

**MEMO TO:**

**Mayor Steve Edwards,  
Council Members Brandon Hembree, Nicholas Greene,  
Marc Cohen, Taylor Anderson, Susie Walker  
City Manager Paul Radford  
FROM: Judge Margaret Gettle Washburn  
RE: Municipal Court for the City of Sugar Hill, 2020 and first Quarter 2021**

**Municipal Court of the City of Sugar Hill Memo 2020, first quarter 2021.** Judge Barrett and I are honored to continue to serve this Court and this City and very much appreciate that the Mayor and Council have reappointed the two of us this year, 2021. Despite the Covid-19 issues, Judge Barrett and I taught and presented papers at the October 2020 Municipal Court Judge Seminar. We also have completed our mandatory training hours for 2020.

I have served the city as the Chief Judge since 1991. Thank you for the past 30 years! It has been my privilege and my pleasure to serve this City. I have put together some items of interest to share with the City Council for this past year.<sup>1</sup> I am also presenting information for the first Quarter of 2021.

**The Purpose of this Memo:** This is an update to the 2019 memo presented last year. Of note, I presented the City of Sugar Hill Municipal Court 2019 annual memo at the last two seminars and shared how an Annual Memo encourages and promotes communication between the court and the Council; and, although the Court and Council are independent entities, there should be a trust and connection.

Thank you to Paul Radford and the Council for allowing me to share our 2019 Memo with fellow Municipal Court judges that contacted me after our October 2020 seminar. The Municipal Court Judges attended the 2020 seminar virtually, which saved time and expense, but deprived us of the opportunity to meet and share ideas, as with prior seminars.

For the Fall 2020 seminar, I presented a paper on "Courtroom Management in the New Age of Covid 19 and other Observations from the Bench." and co-authored the "Federal Case Law Update for the Institute of Continuing Judicial Education (ICJE) Municipal Court Judges Law & Practice Update."<sup>2</sup> I have attached the Agenda and forwarded the articles to Paul Radford if the Council would like to review. The City of Sugar Hill 2019 Memo generated much interest, and I created a memo that was more user friendly for other Courts. Several Judges asked me for the format that we use for the Annual Memo and have written similar Memos for their Councils.

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<sup>1</sup> Of note, I generally submit my memo earlier in the year, however, interesting topics have continued to present over the past 16 weeks.

<sup>2</sup> See the attached agenda.

and ask for some direction as to how to clear up the problem. We are fortunate to have a Solicitor and helpful and court clerks and the Code Enforcement Officers on hand for each Court. They are always willing to talk with the Defendants before and after Court as to how to remedy the violation.

**Courtroom Management and Personnel:** Ms. Naomi Brown is our Chief Court Clerk, Ms. Kandi Peterman is our Deputy Court Clerk, and they are both excellent at keeping staff, witnesses, the prosecuting attorney, and the judges informed as to the cases on the calendars and other courtroom matters. Both clerks access the forms and required paperwork from the computer and printer in the courtroom. Ms. Brown also monitors the recording device for all court sessions. She meets with the prosecuting attorneys and the City Planning and Zoning officers before court and has everything ready by the time I report for court. She is always pleasant and professional in her demeanor. Deputy Court Clerk Kandi Peterman sends out the monthly calendars well in advance of court to all persons that are required to attend and to City personnel. Both are certified in Courtware Software operation. As I wrote this memo, both Ms. Brown and Ms. Peterman tried to give the other "credit" for how smoothly our Court operates. Their mutual respect and cooperation for each other and the Court is much appreciated.

Ms. Brown and Ms. Peterman attended the 2020 ICJE Municipal Court Clerk Recertification Training on October 5<sup>th</sup> to October 9<sup>th</sup>, online through the eLearning Commons Course. To maintain compliance, Naomi and Kandi applied and were accepted for the 2021 ICJE Municipal Court Clerk Recertification Training on November 4<sup>th</sup> and 5<sup>th</sup> 2021 at The Westin, Jekyll Island.

The City officers that issued citations and appeared on behalf of the City in Court are Donna McDaniel and Caleb Harris. They were prepared and professional in their presentation of their cases and testimony, including having copies of the notices, photos and other evidence in the files for Court.

