

**IN THE SUPERIOR COURT OF THE WAYCROSS JUDICIAL CIRCUIT  
STATE OF GEORGIA**

**ORDER RESUMING IMPANELING GRAND JURIES**

On September 10, 2020, the Honorable Harold D. Melton, Chief Justice of the Georgia Supreme Court issued his Sixth Order Extending Declaration of Statewide Judicial Emergency. Prior orders from the Chief Justice had precluded the meeting of or impaneling of grand juries, except in limited circumstances. The September 10, 2020 Sixth Order authorized the impaneling of grand juries at the discretion of the Chief Judge of each circuit and set forth directives, procedures, and guidance for doing so.

Pursuant to Section I (A) (I) of the Sixth Emergency Order, I have consulted with District Attorney George Barnhill. The Court and the District Attorney concur that there is a dire need to reconvene grand juries as soon as is practicable to protect the public, administer justice, and address an ever growing backlog of unindicted cases.

I, as Chief Judge, with the very able assistance of Judge Jeff Kight, Judge Kelly Brooks and Judge Andy Spivey have issued a variety of orders, memorandums, and guidance documents implementing health and safety guidelines from the Center of Disease Control (CDC) and Department of Public Health (DPH), all in compliance with Chief Justice Melton's prior Emergency Orders requiring that the superior court assume the management and control of the COVID-19 pandemic threat inside each courthouse, thus the court has gained extensive

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of Superior Court, Pierce County, Ga  
this 2<sup>nd</sup> day of Oct 20 20  
*Thomas W. Saub*  
Clerk of Superior Court, Pierce County, GA.

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experience in dealing with the threat. This experience involves consultation with area DPH officials, medical personnel, all CDC and DPH safety protocols and procedures, the use and application of such protocols and procedures, ordering isolations and quarantines, return to work requirements, and more across the six counties comprising the Waycross Judicial Circuit. Practically every facet of courthouse work and workers have been impacted by COVID-19. The experience gained by the Court has also been acquired by each component of the judicial system; judges, district attorney and assistant district attorneys, public defender and assistant public defenders, clerks and their staffs, lawyers and staffs, and sheriffs, bailiffs and security personnel, to name a few. Based on this collective experience, which has been acquired by all facets of the Waycross Judicial Circuit in the use and application of CDC and DPH protocols and procedures, identifying COVID-19 or possible COVID-19 cases, and in isolating such cases, I find that grand jury proceedings should resume in each county. I find that this can be done safely and in compliance with CDC and DPH guidelines based upon the local conditions existing in the Waycross Judicial Circuit, part of which is the hard work and selfless dedication of the “courthouse workers” with which the Court has had the high privilege of working with during this pandemic. The other local condition is that there has been a slowing or downward turn in COVID-19 cases within the legal system itself and the courthouse environment. This factor also lends credence to the Court’s opinion that grand juries may resume their important work safely.

All Clerks of Superior Court have been advised that they should resume summoning potential grand jurors as soon as is practicable. Included with each juror summons will be a notice of the practices and the procedures which the Court has in place to ensure their safety and instructions

to follow if a potential grand juror is sick, exposed, or in a high risk scenario.

Each sheriff, grand jury bailiff, bailiff, security personnel, district attorney and assistant district attorney shall comply with all Emergency Orders from the Supreme Court, this court, CDC and DPH guidelines, and recommendations from the COVID-19 Task Force. Per the COVID-19 Task Force, I repeat here the minimum safety procedures for grand jurors:

- 1) seated at least six (6) feet away from any other person, including the District Attorney, Assistant District Attorneys, and witnesses;
- 2) each grand juror, witness, district attorney or assistant district attorney should wear a mask or other facial-covering at all times during a grand jury meeting;
- 3) witnesses should arrive at staggered times to maintain witness related social distancing. Witnesses should leave upon completing their testimony, the district attorney should assure the staggered arrival times of witnesses;
- 4) the district attorney and witnesses should use technology to exhibit evidence to the grand jury when practicable and possible, when evidence must or might be handled by grand jurors, gloves and hand sanitizer shall be made available;
- 5) if a grand juror tests positive and has had contact within the infection window with the rest of the grand jury, the grand jury shall not meet for an appropriate time;
- 6) if a grand jury is required by law to conduct various inspections or if the grand jury elects to do so, all inspections should be conducted by the use of appropriate technology. If an inspection must be conducted in person, such inspection must

be done in compliance with all Supreme Court orders, orders of this court, CDC,  
DPH, and local health department guidelines.

SO ORDERED this 2 day of October, 2020.

A handwritten signature in blue ink, reading "Dwayne H. Gillis", written over a horizontal line.

Dwayne H. Gillis, Chief Judge  
Waycross Judicial Circuit