese Tee Barnes
Clerk, Supreme Court of Georgia

Mr. Steve E. Castlen
Clerk, Georgia Court of Appeals

Chief Justice Harold D. Melton
and the Supreme Court of Georgia

This 13 day of March, 2020.



Traci L. Hatfield
Judicial Administrative Assistant to
Chief Judge Reuben M. Green
Superior Court, Cobb Judicial Circuit



CHIEF JUDGE REUBEN M. GREEN

SUPERIOR COURT OF COBB COUNTY

COBB JUDICIAL CIRCUIT

SUPERIOR COURT OF COBB COUNTY
70 HAYNES STREET
MARIETTA, GEORGIA 30080
(770) 528-1860

MEMORANDUM

TO: All litigants, attorneys and members of the public
FROM: Chief Judge Reuben M. Green, Superior Court, Cobb Judicial Circuit
DATE: March 13, 2020

The role of the judicial branch of government in any emergency is to uphold the rule of law and protect our community. There are essential functions in our justice system that effect the fundamental rights of our citizens that must and will continue. Accordingly, the Cobb Judicial Circuit will stay open. To ensure continued operations, the court schedules will be scaled back and modified to reduce the risk to staff, attorneys, parties and the public.

Large gatherings of people should be avoided. As long as there is a Judicial Emergency, the following will occur in Cobb Superior Court:

1. GENERAL CONCERNS

- a. No one should come to court if they are not feeling well. Please contact the assigned Judge's office to seek an excusal from appearance.
- b. If you are appearing for a court appearance, please leave all non-essential people at home. Avoid bringing children or family members, especially the elderly, to court.
- c. The court will remain open for the public, but they are encouraged to stay home. Only parties, attorneys and necessary witnesses should appear for hearings that are going forward.

2. NOTICE TO THE SHERIFF'S DEPARTMENT: Inmates will not be transported unless specifically requested by the Judge's chambers, District Attorney, or Defense Attorney.

3. JURY WEEKS — Jury weeks for the rest of March and all of April are hereby cancelled. Jury weeks will resume in May unless further modified by Order of this Court or Judicial Emergency Declaration by the Chief Judge.

4. CIVIL & DOMESTIC CALENDARS – Please contact your assigned Judge to determine whether these calendars will go forward. Judges that are cancelling these calendars are reaching out to litigants and lawyers on their own. Again, contact the Judge's office if you are not feeling well or have concerns about coming to court.

5. CRIMINAL CALENDARS – Calendars that require personal appearance of witnesses, defendants and counsel are hereby modified as follows:

- a. Arraignments – Arraignment calendars are not cancelled. However, attorneys may excuse their clients from personally appearing at an arraignment calendar. Attorneys are instructed to pre-try their cases and submit Waivers of Arraignment in advance of court where possible. Any case that needs to be brought in for a plea where the inmate is in custody, please contact the District Attorney assigned to the case and the Judge's chambers to have it scheduled. The inmates will not be transported to court unless they are specifically requested.

- b. Calendar Calls -- Attorneys may make their announcements via email to the judge's administrative assistant and copied to the assigned District Attorney. It's important to maintain a written record of those announcements, so please do not call them in. If you do not make an announcement and do not appear, the case will be marked "Ready" and placed on two-hour call. Inmates will not be transported unless requested by their attorney so the case can be resolved. Please contact the District Attorney assigned to the case and the Judge's chambers to have the inmate transported to court.
 - c. Revocations -- Probation revocation calendars will go forward as usual except the inmates will not be brought to court. Please utilize every effort to work out consent orders on these cases. Additionally, feel free to contact the Judge's office and District Attorney to have inmates brought over to court sooner for resolutions or have consent orders executed and delivered to chambers.
 - d. Motions Calendars -- General Motions Calendars are hereby cancelled. However, any case that needs an emergency motion heard will be scheduled by the assigned Judge's office. Please contact the Judge's office for scheduling.
6. Senior Judges shall continue to hear:
- a. Extradition hearings
 - b. Ex-parte Temporary Protective Orders
 - c. Temporary Restraining Orders
 - d. Search Warrant Applications
 - e. Jail Revocations (via video conference)
 - f. Emergency Hearings
7. Accountability Courts shall be at the discretion of the Presiding Judge of each Accountability Court. Please contact the Coordinator or Case Manager if you have questions.

As long as there is a Judicial Emergency, **the following will occur in Cobb Juvenile Court:**

1. **GENERAL CONCERNS**
 - a. No one should come to court if they are not feeling well. Please contact the assigned Judge's office to seek an excusal from appearance.
 - b. If you are appearing for a court appearance, please leave all non-essential people at home. Avoid bringing children or family members, especially the elderly, to court.
 - c. The court will remain open for the public, but they are encouraged to stay home. Only parties, attorneys and necessary witnesses should appear for hearings that are going forward.
2. **NOTICE TO THE SHERIFF'S DEPARTMENT:** Adult inmates and juveniles held at youth detention centers will continue to be transported by the Sheriff's Department for essential hearings during this time.
3. **ALL CUSTODY CASES**
 - a. All Dependency and Delinquency cases involving children who are in the physical custody of either the Department of Family and Children Services or the Department of Juvenile Justice (detained by the Juvenile Court), will be scheduled and heard according to the regularly prescribed timelines.

4. DEPENDENCY CASES

- a. Those hearings that are time-limited, such as PROBABLE CAUSE HEARINGS, ADJUDICATION HEARINGS AND DISPOSITIONAL HEARINGS FOR DEPENDENCY CASES will be heard on regularly scheduled calendars.
- b. Any non-time limited cases such as PERMANENCY HEARINGS, T.P.R.'s and any REVIEW HEARINGS will be rescheduled for a date on or after April 13, 2020.

5. DELINQUENCY CASES

- a. ARRAIGNMENT HEARINGS, ADJUDICATION HEARINGS AND DISPOSITIONAL HEARINGS, unless time limits have been waived, will be heard by the assigned Judge.

6. ATTORNEY REQUESTS

- a. If any party requests that a matter be heard, a request must be sent to the Judicial Assistant for the assigned Judge.
 - i. Judge A. Patterson or Judge K. West – Contact Star Simmons at Gayle.simmons@cobbcounty.org (770) 528 – 2224
 - ii. Judge J. Hamby or Judge W. Grannis – Contact Donelle Keaton at Donelle.Keaton@cobbcounty.org (770) 528- 2428

7. ACCOUNTABILITY COURTS, PROGRAMS AND ON-SITE SERVICES

- a. All group programs that are scheduled to be conducted on-site at the Juvenile Court are suspended until April 13, 2020. If there are any questions regarding individual services, parties are to contact the Accountability Coordinator or Probation Supervisor.

Reuben M. Green
Chief Judge, Superior Court
Cobb Judicial Circuit