Mr. Harris completed his GACE Level 1 Certification on October 2<sup>nd</sup>, 2020. I have attached his certificate.<sup>5</sup> Ms. McDaniel attended the Georgia Association of Code Enforcement Training Conference in Savannah continuing her training for a Master Certification in Code Enforcement in March 2020 and in March 2021.

The Court Solicitor for the 2020 calendar was Jill Young, Thompson, Sweeny, Kinsinger, & Pereira P.C., On a happy note, Jill has added to her family and is taking some well-deserved time away from the law. Mr. Creighton Lancaster has been serving the City as Solicitor in her absence. Mr. Lancaster meets with the City's witnesses and with the Defendants and can usually resolve the cases amicably and professionally, prior to calendar call. It is a rare occasion when Ms. Young or Mr. Lancaster is unable to resolve a matter prior to a trial.

Plaza Security provides its services to secure Bailiffs for court. We appreciate Sgt. William Parrish's service as our bailiff in the courtroom last year and are thankful that we did not have any problems that would require his assistance. Currently, our Bailiffs are Jim Tate and Fnu

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<sup>5</sup> Caleb Harris Certification

that he or she can contact the P&Z office and ask questions, which could save them a trip to court. All our sessions have run very smoothly and promptly.

Our court uses the Bench Cards provided by the Judicial Council and the AOC: "Working with Limited English Proficient Persons, and Foreign-Language Interpreters in the Courtroom" and "Working with Deaf or Hard of Hearing Persons and Sign Language Interpreters in the Courtroom," updated by the Administrative Office of the Courts. We also have a Bench Card entitled "Judge's Guide to Mental Illness in the Courtroom," updated by the Administrative Office of the Courts. This has not been an issue to date.

I spoke to the New Judges in our recent New Judge Track for Municipal Court Judges' 20 Hours Certification seminar on March 22, 2021. I told them the remarks that I make at the beginning of our court sessions and reminded them: "Be Nice to the people in your courtroom. You do not know where they have been that morning, if the kids were late to school, if someone in their family is ill, or what their circumstances may be. Just be kind, especially in today's climate of anxiety and uncertainty. Do what is necessary to allow everyone in the courtroom to have faith in our judicial system."

In the New Judges orientation, there were many interesting topics: court management during COVID-19 and other issues; seek to assure a sense of justice and fairness but also fair play in your court room for everyone, that includes not just the defendants, but, also, the court clerks, court personnel, bailiffs, prosecutors, and the attorneys that come before the Court. We also talked about following the Covid 19 policies and protocols in order that everyone in the courtroom will see that their safety and their welfare is just as important to the Judge as their case, not that the fees, fines, and surcharges that they may be paying into the registry or account set up for your Court. This echoes the lessons learned in the Doraville and McDonough cases.

On April 8, 2021, Chief Justice Melton issued the Thirteenth Order Extending Declaration of Statewide Judicial Emergency. I have forwarded the Order to Naomi Brown for our Municipal Court folder on her desk top and also to Paul Radford. Our court continues to follow the mandates of all the Orders Extending Declaration of Statewide Judicial Emergency.

I included several examples of Covid 19 policies and procedures, including our City of Sugar Hill policy, that is posted on the website and on the door:

**Safety is a major concern for anyone entering the courtroom. Anyone exhibiting symptoms of infection such as a fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 are asked not to enter the courtroom. If you are sick and have concerns about appearing in person, please use phone or email to contact the Municipal Court Clerk. Contact information for the Municipal Court Clerk can be found at [www.cityofsugarhill.com](http://www.cityofsugarhill.com)."**

There is one open case still pending from the 2020 calendars, Sugar Hill v Cowart Properties. That case has been pending while the City Attorney, the City officer that issued the citation, and the Defendant work toward resolution. The 2021 Court Calendar has been created and is attached<sup>13</sup>. I have also attached the Case Count Report for 2021, thus far.<sup>14</sup> The actual calendars are in a PDF forwarded to Paul Radford.

I have sent inquiries to the AOC about the Clearance Rate of Excellence in Reporting certificates. AOC was not able to compile the statistics needed to award Certificates for 2019 at the seminar and we did not have an in-person business meeting in June, 2020. As of yesterday, the AOC has not completed their updates since the Malware problem from last year.

