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KEVIN P. WEIMER, Clerk
By: J Matz Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

IN RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19

GENERAL ORDER 22-01

ORDER

This General Order is issued in response to the ongoing COVID-19 pandemic within the Northern District of Georgia. The pandemic has impacted court operations in this district since March of 2020. While COVID-19 vaccines are available to the public, only about 54% of Georgians are fully vaccinated. Moreover, information from the Centers for Disease Control (CDC) indicates that vaccine effectiveness wanes over time and that vaccines are less effective at preventing illness caused by Omicron and other variants of the disease.[1] Data from the Georgia Department of Public Health shows that the current seven-day moving average of total new COVID-19 cases per day in Georgia is among the highest recorded at any time during the pandemic.

The President's declaration of a national emergency under the National Emergencies Act (50 U.S.C. § 1601 et seq.) due to COVID-19 remains in effect, as

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[1] *See COVID-19 Vaccine Booster Shots*, https://www.cdc.gov/coronavirus/2019-ncov/vaccines/booster-shot.html (last visited February 1, 2022); *Omicron Variant: What You Need to Know*, https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html (last visited February 1, 2022).

do the findings of the Judicial Conference of the United States that emergency conditions due to this national emergency have materially affected and will materially affect the functioning of the federal courts generally. While treatments are improving, there continues to be no known cure for COVID-19.

From March 16, 2020, through May 2, 2021, the Court's General Order 20-01 suspended all jury trials to protect the public during the COVID-19 pandemic. Jury trials have since resumed but have been and must remain small to allow for social distancing in district courtrooms. In addition, the district's largest courtroom has been reserved for conducting jury selection in a socially distanced manner and has been unavailable for large, multi-defendant trials.

In recognition of the ongoing effects of the COVID-19 pandemic in this district and the need to continue to conduct trials in a socially distanced manner, **IT IS HEREBY ORDERED** that all large, multi-defendant trials are suspended in all divisions of the Northern District of Georgia through and including March 31, 2022. For purposes of this Order, a large, multi-defendant trial is defined as a single trial with three or more defendants, unless the presiding judge determines otherwise.

IT IS FURTHER ORDERED that the time period of any continuance entered as a result of this Order (whether that continuance causes a pre-indictment delay or a pre-trial delay) shall be excluded under the Speedy Trial Act, 18 U.S.C. §

3161(h)(7)(A), as the Court finds that the ends of justice served by the continuance outweigh the interests of the parties and the public in a speedy trial. Absent further Order of the Court or any individual judge, the period of exclusion shall be from February 1, 2022, through and including March 31, 2022. The Court may extend the period of exclusion as circumstances warrant. This Order and period of exclusion are incorporated by reference as a specific finding under 18 U.S.C. § 3161(h)(7)(A) in the record of each pending large, multi-defendant trial where the Speedy Trial Act applies. *See Zedner v. United States*, 547 U.S. 489, 506-07 (2006). The periods of exclusion in the Court's prior Orders on this subject, General Order 20-01 and its subsequent amendments, are likewise incorporated by reference as a specific finding under 18 U.S.C. § 3161(h)(7)(A) in the record of each pending case where the Speedy Trial Act applies.

IT IS FURTHER ORDERED that if a continuance is granted due to COVID-19 in any case in which the Speedy Trial Act applies (not limited to large, multi-defendant trials), then the time period of that continuance shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by the continuance outweigh the interests of the parties and the public in a speedy trial, given the need to protect case participants from COVID-

19 and the manner in which COVID-19 has impacted operations for case participants and the Court.

This 15t day of February 2022.

TIMOTHY C. BATTEN, SR.
CHIEF UNITED STATES DISTRICT JUDGE