

JUDGE BRENDAN F. MURPHY

CHIEF MAGISTRATE OF COBB COUNTY



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

May 18, 2020

Greetings:

The following supersedes the March 19, 2020 letter concerning the operations of the Magistrate Court of Cobb County ("Court"). In accordance with the Second Order Extending Declaration of Statewide Judicial Emergency ("Statewide Order") issued on May 11, 2020 by Chief Justice Harold D. Melton of the Supreme Court of Georgia and the Second Order Declaring Judicial Emergency in the Cobb Judicial Circuit ("Circuit") issued on May 12, 2020 by Chief Superior Court Judge Reuben M. Green, the Court will:

- Continue to use and increase the use of technology to conduct remote judicial proceedings as a preferred alternative to in-person proceedings, both to ensure that essential court functions are continued and to conduct non-essential proceedings to limit the backlog of such matters when the judicial emergency is terminated. Statewide Order, § 3.
- Conduct essential and non-essential in-person judicial proceedings, but only in compliance with public health guidance and with the requirement of the United States and Georgia constitutions and applicable statutes and court rules, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms. Statewide Order, § 4.

Note: the Statewide Order still "**suspends, tolls, extends, and otherwise grants relief from any deadlines or other time schedules or filing requirements imposed...**" Therefore, *inter alia*, statutes of limitations, Answer deadlines, and ordinance fine due dates are all paused until the judicial emergency ends.

The following shall apply until June 12, 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. For the most up-to-date information, please refer to the COVID-19 Updates section of the Court's website:

<https://www.cobbcounty.org/courts/magistrate-court/magistrate-court-covid-19-updates>

Procedures

Consistent with public health guidance and the Cobb County government's continued limited operations, the Court will be minimally staffed and use the below outlined procedures.

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** and **Adrienna.Vail@cobbcounty.org** and copied to opposing counsel.

Remote proceedings will be conducted via the free video conference application Webex Meetings. A Webex invitation will be e-mailed to parties and/or counsel who may in turn forward the invitation to any witnesses and/or observers. The invitation may include specific further instructions depending on the type of proceeding. The judge will conduct all remote proceedings from an open courtroom. Parties, counsel, witnesses, and/or observers wishing to appear in-person may do so, subject to separately-issued written guidelines.

All **in-person proceedings** will be conducted pursuant to separately-issued written guidelines governing both the Circuit and Court. In summary, no one should come to court if they are not feeling well, have a temperature in excess of 100 degrees, have had potential or confirmed exposure to someone who has been diagnosed with or credibly suspected to be positive for COVID-19, or are considered by the Centers for Disease Control and Prevention to be at a higher risk from the virus and therefore governed by the Governor's current Shelter in Place Order. **A mask or face covering is required to enter the courthouse.**

Anyone requesting a continuance is 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 that remain cancelled 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.

Essential Functions to Proceed

- 24 hour/day Electronic Warrant Interface ("EWI") Arrest and Search Warrant Hearings
- First Appearance Hearings – via established video conference to the Adult Detention Center
- "No Bond" Hearings – via established video conference to the Adult Detention Center
- Early Intervention Pleas
- Bond Revocation Hearings - Custodial and those that present an immediate safety concern
- Bond and Custodial Probable Cause Hearings¹
- Custodial Ordinance matters
- Essential TPO Functions²

¹Before the court date, 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.

²Essential 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.

Non-essential Functions to Resume on Limited Basis

A new court date notice will be sent to all affected parties.

- Garnishment Hearings
- Warrant Application Hearings
- Entry of Orders on civil cases that were ready for ruling without a hearing prior to 3/13/2020
- Wedding Ceremonies – By appointment only. Please call (770) 528-8900 for an appointment.

Non-essential Functions Cancelled

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

- Small Claims Hearings
- Dispossession (Landlord/Tenant Eviction) Hearings
- Noncustodial Bond Revocation Hearings that do not present an immediate safety concern
- Noncustodial Probable Cause Hearings
- Noncustodial Ordinance Matters
- TPO Compliance Calendar



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