**Probation Services:** Southeast Corrections, LLC, a private probation company, serves our court. Mayor Edwards and I have signed the Agreement for Provision of Probation Services for the Municipal Court of Sugar Hill, Georgia, on January 31, 2018. I have received and reviewed all quarterly and annual reports provided to me by Southeast Corrections. Mr. Prescott's report of January 15, 2020 and the July 13, 2020 are attached.<sup>15</sup> I have also attached the Southeast Corrections 2021 1st Quarter report for Sugar Hill and 2020 4<sup>th</sup> Quarter report.<sup>16</sup>

**Judge Washburn and Judge Barrett:** Judge Charles Barrett and I have attended and completed the Municipal Court Judge Law and Practice Update for 2020 and renewed our certification through June 2021. Both of us continue to serve on the Executive Committee and are Past Presidents of the Council. We are recipients of the Frost Ward Lifetime Achievement Award, presented by the Council for Municipal Court Judges and other awards over the past years, and it is an honor to be recognized by our peers.

We both teach and make presentations at training seminars for the Municipal Court Judges. I spoke as recently as Monday, March 22, 2021. I have continued to speak at the seminars and I was a moderator and panelist for "City Councils, Municipal Judges, Communication: Improving the Court and Maintaining Independence in Judicial Decisions" and the panel for "New Judges Orientation, Fundamentals of Courtroom Management." These presentations were made at the June and October, 2020 seminars. Judge Barrett also made presentations as to the Legislative Updates.

Judge Barrett is the Chair of the CMCJ Legislative Committee of the Council of Municipal Court Judges. He is working with the AOC and our legislative liaison and policy analysts at the AOC on introducing legislation that has a direct impact on the Municipal Court Judges. One of the proposed changes is to the Rule for Part-time Municipal Court Judges: GA. R. Sup. Ct. 17.3, which would allow a Municipal Court Judge to add their court sessions to their conflict letters of Leaves of Court requests.

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<sup>13</sup> See attached Calendar 2021

<sup>14</sup> See attached Case Count 2021

<sup>15</sup> See attached SE Prob report of January 15, 2020 and July 13, 2020

<sup>16</sup> See attached SE Prob report 2021 1<sup>st</sup> quarter and 2020 4<sup>th</sup> Quarter report

## 2020 MUNICIPAL COURT JUDGES LAW & PRACTICE UPDATE

Pre-Recorded Educational Sessions

Available beginning September 30, 2020

*\*\*A link to view the below sessions will be emailed to all registered attendees and will be available to view at your convenience to obtain up to 21 CJE credits. Signed attendance forms claiming CJE credit will be due to the ICJE office no later than Dec. 31, 2020.*

*\*\* NEW Municipal Court Judges' will also be required to participate in the New Judges' Track Sessions via Zoom Video Conference from 1:30 – 5:30 pm on Thursday, October 1<sup>st</sup>. Links to register (through Zoom) and view the Zoom Event will be emailed separately.*

*\*\*Please note that should any speakers finish their presentation prior to their allotted timeframe, you will still earn the specified credits by viewing the recording and reviewing the corresponding course materials.*

