

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

IN RE:

COVID-19 PUBLIC HEALTH AND SAFETY

*
*
*
*
*
*

STANDING ORDER 2021-02

**STANDING ORDER EXTENDING JURY TRIAL MORATORIUM
BECAUSE OF NATIONAL EMERGENCY**

This Court has issued a series of standing orders due to the COVID-19 (coronavirus) pandemic that established a combined jury trial moratorium from March 17, 2020 through February 28, 2021. See Middle District Standing Orders 2020-01, 2020-02, 2020-07, 2020-08, 2020-10, 2020-12, 2020-13. COVID-19 cases spiked following the 2020 holiday season, and the latest data available to the court continues to show a high infection rate. Vaccinations are underway in the State of Georgia but only a small percentage of the population has been eligible to date. The presidential declaration of the COVID-19 national emergency remains in effect and the State of Georgia and Center for Disease Control and Prevention (CDC) continue to recommend taking substantial health precautions.

It is this Court's opinion that jury trials, particularly those requiring the impaneling of twelve person jurors and alternates, generally cannot be held without jeopardizing the health and safety of jurors, parties, witnesses, court staff, and the public. The Court therefore finds it necessary and appropriate to extend this moratorium through April 4, 2021. Accordingly, unless a presiding judge determines that the specific circumstances

of a case outweigh the health risk to jurors, parties, witnesses, court staff, and the public, jury trials shall not be held in the Middle District of Georgia through April 4, 2021.

With regard to criminal proceedings, the Court finds that the right of defendants in criminal cases and the public to a speedier trial during this extended moratorium is substantially outweighed by the public interest of protecting the health and safety of defendants, the case participants, court employees, jurors, and the public, which can only be protected by this moratorium on jury trials. The ends of justice require this continuance. Accordingly, the time period of the continuance shall be extended so that it is now March 17, 2020 through April 4, 2021, and this period shall be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A). Although this order shall have the effect of continuing all jury trials during this period, any defendant in a criminal case who objects to this continuance shall have the right to file a motion for a speedier trial, which shall be considered and decided by the judge assigned to the defendant's case.

As authorized by the Coronavirus Aid, Relief, and Economic Security Act, H.R. 748 (the CARES Act), the Court previously issued standing orders authorizing the use of video and/or audio conference to conduct identified criminal proceedings. See Middle District Standing Order 2020-03, 2020-07, 2020-08, 2020-10, 2020-12, 2020-13. The Court specifically finds that this authority remains necessary and in certain circumstances the appearance of persons live at the courthouse for court proceedings would place the public health and safety in serious jeopardy. Accordingly, the Court renews its authority under the CARES Act to conduct the proceedings identified in Standing Order 2020-03 by video and/or audio means for an additional 90 days from the date of today's order.

All previous standing orders shall remain in effect except to the extent that certain provisions are inconsistent with today's order. The Clerk shall docket today's order in every criminal case presently pending and that shall become pending prior to April 4, 2021 in this district.

SO ORDERED, this 10th day of February, 2021.

s/ Marc T. Treadwell
MARC T. TREADWELL
CHIEF UNITED STATES DISTRICT JUDGE