

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY  
STATE OF GEORGIA

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

Pursuant to O.C.G.A. § 38-3-62 (b), based upon the certification attached hereto by all active Superior Court Judges of the Chattahoochee Judicial Circuit and incorporated herein as Exhibit A, the time requirements for the filing of a statutory speedy trial demand under O.C.G.A. §§ 17-7-170 and 17-7-171 are hereby reinstated. However, the time requirements under those statutes specifying the time during which a case must be tried are hereby tolled in the Superior Court of Muscogee County, Georgia 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 must end on the last day of a term of court. Pursuant to O.C.G.A. § 38-3-62 (b) (13), no such order shall issue after June 30, 2023. Accordingly, this Order is issued on this thirtieth (30<sup>th</sup>) day of July, 2021, and it shall terminate on the sixth (6<sup>th</sup>) day of February, 2022, a date that is: (1) not more than eight months from the date this Order is entered; and (2) the last day of a term of the Superior Court of Muscogee County as provided in O.C.G.A. § 15-6-3 (8)(D) , unless statutory speedy trial requirements are reinstated hereafter 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.

Nothing in this Order shall relieve the State of its obligations to provide timely discovery and comply with all other deadlines specified by statute or applicable rules of court.

This Order shall not operate to prevent any Judge from prioritizing any case for trial or honoring a demand made pursuant to O.C.G.A. §§ 17-7-170 (a) or 17-7-171(a).

It is hereby ORDERED that this Order shall be filed with the Clerk of Superior Court in Muscogee 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 electronic mail upon the Chief Justice of the Supreme Court of Georgia, the judges and clerks of all courts in Muscogee County and the Clerks of the Georgia Court of Appeals and the Supreme Court of Georgia. 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: by posting on the website and any social media pages of the Clerk of Superior Court; posting at public entrances of the Columbus Consolidated Government Center; and distributing via electronic mail to members of the Columbus Bar Association.

SO ORDERED this thirtieth (30<sup>th</sup>) day of July, 2021.



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Bemon G. McBride, III, Chief Judge  
Chattahoochee Judicial Circuit

### EXHIBIT A - CERTIFICATION

Pursuant to O.C.G.A. § 38-3-62 (b) (3), the active Judges of the Superior Court of the Muscogee County certify as follows:

#### (I)

The Chattahoochee Judicial Circuit includes six counties of which Muscogee County is the largest. The Superior Court of Muscogee County is served by seven active judges, each with his or her own division to which criminal cases are randomly assigned by the Clerk. Generally, cases are not re-assigned among judges. Each judge remains in control of and responsible for his or her assigned cases through final disposition. Before September, 2020, Muscogee County lacked an automated case management system. In September, 2020, Muscogee County implemented an automated case management system for the first time. At the time of this certification, training and implementation in this new system are still ongoing, with various problems and inconsistencies being addressed as they arise.

Unlike other consolidated county-city governments across Georgia, Muscogee County's governing authority has chosen to combine and house courtroom operations in the same building with offices devoted to general government functions of the Columbus Consolidated Government. This building, known locally as the "Government Center", was built in 1971 and has offices situated throughout an eleven-story tower with two wings for additional office space. It is important to understand the severe limitations imposed on court operations in Muscogee County as a result of sharing its facility with government operations

With these considerations in mind, it should be noted that Muscogee County entered 2021 with a backlog of cases and a high level of uncertainty in its ability to compile the data necessary for the analysis required by O.C.G.A. § 38-3-62(b)(3) as amended by S.B. 163. The current case management system can generate yearly reports of pending cases in each division, but it excludes closed cases from the total even when these cases were closed the following calendar year. This limitation requires the Court, in this certification, to rely on alternative data which measures cases opened and closed by division each year. The information used below is based on data gathered by the Office of the District Attorney for the Chattahoochee Judicial Circuit.

Muscogee County's current backlog is shaped by two major factors. First, the inability to collect, compile, and calculate the case information from the preceding years impedes measurement of caseload and tracking of cases with specificity. The second major factor driving Muscogee County's backlog is the courthouse pipe failure in June, 2018 which caused flooding,

and the loss of almost all courtrooms, required the relocation of almost all judges to a separate building, and led to a growing backlog in terms of cases closed versus cases opened. Another factor worth noting is the installation of the fire suppression system, which has largely taken place during the pandemic. The installation resulted in the displacement of each judge's office and remains ongoing at the time of this certification, with the District Attorney's Office and other city operations being relocated as well.

(II)

Pursuant to O.C.G.A. § 38-3-62 (b) (2), 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 Muscogee County within the Chattahoochee Judicial Circuit.

(III)

Pursuant to O.C.G.A. § 38-3-62 (b) (2) (B) (i), and based upon available information, the pending criminal case volume in the Superior Court of Muscogee County is substantially 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 case volume in the Superior Court of Muscogee County currently totals: 6871; the pending criminal case volume that existed on December 31, 2019 totaled: 6,643; the pending criminal case volume that existed on December 31, 2018 totaled: 5,936; and the pending criminal case volume that existed on December 31, 2017 totaled 5,291.<sup>1</sup>

(IV)

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 Muscogee 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 Muscogee County that existed in 2020 was: 63 percent; the annualized criminal case clearance rate that existed in 2019 was: 93 percent; the annualized criminal case clearance rate that existed in 2018 was: 83 percent; and the annualized criminal case clearance rate

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<sup>1</sup> As noted, the Court relies primarily on information provided by the District Attorney's Office in compiling these numbers which must be considered approximations. The number of pending cases in 2017 was approximated by adding the number of cases opened in the years 2015, 2016, and 2017 and subtracting the number of cases closed in 2016 from that number. The number of pending cases in 2018 was determined by adding the number of cases opened in 2018 to the 2017 pending cases and then subtracting the number of closed cases in 2017. The same was done for 2019. The new case management system provided the number of pending cases for 2021.

that existed in 2017 was: 82 percent. As of March 31, 2021, the criminal case clearance rate for the first quarter was 68 percent.