**1.0 Hour Legislative Update – Ms. Tracy Mason**

*\*This Session is Required for New Municipal Court Judges\**

**1.5 Hours Update on DUI Law – Hon. Rick Ryczek and Hon. Mike Hawkins**

*\*This Session is Required for New Municipal Court Judges\**

**0.5 Hour Georgia Courts Registrar – Caseload Reporting – Mr. Jeffrey Thorpe and Mr. Herbert Gordon**

*\*This Session is Required for New Municipal Court Judges\**

**1.0 Hour Ethics for Judges – Hon. Bill NeSmith**

*\*This Session is Required for New Municipal Court Judges\**

**1.0 Hour 11<sup>th</sup> Circuit Case Law Update / City of McDonough – Hon. Margaret Washburn and Hon. David Will**

*\*This Session is Required for New Municipal Court Judges\**

**1.0 Hour COVID Guidelines & Virtual Court – Hon. Norman Cuadra, Hon. Matt McCord, Hon. Pandora Palmer,**

**& Hon. Holly Veal**

*\*This Session is Required for New Municipal Court Judges\**

**2.0 Hours DDS Update – Atty. Angelique McClendon & Atty. Crandall Heard**

*\*This Session is Required for New Municipal Court Judges\**

**1.0 Hour Advances in Alcohol Monitoring Devices – Ms. Jessica Rocker**

*\*This Session is Required for New Municipal Court Judges\**

**1.0 Hour Interpreters in the Courts – Mr. John Botero**

*\*This Session is Required for New Municipal Court Judges\**

**1.0 Hour Professionalism For Judges / JQC Update – Atty. Chuck Boring**

*\*This Session is Required for New Municipal Court Judges\**

**1.0 Hour Benchbook Update – Hon. Parag Shah, Atty. Karina Deochand, and Atty. Romi Jayswal**

*\*This Session is Required for New Municipal Court Judges\**

**1.0 Hour CJE Track: Mental Illness and How It Presents in your Court – Ms. Leslie Lopp**

**1.0 Hour CJE Track: The Commitment Process – Hon. Christopher Ballar and Ms. Amanda Brown**

**1.0 Hour CJE Track: Ethical Issues Related to Mental Illness – Atty. Leigh Burgess**

**1.0 Hour CJE Track: Mental Health and Addiction Accountability Courts – Hon. Mary Staley Clark & Dir. Chad Jones**

**1.0 Hour CJE Track: Mental Health and Incapacity: Guardianships, Conservatorships and Incapacity Planning – Atty. Diane Weinberg**

**2.0 Hours Case Law Update – Hon. Ben Studdard**

*\*This Session is Required for New Municipal Court Judges\**

**2.0 Hours Evidence Update – Hon. Parag Shah**

*\*This Session is Required for New Municipal Court Judges\**



INSTITUTE OF CONTINUING JUDICIAL EDUCATION

University of Georgia  
1150 South Millidge Avenue  
Athens, GA 30602-5025  
<http://icje.uga.edu>

# University of Georgia

CARL VINSON INSTITUTE OF GOVERNMENT

*in partnership with*

Georgia Association of Code Enforcement

*hereby certify that*

## Caleb Harris

*has satisfactorily completed and met the requirements of the*

**CODE ENFORCEMENT OFFICER CERTIFICATE PROGRAM**

October 2, 2020

*Dr. Lyndell C. Harris*

President  
Georgia Association of Code Enforcement



*Tim A. McInerney*

President  
University of Georgia

City of Sugar Hill  
Municipal Court Calendar 2020

01-17-2020

02-21-2020

03-20-2020

04-17-2020

05-15-2020

06-19-2020

07-17-2020

08-21-2020

09-18-2020

10-16-2020

11-20-2020

12-18-2020

\*Dates are subject to change

558 ("the Property") beginning May 2, 2019 through the date of the hearing on October 18, 2019.

The certified Record of the below proceedings was timely filed by the Court Clerk for the City of Sugar Hill Municipal Court on May 22, 2020.<sup>1</sup> The City and Respondent both filed Answers to Plaintiff's Petition for Writ of Certiorari on June 5, 2020. On July 20, 2020, Plaintiff filed a Traverse, moving to strike the City's Answer and the Respondent's Answer in their entireties. On August 10, 2020, the City filed a Motion to Strike the Plaintiff's Traverse and Response in Opposition to the Motions to Strike the Answer of the City and the Answer of the Respondent filed within the Plaintiff's Traverse.

A hearing was held on September 23, 2020 at which counsel for the Plaintiff and the City appeared and made arguments on their respective positions. Having considered Plaintiff's Petition for Writ of Certiorari, the Answers of the City and the Respondent, Plaintiff's Traverse, the City's Motion, and the controlling law, the Court finds as follows:

#### **I. Plaintiff's Petition for Writ of Certiorari**

This Court sits as an appellate tribunal reviewing Plaintiff's conviction of violating the City's ordinance. The standard of review when a Superior Court considers a Petition for Certiorari is "limited to all errors of law and determination as to whether the judgment

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<sup>1</sup> All filing deadlines in this case were stayed beginning March 14, 2020 pursuant to the Georgia Supreme Court's Order declaring a Statewide Judicial Emergency on March 14, 2020, its First Order Extending Declaration of Statewide Judicial Emergency on April 6, 2020, and its Second Order Extending Declaration of Statewide Judicial Emergency on May 11, 2020, and its Third Order Extending Declaration of Statewide Judicial Emergency on June 12, 2020. Pursuant to this Court's July 1, 2020 Order Reopening Pending Case Previously Stayed Due to Judicial Emergency, for pleadings filed after March 14, 2020, all deadlines previously suspended, tolled, or extended by the Georgia Supreme Court's Orders Declaring Statewide Judicial Emergency were re-imposed, such time deadlines began anew on July 1, 2020.



