



IN THE SUPERIOR COURT OF COLUMBIA COUNTY
STATE OF GEORGIA

CLERK OF SUPERIOR &
JUVENILE COURTS
FILED FOR RECORD

2021 AUG 26 AM 10:23

ORDER GRANTING RELIEF FROM STATUTORY SPEEDY TRIAL
REQUIREMENTS PURSUANT TO O.C.G.A. § 38-3-62 (b)

CLERK OF SUPERIOR &
JUVENILE COURTS
COLUMBIA COUNTY GEORGIA

Pursuant to O.C.G.A. § 38-3-62 (b), based upon the certification attached hereto and incorporated herein as “Exhibit A – Certification,” the requirements for the filing of a statutory speedy trial demand imposed by O.C.G.A. §§ 17-7-170 and 17-7-171 are hereby reinstated, effective August 26, 2021. There have been two prior declarations of a local judicial emergency which reinstated the time that speedy trial demands under O.C.G.A. §§ 17-7-170 and 17-7-171 must be filed, the most recent having been dated July 26, 2021. The time constraints to bring a case to trial imposed by O.C.G.A. §§ 17-7-170 and 17-7-171 will remain tolled in the Superior Court of Columbia County within the Columbia Judicial Circuit for the duration of this Order.

Pursuant to O.C.G.A. § 38-3-62(b)(9), an order granting relief from statutory speedy trial requirements following a judicial emergency shall not exceed a total of eight months and shall end on the last day of a term of court, and pursuant to O.C.G.A. § 38-3-62(b)(13), no such order shall issue after June 30, 2023. Pursuant to the Supreme Court’s *Guidance on the Extension of Deadlines and Time Limits Defined by Reference to Terms of Court Under the Chief Justice’s Order Declaring Statewide Judicial Emergency*, interrupted terms of court do not count in the calculation of deadlines and time limits for statutory speedy trial demand purposes.

Accordingly, the March 2021 term of court having been interrupted by the Statewide Judicial Emergency, this Order shall become effective on August 26, 2021, and it shall terminate on March 27, 2022, a date that is: (1) not more than eight months from its effective date; and (2) the last day of a term of the Superior Court of Columbia County, unless statutory speedy trial

**ORDER GRANTING RELIEF FROM STATUTORY SPEEDY TRIAL DEMANDS
WITH ATTACHED EXHIBITS
COLUMBIA JUDICIAL CIRCUIT**

requirements are reinstated by the Chief Justice of the Georgia Supreme Court pursuant to O.C.G.A. § 38-3-62(b)(11). Pursuant to O.C.G.A. § 38-3-62(b)(12), nothing in this Order shall relieve the State of its constitutional obligation to provide for a speedy and public criminal trial.

It is hereby ORDERED that this Order shall be filed with the Clerk of Superior Court in Columbia County to be filed in the General Docket.

Pursuant to O.C.G.A. § 38-3-63(1)-(2), it is further ORDERED that a copy of this Order be immediately served by e-mail upon the Chief Justice of the Georgia Supreme Court, the judges and clerks of all courts in this county, the Clerk of the Georgia Court of Appeals, and the Clerk of the Georgia Supreme Court.

Further, it is ORDERED that notice of the issuance of this Order be given to the affected parties, counsel for the affected parties, and the public in a manner that meets the requirements of O.C.G.A. § 38-3-63(3) and specifically as follows: posted on all entrances to the Courthouse, Justice Center and Justice Center Annex, emailed to the Augusta Bar Association for email distribution to its members, personally served on the Columbia County District Attorney, personally served on Columbia County Circuit Defender, personally served on the Columbia County Superior Court Clerk, and posted on the Columbia County Superior Court website..

SO ORDERED this 26th day of August, 2021.


James G. Blanchard, Jr., Chief Judge
Columbia Judicial Circuit

EXHIBIT A - CERTIFICATION

Pursuant to O.C.G.A. § 38-3-62 (b)(3), the Chief Judge and all of the active Superior Court Judges of the Columbia Judicial Circuit certify as follows:

(1)

Pursuant to O.C.G.A. § 38-3-62 (b)(2), under the totality of the circumstances arising from and following the statewide judicial emergency initially declared on the 13th day of March, 2020 and ending on the 30th day of June, 2021, inclusive of any modifications or extensions thereof, compliance with the statutory speedy trial requirements established in O.C.G.A. §§ 17-7-170 and 17-7-171 is impracticable in the Superior Court of Columbia County within the Columbia Judicial Circuit.

(2)

Pursuant to O.C.G.A. § 38-3-62 (b)(2)(B)(i), the pending criminal case volume in the Superior Court of Columbia County is on pace to be above the average pending criminal case volume that existed at the end of each of the three full calendar years immediately preceding the initial declaration of the applicable judicial emergency. The pending criminal cases filed in the Superior Court of Columbia County currently totals: 1,301 from January 1, 2021 through August 15, 2021; the criminal cases filed in 2020 totaled: 1,131; the criminal cases filed in 2019 totaled: 3,014; the criminal case filings that existed in 2018 totaled: 3,312; and the criminal case filings that existed in 2017 totaled 2,799. However, the cases that remain unresolved through the pandemic are the cases that are more difficult to resolve, require more judge time, and courthouse space/resources.

