

IN THE MAGISTRATE COURT OF COWETA COUNTY

STATE OF GEORGIA

FIFTH EXTENDED ORDER FOR OPERATIONS
DURING JUDICIAL EMERGENCY

The Chief Justice of the Supreme Court of Georgia issued an order of October 10, 2020 extending for the seventh time the declaration of a statewide judicial emergency that will extend until November 9, 2020 at 11:59 p. m. This order is pursuant to the command of that order compelling all courts in Georgia to prepare and to file an operating order with the Administrative Office of the Courts in Georgia. A copy of the Seventh Order Extending Declaration of Statewide Judicial Emergency is attached for reference. The Magistrate Court of Coweta County, Georgia, is subject to the "Seventh Order Extending Declaration of Statewide Judicial Emergency." This recent order (7th SJE0) reaffirms the return of the courts of Georgia to the statutory deadlines effective July 14, 2020 and specifies how the dates may be calculated for those deadlines and the Clerk of the Magistrate Court of Coweta County, Georgia is aware of those deadlines. She is complying with the calculation and enforcement of those deadlines. The Magistrate Court of Coweta County has resumed both civil and criminal hearings pursuant to the 7th SJE0. To the extent court proceedings are held, they are conducted in a manner that limits the risk of exposure and infection and are in compliance with current public health guidelines. There are few changes that effect the magistrate courts in the 7th SJE0. Most of the changes affect the ability of the district attorneys and superior court judges to empanel a grand jury and conduct jury trials subject to limitations. Neither of the judicial procedures are appropriate for magistrate courts.

Similarly, under Coweta Judicial Circuit Chief Superior Court Judge John Simpson's "Order Declaring Judicial Emergency" dated March 16, 2020, this court must set the operations for the Magistrate Court of Coweta County, Georgia, during the judicial emergency and is doing so in this operations order. The undersigned determined in the prior court operations order issued in March of this year that to the extent practical that all in-person proceedings will be conducted in accordance with the instructions provided in these judicial emergency orders. This is currently deployed and operational with considerable success. During this judicial emergency order a preference will be given for conducting both civil and criminal hearings remotely using current tools available to the court consistent with due process to be afforded to all parties. This is being done using the Microsoft Teams® software digital platform permitting remote participation of parties, attorneys and witnesses. Pursuant to the authority of these recent judicial emergency orders, the Chief Magistrate reaffirms and maintains the following specific conditions related to the operations of the Magistrate Court of Coweta County, Georgia:

1. The normal hours of operation for the court shall be 8:00 o'clock a.m. until 5:00 o'clock p.m. each weekday (Monday through Friday), except authorized holidays. The office of the Clerk of Magistrate Court will be open for operation during these times only upon application to the Clerk of Magistrate Court of Coweta County, Georgia. Those individuals requesting access to the magistrate offices in the Coweta County Justice Center (CCJC) at 72 Greenville Street, Suite 1200, Newnan, Coweta County, Georgia, must call the Magistrate Court at 770-254-2610 and

obtain permission to enter the magistrate court clerk's office in Suite 1200 of CCJC. The Clerk of the Magistrate Court of Coweta County has been authorized to lock the front door access to Suite 1200 and admit only those persons who have obtained approval for entry to the clerk's office. A sign has been posted on the door of Suite 1200 of CCJC advising the public of the restriction on entry. Additionally, the Clerk of Magistrate Court has arranged for the installation of a Cisco® video phone with a call feature that is installed in the 1st Floor hallway that has a video/audio call button to inquire about operations and filing of documents with the court. This technological feature will continue to be utilized for public access to the court.

2. Criminal cases may be specially set by the magistrates as need may arise. Criminal warrant applications and any essential criminal hearings will continue in Coweta Magistrate Court as may be scheduled by the Clerk of Magistrate Court. The magistrates will provide law enforcement officers access to the Coweta Magistrate Court as deemed necessary without prior approval. To the extent possible, law enforcement officers, and Coweta County Detention Center staff should utilize remote communication facilities such as telephone, video arraignment, teleconferencing or other forms of audio and video applications like Palatine EWI video or Cisco Jabber. All magistrate contact information remains as previously provided. The Coweta County Sheriff's Office dispatch may be called and

will provide any law enforcement officer needing a magistrate to review warrants or schedule hearings with contact information.

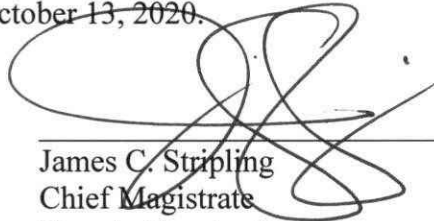
3. All current civil calendars and scheduled hearings are to proceed consistent with the public health guidelines suggested in the Judicial Emergency Orders. The Clerk will determine the manner for calendars of civil hearings with the requirement that all in-person proceedings will be conducted with the parties, witnesses, attorneys and the public wearing masks and socially distanced. The Clerk of Magistrate Court will provide appropriate notice to all affected parties in a manner reasonably designed to advise the parties they are compelled to attend court for the hearing but that public health guidelines are required including wearing a suitable mask.
4. The Clerk may schedule any civil or criminal case she determines as essential or any case ordered to a hearing calendar by written order of a magistrate.
5. The Clerk of Magistrate Court may continue to accept for filing and to process any civil or criminal pleading, answer, or motion received by electronic or digital submission from electronic filing partners approved by the Coweta Magistrate Court. The Clerk of Magistrate Court has situated a desk with the Cisco video phone and provided the most commonly used forms for civil and criminal cases. The public upon gaining entrance to the Coweta County Justice Center may complete those forms and file them with assistance of the clerk's office. Fees for filing

these statements of claim, answers and applications for hearing shall continue to apply. Forms will continue to be received and filed by the United States Postal Service and statutory overnight delivery providers.

6. The time limits for necessary acts associated with civil and criminal proceedings have been re-imposed by the judicial emergency orders presently in effect. No defaults for acts based on failed time limits will be actionable unless reviewed and authorized by a magistrate.
7. The Sheriff of Coweta County, Georgia, Lenn Wood, is charged with providing security for the Coweta County Justice Center (CCJC) where the Magistrate Court of Coweta County, Georgia conducts business and holds court. The CCJC Security officers commanded by Major John Lewis have implemented a protocol for public access to the courts in the building. The protocol includes a survey for risk of COVID-19 exposure and infection that includes symptoms of the virus infection, a temperature check, a mask requirement and directions on conduct of persons in the courtrooms. All of the developed protocols of the CCJC Security Staff will be observed. The assistance of the Sheriff's CCJC Security Staff is requested in maintaining the mask requirement and social distancing of parties, witnesses, attorneys, and the public attending the hearing in-person.
8. All of the magistrates, clerks, constables, security staff, and support personnel in court will wear a suitable mask at all times and maintain social distance to the extent reasonably possible.

The Clerk of the Magistrate Court of Coweta County, Georgia is directed to record this order in the minutes of the Magistrate Court.

SO ORDERED, this 13th day of October 13, 2020.



James C. Stripling
Chief Magistrate
Coweta County, Georgia