2. Plaintiff's certiorari bond in the amount of Five Hundred and 00/100 Dollars (\$500.00) previously submitted to the City of Sugar Hill is hereby forfeited to the City of Sugar Hill; and
3. Plaintiff shall pay to the City of Sugar Hill the remaining Fifty and 00/100 Dollars (\$50.00) of the fine originally assessed within thirty (30) days of the date of this Order.

SO ORDERED this 24th day of September 2020.



Warren Davis, Judge  
Superior Court of Gwinnett County

Prepared and presented by:  
**THOMPSON, SWEENEY  
KINSINGER & PEREIRA P.C.**

/s/ Jill T. Young

Jill T. Young

Ga. Bar No. 367039

*Attorney for the City of Sugar Hill*

P.O. Drawer 1250

Lawrenceville, GA 30046

(770) 963-1997 telephone

(770) 822-2913 facsimile

[jty@thompson-sweeny.com](mailto:jty@thompson-sweeny.com)

# Court of Appeals of the State of Georgia

ATLANTA, November 19, 2020

*The Court of Appeals hereby passes the following order*

**A21D0099. DONROB INVESTMENTS, L.P. v. CITY OF SUGAR HILL, GEORGIA et al.**

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

LC NUMBERS:

20A0149510



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta, November 19, 2020.*

*I certify that the above is a true extract from the minutes  
of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto  
affixed the day and year last above written.*

*Stephen E. Castles*, Clerk.



## Judicial Council of Georgia

### Administrative Office of the Courts

Chief Justice Harold D. Melton  
*Chair*

Cynthia H. Clanton  
*Director*

#### Memorandum

TO: Members of the General Assembly and other interested parties

FROM: Chief Judge Christopher J. McFadden, Chair  
Certiorari Review Subcommittee  
Judicial Council of Georgia/Standing Committee on Legislation

RE: Draft Superior and State Court Appellate Practice Act

DATE: August 21, 2020

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This memorandum provides an executive summary of the attached draft Superior and State Court Appellate Practice Act, which is supported by the Judicial Council of Georgia. The Certiorari Review Subcommittee of the Judicial Council of Georgia/Standing Committee on Legislation was appointed on July 21, 2016, for the purpose of reviewing the current certiorari review procedure set forth in OCGA §§ 5-4-1 et seq. The goal of the Subcommittee is to simplify, improve, and modernize the municipal, magistrate, and non-Article 6 probate court appellate process. The product of the Subcommittee's work is the attached draft summarized below.

#### Background

The members of the Certiorari Review Subcommittee have noted widespread confusion and frustration across the State regarding how to invoke the appellate jurisdiction of a superior or state court. The Subcommittee has also observed that a number of litigants statewide are not getting their cases decided on the merits because they used the wrong procedure. Procedural dismissals deny parties a decision on the merits and deprive lower judiciaries of meaningful instruction.

The draft Superior and State Court Appellate Practice Act would remove archaic procedural barriers that exist under the current appellate process. The proposed legislation would also create a single, clear, logical, and modern procedure that replaces complex statutes and parallel processes on the subject (e.g., a writ of certiorari, notice of appeal, or writ of mandamus). Moreover, the proposed statutes would create an easier to navigate process that promotes access to justice, particularly for self-represented litigants, by increasing the number of appeals to superior and state court that are decided on the merits instead of dismissed on complex and antiquated procedural grounds.

### *5-3-3. Definitions*

Proposed Code Section 5-3-3 would define the terms used in the Act. Lines 83-118. The terms “lower judicatory” and “decision” would be broadly defined to reflect that reviewing superior and state courts have appellate jurisdiction over the “judicial” and “quasi-judicial” decisions of a wide variety of State and local government officials. See lines 85-86; 89-99. Code Section 5-3-3 would also clearly define “opposing party,” which would replace the problematic existing terms “opposite party” and “respondent.” Lines 107-110. Identifying the “opposite party” and “respondent” when petitioning for a writ of certiorari is a source of confusion under current law. See, e.g., OCGA §§ 5-4-6; 5-4-7; 5-4-9; 5-4-18. See also *City of Sandy Springs Bd. of Appeals v. Traton Homes, LLC*, 341 Ga. App. 551, 557 (801 SE2d 599, 605) (2017).

