

Supreme Court of Georgia
Jane Hansen, Public Information Officer
330 Capitol Ave, SE
Atlanta, Georgia 30334
404-651-9385
hansenj@gasupreme.us

GRAND JURY PROCEEDINGS TO RESUME IN GEORGIA

Atlanta, September 10, 2020 – Grand jury proceedings may resume under an order signed today by Chief Justice Harold D. Melton of the Supreme Court of Georgia. The order extends until Oct. 10 the Statewide Judicial Emergency Chief Justice Melton first declared on March 14, 2020 due to the COVID-19 pandemic. This is the sixth time it has been extended for 30 days as state law allows.

Under today's order, the chief judge of each superior court is authorized to resume grand jury proceedings "if doing so can be done safely and in compliance with public health guidance based on local conditions." In exercising his or her discretion to resume grand jury proceedings, the chief judge must consult with the local district attorney and follow guidelines developed by the Judicial COVID-19 Task Force for conducting safe grand jury proceedings. Jury trials and most grand jury proceedings have been prohibited in Georgia since March.

"As explained in the last extension order, this broad prohibition cannot continue, even if the pandemic continues, because our judicial system, and the criminal justice system in particular, must have some capacity to resolve cases by indictment and trial," today's order says.

With today's order, jury trials remain suspended in Georgia. However, to prepare for their resumption, the order directs the chief judge of each superior court to convene for each county in

his or her judicial circuit a local committee made up of judicial system participants to develop detailed guidelines for safely resuming jury trials. Each committee is directed to use the safe jury trial guidelines developed by the Judicial COVID-19 Task Force – a group of mostly judges and lawyers appointed by Chief Justice Melton in May to help courts prepare to restore grand jury proceedings and jury trials. Today's order states that the goal is to authorize the resumption of jury trials in the next 30-day extension order, which will be issued around Oct. 10.

However, due to the time required to summon potential jurors for service, the order notes that grand jury hearings and jury trials likely will not begin until a month or longer after they are authorized. "It also should be recognized that there are substantial backlogs of unindicted cases, and due to ongoing public health precautions, these proceedings will not occur at the scale or with the speed they occurred before the pandemic," today's emergency order states. "Thus, while our justice system must resume moving cases to indictment and trial as rapidly as can be done safely, statutory deadlines based on indictments and jury trials will remain suspended and tolled."

"I applaud courts around the state for expanding their use of remote proceedings where possible through such technology as videoconferencing," Chief Justice Melton said. "Those proceedings that can be done remotely should be done remotely. But those that cannot – based on law or practicality – must nevertheless resume, but under strict adherence to public safety guidelines."

Guidance for safely conducting in-person grand jury proceedings and guidance for local committees on resuming jury trials are among the documents included in the Appendix to today's order extending the Statewide Judicial Emergency.