(V)

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 Muscogee County totals: Seventeen.

(VI)

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 (April, May, 2021) in the Superior Court of Muscogee County was three.

(VII)

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 Muscogee County that limit the use of facilities available to conduct criminal trials and related activities:

There are currently five Superior Court courtrooms that are shared by seven judges. Under the Muscogee County Guide for Resuming Jury Proceedings, each trial requires the use of two courtrooms: one for conducting the actual trial and one for use as a jury room. (See Attachment 1: Muscogee County Guide for Resuming Jury Proceedings) In order to accommodate social distancing guidelines and the pending case load, the plan also uses three rooms which are not regularly assigned to Superior Court: two State Court courtrooms and the Grand Jury room. This plan forces a hardship not only on Superior Court judges, but also State Court judges and the District Attorney's Office. The assignment of courtrooms for use during trials requires advanced scheduling which considers all seven divisions of Superior Court as well as State Court, Probate Court, Juvenile Court, Magistrate Court, and other departments of the city government which share the Columbus Consolidated Government Center with court operations. As a result, even during weeks when trials are scheduled but do not occur, courtroom access is still restricted. Current spatial constraints, adjusted for pandemic concerns, make it difficult to try multi-defendant felony cases, which create added security and safety concerns.

(VIII)

Pursuant to O.C.G.A. § 38-3-62 (b) (2) (B) (vii), 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 Muscogee County are as follows:

A fast track program for less serious felonies; regular bond calendars, and guilty plea dockets.

(IX)

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 Muscogee County, if any, are as follows:

Approximately 25% of the adult population in Muscogee County is vaccinated.

Muscogee County has experienced a sharp increase in homicides over the last six months, with increased numbers of cases involving multiple defendants. Multi-defendant criminal proceedings are difficult to accommodate, given current personnel shortages, spatial constraints and continued pandemic conditions. Moreover, the Government Center continues to have plumbing problems which disrupt court operations.

(X)

Pursuant to O.C.G.A. § 38-3-62 (b) (4) (B), the following plan to resolve cases in which a statutory speedy trial demand has been filed as expeditiously as possible in the Superior Court of Muscogee County has been established: any case in which a valid statutory speedy trial demand has been filed and served as required by law shall be prioritized for trial, with the highest priority being given to any such case in which: (1) the defendant is in custody while awaiting trial; and (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. Such cases shall be further prioritized for trial based upon the length of time that the defendant has remained in custody awaiting trial.

(XI)

Pursuant to O.C.G.A. § 38-3-62 (b) (4) (B), in the Superior Court of Muscogee County, Chief Judge Bemon G. McBride, III has been scheduled for 6 trial weeks during the period of this Order; Judge J. Ronald Mullins has been scheduled for 5 trial weeks during the period of this Order; Judge Benjamin A. Land has been scheduled for 7 trial weeks during the period of this Order; Judge Bobby G. Peters has been scheduled for 5 trial weeks during the period of this Order; Judge Arthur L. Smith has been scheduled for 4 trial weeks during the period of this Order; Judge William C. Rumer has been scheduled for 5 trial weeks during the period of this Order; Judge Maureen C. Gottfried has been scheduled for 4 trial weeks during the period of this Order.<sup>2</sup>

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<sup>2</sup> This information has been taken from the 2021 Superior Court Judges' Schedule which has been published to the Muscogee County Clerk of Superior Court website. The calendar for 2022 has not been finalized or published at this time, therefore, there is an unknown number of trials for the first five (5) weeks of 2022.

This Order has been entered at the request of the active judges of this Court who are serving in this Judicial Circuit as shown by their written request, as shown below.

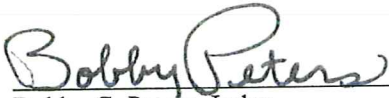
SO CERTIFIED and ORDERED, this 30th day of July, 2021.



Bemon G. McBride, III, Chief Judge  
Chattahoochee Judicial Circuit



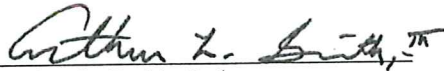
Benjamin A. Land, Judge  
Chattahoochee Judicial Circuit



Bobby G. Peters, Judge  
Chattahoochee Judicial Circuit



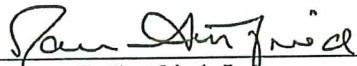
William C. Rumer, Judge  
Chattahoochee Judicial Circuit



Arthur L. Smith, Judge  
Chattahoochee Judicial Circuit



J. Ronald Mullins, Jr., Judge  
Chattahoochee Judicial Circuit



Maureen C. Gottfried, Judge  
Chattahoochee Judicial Circuit

