### *5-3-4. Superior and state court appellate jurisdiction; exceptions; preemption*

Subsection (a) would establish the appellate jurisdiction of superior and state courts over a “final judgment” of a “lower judicatory,” as defined in paragraphs (3) and (4) of proposed Code Section 5-3-3. Lines 120-122; see lines 89-99. Subsections (b) and (c) would provide for exceptions to superior and state court appellate jurisdiction which are identical to those under current law. Lines 123-142. Subsection (d) would provide that the provisions of the Act would “preempt all local laws, locally enacted laws, ordinances, regulations, rules, or procedures.” Lines 143-146.

### *5-3-5. Standard of review; appeal to jury*

Proposed Code Section 5-3-5 would address standards of review of a petition for review. Lines 147-162. Subsection (a) would provide that the default standard of review is a limited review analogous to a review in an appellate court or under the current writ of certiorari procedure. Lines 148-160. When conducting a limited review, the reviewing superior or state court would “sit as a court of review” as specified in paragraphs (1)-(5) of subsection (a). Lines 152-160. Subsection (b) would provide for a de novo standard of review only if “a de novo proceeding is specified by law.” Lines 161-162. Subsections (c) and (d) would address jury trials in the context of a de novo proceeding. Lines 163-167. Subsection (d) would require a demand for a jury trial in a de novo proceeding to be “filed in the reviewing superior or state court within 30 days after the filing of the petition for review.” Lines 166-167.

### *5-3-6. Invoking superior or state court appellate jurisdiction; practices and procedures not prescribed*

Subsection (a) would establish the filing of a petition for review with the clerk of a reviewing superior or state court as the procedural mechanism for invoking the appellate jurisdiction of a superior or state court. Lines 170-172. Subsection (b) would clarify that a “petitioner may file a petition for review without the approval of the lower judicatory.” Lines 173-174. Subsection (c) would permit the superior or state court appellate practices not covered in the Act to “be governed by superior or state court rule or order.” Lines 175-177.

#### *5-3-10. Service of process*

Proposed Code Section 5-3-10 would establish the procedures and requirements for service of process in a petition for review. Lines 269-325. Subsections (b)-(f) of this Code section are adapted from subsection (f) of existing OCGA § 9-11-5 and would permit and encourage electronic service of process. Lines 301-325.

#### *5-3-11. Deadline extensions*

Subsection (a) of proposed Code Section 5-3-11 would require a person seeking a deadline extension to do so before the expiration of the filing period currently in effect. Lines 327-329. Subsection (b) would permit only one filing extension for a petition for review but would permit additional deadline extensions for other documents. Lines 330-334. Subsection (c) would require the clerk of the reviewing superior or state court to promptly serve each party and the clerk of the lower judicatory with a copy of any extension granted and the motion requesting such extension. Lines 335-338.

#### *5-3-12. Limited grounds for dismissal*

Proposed Code Section 5-3-12 would limit the grounds for which a reviewing superior or state court may dismiss a petition for review to the reasons enumerated in paragraphs (1)-(6) in subsection (a). Lines 340-349. Subsections (b) and (c) of this proposed Code section would require a reviewing superior or state court to give a petitioner an opportunity to cure a defect in a petition for review, bond, or affidavit of indigence prior to dismissing the petition for review. Lines 350-357. Similarly, a reviewing superior court would be required to permit a lower judicatory to address its failure to transmit any document needed to conduct its review. Line 352. Subsection (d) would give a party an opportunity to address his or her failure to perfect service on another party prior to a reviewing superior or state court dismissing the appeal for failure to perfect service (note the use of the word "immediately"). Lines 358-359.

#### *5-3-13. Venue; jurisdiction; transfers*

Subsection (a) of proposed Code Section 5-3-13 would require a petitioner to file a petition for review in a superior or state court with proper venue and jurisdiction. Lines 361-363. Subsections (b)-(e) would facilitate a transfer of a petition for review filed in the wrong court to the correct superior or state court. Lines 364-378.

