

IN THE MUNICIPAL COURT OF HINESVILLE, LIBERTY COUNTY

STATE OF GEORGIA

IN Re: Declaration of Judicial Emergency and  
Adoption of Guidelines for Municipal Court Operation

Date: May 29, 2020

ORDER DECLARING JUDICIAL EMERGENCY AND ADOPTION OF COUNCIL OF MUNICIPAL COURT JUDGES  
OF GEORGIA'S BEST PRACTICES AND GUIDELINES FOR OPERATION OF MUNICIPAL COURTS DURING THE  
COVID-19 RECOVERY

**WHEREAS**, the Governor has determined that a Public Health State of Emergency exists in the State of Georgia due to the spread of the Coronavirus/COVID-19, and whereas that state of emergency constitutes a "judicial emergency" pursuant to O.C.G.A. 38-3-60 et seq., see O.C.G.A. 38-3-60(2).

**WHEREAS**, pursuant to O.C.G.A. 38-3-61 the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, ORDERED AND DECLARED a Statewide Judicial Emergency in the State of Georgia on March 14, 2020. The nature of this emergency is the continued transmission of the Coronavirus/COVID-19 throughout the State and the potential infection of those who work in or are required to appear in courts.

**WHEREAS**, the Honorable Chief Justice Harold D. Melton, of the Georgia Supreme Court declared on May 11, 2020, an extension of the Statewide Judicial Emergency through Friday, June 12, 2020 at 11:59PM and ordered that all Georgia Courts shall continue to operate under the restrictions set forth and courts should consider the most specific current public health guidance provided by the Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH), and local health departments.

**WHEREAS**, it is necessary and proper to adopt guidelines to ensure public safety and protect the health of the general public, litigants, court personnel, lawyers, and all others whom the court comes in contact, in keeping with the general public health guidelines and the Order of Justice Melton.

**NOW THEREFORE**, pursuant to O.C.G.A. 38-3-61, The Honorable Judge Kenneth D Pangburn of the Municipal Court of Hinesville, Liberty County, Georgia, DOES HEREBY declare a Judicial Emergency in the City of Hinesville until Friday, June 12, 2020 at 11:59 PM. This Court shall continue to operate under the restrictions set forth in the initial Georgia Supreme Court Chief Justice's Order Declaring Judicial Emergency March 14, 2020 as extended of April 6, 2020, and as extended and modified May 11, 2020.

Pursuant to the Georgia Supreme Court's Second Order Extending Declaration of Statewide Judicial Emergency on May 11, 2020 this Court may conduct essential and nonessential in person judicial proceedings, but only in compliance with public health guidance and with the requirements of the

United States and Georgia Constitutions and applicable statutes and court rules including a defendant's right to confrontation.

The Court hereby adopts and includes as part of this Order by reference the Best Practices and Guidelines for Operating Municipal Courts During the COVID-19 Recovery. These guidelines address how in-court proceedings generally and particular types of proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. These guidelines were adopted and published by the Council of Municipal Court Judges of Georgia and are attached hereto as Exhibit "A". This Order and the adopted guidelines shall be prominently posted at Municipal Court entrances and on the court website of the City of Hinesville, Georgia to provide advance notice to litigants, lawyers, and the public.

This Judicial Emergency shall terminate on June 12, 2020 at 11:59 PM, unless otherwise amended or extended.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification or extension, a determination of available alternative remedies for the conduct of court business will be made as necessary, and a corresponding order will be entered and distributed in accordance with Georgia law.

Pursuant to O.C.G.A. 38-3-63 IT IS ORDERED that the Chief of Police for the City of Hinesville shall post this Order on his public notification site and at the entrance of the Hinesville Police Department.

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Georgia Supreme Court with a copy of this Order, such service to be accomplished via email to Therese Barnes, Clerk of the Supreme Court of Georgia, at [barnest@supreme.us](mailto:barnest@supreme.us).

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges, prosecutors, and clerk within the jurisdiction of Hinesville Municipal Court such service to be accomplished through reasonable means to assure expeditious receipt, and

IT IS FURTHER ORDERED that the undersigned shall give notice of issuance of this Order to the affected parties, counsel for the affected parties, and the public by publishing upon the City of Hinesville Municipal Court website and shall be posted prominently upon all entrances to the City of Hinesville Municipal Court, and the offices of the City of Hinesville Municipal Court Clerk, and the City of Hinesville Municipal Court Probation.

IT IS SO ORDERED, this 8<sup>th</sup> day of June 2020

  
Kenneth D. Pahgoun, Judge  
Municipal Court of Hinesville