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KEVIN P. WEIMER, Clerk
By: 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
First Amendment

ORDER

This First Amendment to General Order 22-01 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. 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 remained 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 response, on February 1, 2022, the Court entered an order suspending all large, multi-defendant trials through and including March 31, 2022.

While COVID-19 vaccines are available to the public, only about 55% 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] 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 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.

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, while substantially less than the recent peak, remains higher than when the Court first suspended jury trials in 2020.

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 April 30, 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.

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

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 April 30, 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 and General Order 22-01, 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.

SO ORDERED this 1st day of March 2022.

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