(3)

Pursuant to O.C.G.A. § 38-3-62 (b)(2)(B)(ii), the annualized criminal case clearance rate in the current calendar year in the Superior Court of Columbia County is substantially below the average criminal case clearance rate for each of the three full calendar years immediately preceding the initial declaration of the applicable judicial emergency. The annualized criminal case clearance rate in the Superior Court of Columbia County in the current calendar year is: 112 percent¹; the

¹ As of August 15, 2021.

annualized criminal case clearance rate that existed in 2020 was: 121 percent²; the annualized criminal case clearance rate that existed in 2019 was: 93 percent; the annualized criminal case clearance rate that existed in 2018 was: 107 percent; and the annualized criminal case clearance rate that existed in 2017 was: 111 percent.

(4)

Pursuant to O.C.G.A. § 38-3-62 (b)(2)(B)(iii), the number of speedy trial demands pending within one month of the date of this certification in the Superior Court of Columbia County totals: 29.

(5)

Pursuant to O.C.G.A. § 38-3-62 (b)(2)(B)(iv), the number of jury trials held during the last full term of court (September 2020 Term) was zero (0); the number of jury trials held during the present term of court (March 2021 Term) in the Superior Court of Columbia County is three (3) as of the date of this Order.³

(6)

Pursuant to O.C.G.A. § 38-3-62 (b)(2)(B)(v), the following ongoing space limitations or other health or safety concerns exist within the Superior Court of Columbia County preventing the use of facilities available to conduct criminal trials and related activities: the Superior Court of Columbia County can only conduct one jury trial per week for the duration of the 2021 calendar year. This is the only solution to ensure CDC recommended spacing of litigants, jurors, the public, and court staff. This includes considerations for safe distancing of prospective juror assembly, juror deliberations, courtroom seating for multiple defendants, and public access to view court proceedings. There is only one courtroom in the Justice Center that has capacity to contain all of the necessary parties for a jury trial. Other courtrooms must be utilized for jury selection to ensure that all of the jurors who have been summoned for the trial week can be seated in a manner that

² It is believed this number is artificially high given the few indictments and completing cases that were easy to resolve, leaving the more complex ones to try now. During the pandemic, the Court undertook significant effort to close older cases that were technically open on the docket but which were intended to be closed (i.e. older bench warrants, dead docket cases, etc.).

³ The Columbia Judicial Circuit was only recently created by the Legislature and there was significant upheaval and uncertainty concerning the date the new circuit would be allowed to proceed. This circuit split from the Augusta Judicial Circuit has significantly impacted the ability of the judges and the lawyers to try cases within Columbia County.

would meet distance guidelines. Multiple defendant cases and interpreter cases also present additional space and logistical challenges.

(7)

Pursuant to O.C.G.A. § 38-3-62 (b)(2)(B)(vi), there is a limited availability of judges, courtroom personnel, prosecutors, public defenders, expert witnesses, forensic analysis, law enforcement officers, or other relevant persons in the Superior Court of Columbia County, as follows: The Columbia County District Attorney and Circuit Defender have only recently been named. They both continue to fill their respective staff positions and have only recently obtained the existing files from the District Attorney/Circuit Defender of the Augusta Judicial Circuit. The Clerk of Superior Court has experienced more than one occasion when her entire staff was forced to work outside of her office due to COVID infections of the Clerk's staff. The GBI, Division of Forensic Services (DOFS) is struggling to provide expert witnesses when needed and a significant amount of coordination is required to ensure that the DOFS employees who are called upon to testify in various circuits across Georgia are available when needed in the different circuits. The Sheriff of Columbia County has had several bailiffs recently become infected with COVID and were forced to quarantine, thereby reducing the Sheriff's ability to provide bailiffs and courthouse security personnel.

(8)

Pursuant to O.C.G.A. § 38-3-62 (b)(2)(B)(vii), the extent of efforts made by prosecuting attorneys and the court to reduce the number of criminal defendants held in custody awaiting trial in the Superior Court of Columbia County are as follows: the Superior Court has initiated a program for supervised release of individuals as part of their bond conditions which has enabled the Court to release more individuals from pretrial confinement. Additionally, the District Attorney and Circuit Defender have both taken affirmative steps to identify cases which can be resolved without the necessity of indictment and have those cases resolved promptly. Columbia County has had 37% of its population fully vaccinated as of August 13, 2021. This is slightly lower than the state-wide rate of 41%. Columbia County is identified as an "emerging county" for

COVID infections based upon the most recent reports from the Georgia Department of Public Health.⁴

(9)

Pursuant to O.C.G.A. § 38-3-62 (b)(2)(B)(viii), other relevant facts that justify ongoing relief from statutory speedy trial requirements in the Superior Court of Columbia County, if any, are as follows: The only courtroom large enough to accommodate a jury trial in a single courtroom is the ceremonial courtroom in the Justice Center. Holding offsite trials in criminal cases or attempting to conduct jury trials in the Appling Courthouse presents a huge burden on the sheriff to secure the space without holding cells, which represents a major security risk. As noted throughout this Certification, the Columbia Judicial Circuit has only recently been created from the Augusta Judicial Circuit and the uncertainty surrounding the starting date has delayed our ability to effectively staff the District Attorney's Office and the Circuit Defender's Office prior to the various restraining orders being lifted. Therefore, Columbia County has effectively lost another month of time when criminal cases could have been heard due to the litigation and appeals.