#### *5-3-14. Record on appeal*

Proposed Code Section 5-3-14 is modeled after existing OCGA § 5-6-41 (which governs the creation of a transcript of evidence and proceedings for use by an appellate court) and would similarly provide for the creation of a record in the lower judicatory for use by the reviewing superior or state court in a petition for review. Lines 379-462.

A supersedeas bond under proposed Code Section 5-3-17 would be limited to "the total amount of damages, fines, fees, penalties, and surcharges imposed by the lower judiciary in the case under review" per subsection (e). Lines 529-531. Subsection (f) would establish general requirements for bonds given in a petition for review. Lines 532-546. Subsections (j)-(n) would preserve various bond provisions under current law, including those in existing OCGA §§ 5-3-6; 5-3-23; 5-3-25; and 5-4-10. Lines 558-575.

#### *5-3-18. Procedures after review*

Subsections (a) and (b) of proposed Code Section 5-3-18 would provide instructions regarding what to do after a petition for review has been reviewed by a superior or state court. Lines 577-584. Subsection (c) would require the clerk of the reviewing superior or state court to serve a copy of the reviewing superior or state court's decision regarding a petition for review on the clerk of the lower judiciary and all parties within five days after the date the decision was rendered. Lines 585-588. Under subsection (d), the clerk of the lower judiciary would then be required to notify the judge or member of the lower judiciary who decided the case below of the reviewing superior or state court's decision. Lines 589-591. The decision of the reviewing superior or state court would be reviewable by the appropriate appellate court prescribed by law under subsection (e). Lines 592-593.

#### *5-3-19. Effects of dismissal or withdrawal*

The first sentence of subsection (a) of proposed Code Section 5-3-19 would restate a portion of existing OCGA § 5-3-7, which provides that if an appeal is dismissed, "the rights of all parties shall be the same as if no appeal had been filed." Lines 595-596. The second sentence of subsection (a) and paragraphs (1)-(3) would clarify how the first sentence in subsection (a) is to be applied. Lines 596-603. The effect of subsection (a) would be to overrule the majority opinion in *Long v. Greenwood Homes, Inc.*, 285 Ga. 560 (679 SE2d 712) (2009). This proposed Code section would work in concert with Section 5-1 of the Act to do so. See lines 1392-1395.

#### *5-3-20. Damages for frivolous appeals in civil cases*

Subsection (a) of proposed Code Section 5-3-20 would generally provide for damages against the petitioner and the petitioner's security, if any, in cases where the appeal was frivolous and intended only for delay. Lines 607-613. Such damages would be capped at "20 percent [of] . . . the principal sum that the jury or the reviewing superior or state court finds due." Lines 612-613. Subsection (b) would limit the applicability of proposed Code Section 5-3-20 "only to civil cases where a petition for review results in a judgment for a sum of money." Lines 614-615.

#### *5-3-21. Recovery of costs*

Proposed Code Section 5-3-21 would provide the reviewing superior or state court guidance regarding ordering the recovery of costs by the petitioner or the opposing party depending on who prevails in a petition for review. Lines 616-632.

## **Draft Superior and State Court Appellate Practice Act**

Current draft may be viewed at: <https://georgiacourts.gov/wp-content/uploads/2020/07/Draft-Superior-and-State-Court-Appellate-Practice-Act-Judicial-Council-Draft-1.pdf>

## CASE-COUNT REPORT

CASES ADJUDICATED

CASES WITH DISP-DATES FROM 01/01/2020 TO 12/31/2020

## TOTAL NON-TRAFFIC CASES:

PLEA	FINDING	CASE-COUNT
NA IN ABSENTIA	BF BOND FORFEITURE	7
G GUILTY	G GUILTY AS CHARGED	3
NG NOT GUILTY	G GUILTY AS CHARGED	1
NC NOLO CONTENDRE	NC NOLO CONTENDRE	14
NA IN ABSENTIA	NP NOLLE PROSEQUI	52
NC NOLO CONTENDRE	NP NOLLE PROSEQUI	1
VO VOIDED	VOI VOIDED	1
TOTAL CASES:		79

GRAND TOTAL: 79



*I certify that, to the best of my knowledge, all of the information on this form is true and accurate. I understand that this data will be used by the Judicial Council to analyze judicial branch activity and that incorrect data may result in inaccurate reports to local and state officials regarding resource needs for my county or circuit.*

