

IN THE SUPERIOR COURT OF MONTGOMERY COUNTY
OCONEE JUDICIAL CIRCUIT

STATE OF GEORGIA

IN RE: DECLARATION OF JUDICIAL EMERGENCY

ORDER EXTENDING JUDICIAL EMERGENCY

IT HAS BEEN DETERMINED by the undersigned Chief Judge of the Superior Court, after consultation with county government officials, that a Judicial Emergency exists in Montgomery County, Georgia, affecting the courts such that there is a serious emergency affecting the Court's ability to conduct jury trials and other business, pursuant to O.C.G.A. § 38-3-60. The nature of this emergency is due to the continuing impact of Hurricane Helene causing widespread disruptions to utilities including the electric grid and dangerous road conditions. After consultation with county officials, electricity and services will not be restored for some time.

WHEREAS, the Governor has declared a state of emergency in Montgomery County.

WHEREAS, the emergency affects the regular operation of the Juvenile Court and the Superior Court of Montgomery County, Georgia. The Clerk of Court's office will not be open for the day in question for in-person filing. Courthouse staff have been instructed to remain home due to the likelihood of hazardous road conditions.

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 the function of the Court due to the hazards posed by the storm and the closure of the courthouse. Continued public operation of said Court is no longer feasible and would constitute a public health hazard. To the extent possible, the Court shall continue to utilize video or telephone conference for emergency and critical functions.

Given the nature of this emergency, the Court hereby suspends, tolls, extends, and otherwise grants relief from all deadlines or other time schedules of 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 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 in indictment or an accusation or to bring a matter before a 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 to seek the right to appeal any order, ruling, or other determination; and,
11. Such other legal proceedings as may be determined to be necessary.

Said tolling, extension, or other relief shall extend for the duration of the time of closing set forth herein.

Therefore, pursuant to O.C.G.A. § 38-3-61, the Honorable Chief Judge Sarah F. Wall of the Superior Court of the Oconee Judicial Circuit **DOES HEREBY ORDER AND DECLARE** the existence of a Judicial Emergency in Montgomery County. The nature of this emergency is the ongoing hazards caused by the impact of Hurricane Helene including damaging winds and flooding.

The Court entered its first Judicial Emergency on Friday September 27, 2024 and was set to terminate on Tuesday October 1, 2024. However, the ongoing nature of the emergency necessitates an extension.

This local Judicial Emergency shall be extended from Tuesday, October 1, 2024 at 8:00 a.m. and shall terminate on Monday, October 14, 2024, at 8:00 a.m.

Thus, the undersigned hereby makes this declaration of a judicial emergency affecting the Juvenile and Superior Court. All judicial functions in said courts shall cease unless it can be conducted via video or teleconferencing.

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.

IT IS ORDERED that the Sheriff of Montgomery County shall post this Order on the Montgomery County Courthouse doors and ensure that the Courthouse doors remain locked.

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Michael P. Boggs of the Supreme Court with a copy of this Order.

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 of Montgomery County 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 public shall be notified of this Order via the posting of this Order in writing at the various courthouses of the Oconee Circuit and that this Order shall be provided to the local Bar Association. Affected parties shall also be notified.

SO ORDERED this 1st day of October, 2024 at 8:00 a.m.

A handwritten signature in blue ink, appearing to read "Sarah Hall", is written over a horizontal line.

Chief Judge
Oconee Judicial Circuit