(10)

Pursuant to O.C.G.A. § 38-3-62 (b)(4)(B), the plan to resolve cases in which a statutory speedy trial demand has been filed as expeditiously as possible in the Superior Court of Columbia County has been established. It is hereby ordered that any case in which a valid statutory speedy trial demand has been filed shall be prioritized for trial. The highest priority shall be given to any such case in which: (1) the defendant is in custody while awaiting trial; (2) the defendant is in custody as a result of the charges in the case in which the statutory speedy trial demand has been filed, not something else, and (3) the most serious charges. Such cases shall be further prioritized for trial based upon the length of time that the defendant has remained in custody awaiting trial.

⁴ Information gathered from GA DPH Vaccine Distribution Dashboard and County Indicator Report on August 13, 2021.

(11)

Pursuant to O.C.G.A. § 38-3-62 (b)(4)(B), in the Superior Court of Columbia County,

Chief Judge James G. Blanchard, Jr. has been scheduled for ten (10) trial weeks during the period of this Order;

Presiding Judge Sheryl B. Jolly has been scheduled for nine (9) trial weeks during the period of this Order;

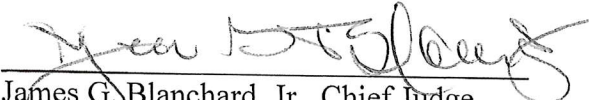
Judge J. Wade Padgett has been scheduled for ten (10) trial weeks during the period of this Order.

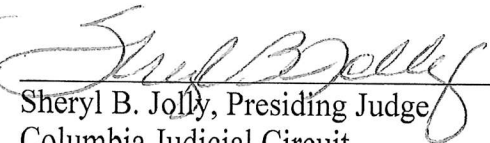
This Order has been entered:

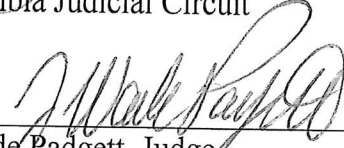
- ☐ by the undersigned Chief Judge pursuant to O.C.G.A. § 38-3-62 (b)(3)(A); **or**
- ☒ at the request of all of the active judges of this Court who are serving in this Judicial Circuit as evidenced by their written request, which is attached as Exhibit B to this Order, pursuant to O.C.G.A. § 38-3-62 (b)(3)(B)(i).

EXHIBIT B

So certified by all of the active judges of this Judicial Circuit, this 26 day of August, 2021.


James G. Blanchard, Jr., Chief Judge
Columbia Judicial Circuit


Sheryl B. Jolly, Presiding Judge
Columbia Judicial Circuit


J. Wade Padgett, Judge
Columbia Judicial Circuit

CERTIFICATE OF SERVICE

The is to certify that I, Lindsay Dukes, on this day have served a copy of the foregoing
**ORDER GRANTING RELIEF FROM STATUTORY SPEEDY TRIAL
REQUIREMENTS PURSUANT TO O.C.G.A. § 38-3-62(b)** upon the way of hand delivery
and/or electronic mail, to the following:

Supreme Court of Georgia
Chief Justice David E. Nahmias
These Barnes, Clerk
barnest@gasupreme.us

Georgia Court of Appeals
Patty Bender, Deputy Clerk
coaefast@gaappeals.us

Columbia County Probate Court
Honorable Alice Padgett
apadgett@columbiacountyga.gov

Columbia County Magistrate Court
Honorable Jason Troiano
jtroiano@columbiacountyga.gov

Columbia County Juvenile Court
Honorable Chuck Evans
cevans@columbiacountyga.gov

Columbia County Clerk of Superior Court
Cindy Mason
cmason@columbiacountyga.gov

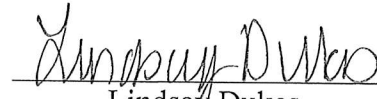
Augusta Bar Association
Steven Sanders, President
ssanders@fulcherlaw.com

Columbia Judicial Circuit District Attorney
Bobby Christine, Esq.
Hand Delivery

Columbia Judicial Circuit Public Defender
Mack Taylor, Esq.
Hand Delivery

In addition, a copy of this Order has been be posted at the Courthouse, Justice Center and Justice Center Annex in a conspicuous location to allow for public viewing.

This 26th day of August, 2021.



Lindsay Dukes
Judicial Assistant to the
Honorable J. Wade Padgett

Office of Judge J. Wade Padgett
Columbia Judicial Circuit
640 Ronald Reagan Drive
Evans, GA 30809
(706) 312-7355