

# JUDGE BRENDAN F. MURPHY

CHIEF MAGISTRATE OF COBB COUNTY



MAGISTRATE COURT OF COBB COUNTY  
32 WADDELL STREET  
MARIETTA, GEORGIA 30090  
(770) 528-8915

March 19, 2020

Greetings:

The following supersedes the March 13, 2020 letter concerning the operations of the Magistrate Court of Cobb County ("Court"). In accordance with the statewide amended Order Declaring Statewide Judicial Emergency issued on March 14, 2020 by Chief Justice Harold D. Melton of the Supreme Court of Georgia, the Court will "remain open to address essential functions." Following the "social distancing" advice of public health officials to avoid gatherings of ten (10) or more people and consistent with the Cobb County government's decision to move to limited operations, the Court will be minimally staffed and use the below outlined procedures.

The following shall apply until April 13, 2020 or when the last judicial emergency order applicable to the Cobb Judicial Circuit expires, whichever is later. The Court reserves the right to modify these procedures as needed to further the interests of justice and public health.

## In-person Court Hearings

A Magistrate Judge with a Superior Court assisting order will be available at the Court each day Monday-Friday during normal business hours. Any matter needing a judge's immediate attention should be e-mailed to both [Amy.Rushing@cobbcounty.org](mailto:Amy.Rushing@cobbcounty.org) and [Adrienna.Vail@cobbcounty.org](mailto:Adrienna.Vail@cobbcounty.org) and copied to opposing counsel.

The previously calendared Monday, March 23, 2020 1:30 p.m. Early Intervention Plea ("EIP") Calendar will proceed as scheduled. Thereafter, the Court will only conduct in-person hearings on Tuesdays, Wednesdays, and Thursdays as indicated below:

### Courtroom M202

Tuesdays 9:00 a.m. – Essential Temporary Protective Order ("TPO") Functions<sup>1</sup>

Tuesdays 1:30 p.m. – EIP Calendar

### Courtroom M203

Tuesdays/Wednesdays/Thursdays 9:00 a.m. and 1:30 p.m. – Essential Criminal Functions<sup>2</sup>

<sup>1</sup>Essential TPO Functions include but are not limited to consideration of 12 Month TPOs, TPO Extensions, TPO Terminations, and Contempt Motions that present an immediate safety concern.

<sup>2</sup>Essential Criminal Functions include but are not limited to consideration of bond and custodial probable cause and ordinance matters. Before a court date is set, counsel for the accused and the assigned prosecutor and/or daily duty prosecutor are urged to discuss the motion(s) to attempt to reach consent or narrow the issues. For example, a bond matter could be heard during the judicial emergency while reserving the consideration of probable cause for later.

In-person hearings will be conducted according to posted public health guidelines consistent with those currently in use in the Superior Court of Cobb County. No one should come to court if they are not feeling well, have had potential exposure to the corona virus, or are considered by the Centers for Disease Control and Prevention to be at a higher risk from the virus. Those desiring a continuance are encouraged to contact the Court as usual.

### **Magistrate Court Clerk's Office ("Clerk's Office")**

The Clerk's Office shall remain open to the public daily with minimal staff. However, members of the Bar and public are urged to file on-line or delay filing anything non-essential. Non-essential functions will not be scheduled for a hearing until any applicable judicial emergency ends.

### **Pretrial Services Division ("Pretrial")**

Pretrial will operate with minimal staff Monday-Thursday and be closed on Fridays. Upon release, Defendants should NOT report in-person for intake. Rather, within 24 hours of release, the Defendant shall call (770) 528-8950 to conduct intake via telephone and e-mail. Pretrial will primarily supervise Defendants via telephone, e-mail, ankle monitor, and other electronic communications but may require a Defendant to appear in-person if necessary. Pretrial may seek an ACR warrant if an alleged bond violation presents an immediate safety concern.

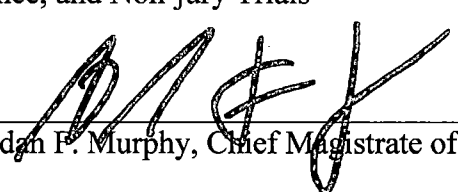
### **Non-essential Functions Cancelled**

A new court date notice will be sent to all affected parties when the judicial emergency ends.

- Warrant Application Hearings
- Small Claims and Garnishment Hearings
- Dispossession (Landlord/Tenant Eviction) Hearings
- Noncustodial Bond Revocation Hearings that do not present an immediate safety concern
- Noncustodial Probable Cause Hearings
- Noncustodial Ordinance Arraignments, Compliance, and Non-jury Trials
- TPO Compliance Calendar
- Wedding Ceremonies

### **Essential Functions to Proceed**

- 24 hour/day Electronic Warrant Interface ("EWI") Arrest and Search Warrant Hearings
- First Appearance Hearings – via video conferencing
- "No Bond" Hearings – via video conferencing
- Early Intervention Plea Calendars
- Bond Revocation Hearings - Custodial and those that present an immediate safety concern
- Bond and Custodial Probable Cause Hearings
- Custodial Ordinance Arraignments, Compliance, and Non-jury Trials
- Essential TPO Hearings

  
Hon. Brendan F. Murphy, Chief Magistrate of Cobb County