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## CASE-COUNT REPORT

CASES ADJUDICATED

CASES WITH DISP-DATES FROM 01/01/2021 TO 05/01/2021

## TOTAL NON-TRAFFIC CASES:

PLEA		FINDING		CASE-COUNT
NA	IN ABSENTIA	BF	BOND FORFEITURE	1
NG	NOT GUILTY	G	GUILTY AS CHARGED	4
NA	IN ABSENTIA	MER	MERGED WITH ANOTHER CASE	1
NC	NOLO CONTENDRE	NC	NOLO CONTENDRE	10
NA	IN ABSENTIA	NP	NOLLE PROSEQUI	5
TOTAL CASES:				21
GRAND TOTAL:				21

Southeast Corrections, LLC  
1960 Satellite Boulevard – Suite 3000  
Duluth, Georgia 30097



July 13, 2020

Dear Mayor Edwards,

Georgia statute O.C.G.A. 42-8-108 and our own desire to communicate fully with our court partners mandates that we share with you a great deal of caseload supervision data performed by Southeast Corrections during the period July 1, 2019 through June 30, 2020. Further as a part of this statute, we communicate on a quarterly basis with the judges of our courts. I, along with our local staff, have regular communication with Judge Washburn, who was copied on this communication. Due to the court's ability to satisfactorily work out resolutions to city ordinance cases over the last 12 months, we have not had any cases under supervision to detail for you. Nonetheless, we are pleased to assist your court as needed and anticipate that our involvement will increase in years to come.

While we communicate our appreciation to our judges, clerks, and other court personnel on a regular basis for the opportunity to serve Georgia's courts, this presents a prime opportunity to say thanks to you, the local government leaders who lay the foundation for us to be successful. 2020 has been an incredibly challenging year for all of us. We are pleased to report that Southeast Corrections has weathered the storm of COVID-19 and are already back in many courtrooms across Georgia, aiding in clearing large backloads of cases. Most of our courts have little or no court proceedings since March and we are still limited in many respects to "business as usual". We have maintained consistent contact with our judges and court partners throughout the pandemic and have learned many valuable lessons during this time that will aid us and the probationers we serve in the immediate future and beyond. Along with my memo, I have included the Georgia Court Reopening Guide created by the Judicial Council Strategic Plan Standing Committee. Georgia's courts have worked diligently to reopen with careful thought laid out to safeguards for staff, guests, jurors and the public at large.

We remain steadfast that privately managed misdemeanor probation presents an incredible value for you and the taxpayers, especially in a time of economic downturn and decreased revenues for local governments. All our fees are paid for by probationers who are the recipients of our services. Our employees provide court intake of newly sentenced probationers, follow-up supervision that is fully compliant with all rules and best-practice suggestions by the Department of Community Supervision (DCS), courtroom testimony, and detailed activity reports on a monthly basis, or more often as prescribed by our agreements with you.

We collect and return all court ordered fines and court costs to the courts with detailed accounting reports. Many of you elect to receive electronic month-end reports that save your court staff valuable time on data entry tasks. We work diligently with clerks after the month-end

Michelle Autry – Vice President  
michelleautry@secorrections.com



## SEC Quarterly Report

### Sugar Hill Municipal Court

1/1/2021 - 3/31/2021

#### Probationer Data (Does not include Pre-Trial)

Active Reporting	0
Pay Only	1
Warrants	0
Tolled Warrants	0
Non-Reporting	0

#### Collections/Community Service

Restitution	\$0.00
Court Money	\$202.00
Crime Victim Fund	\$18.00
CS Worked	0.00
CS Converted	0.00

#### SEC Revenue

Supervision Fees	\$80.00
Class Fees	\$0.00
ELEC Monitoring	\$0.00
Drug Screens	\$0.00

#### Terminations

Successfully Closed	0
Unsuccessfully Closed	0

## Margaret Washburn

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**From:** Bruce Shaw <Bruce.Shaw@georgiacourts.gov>  
**Sent:** Wednesday, March 31, 2021 2:07 PM  
**To:** Margaret Washburn  
**Subject:** March 2021 Georgia Courts Journal

[Articles of interest from the March 2021 Georgia Courts Journal](#)

[View this email in your browser](#)

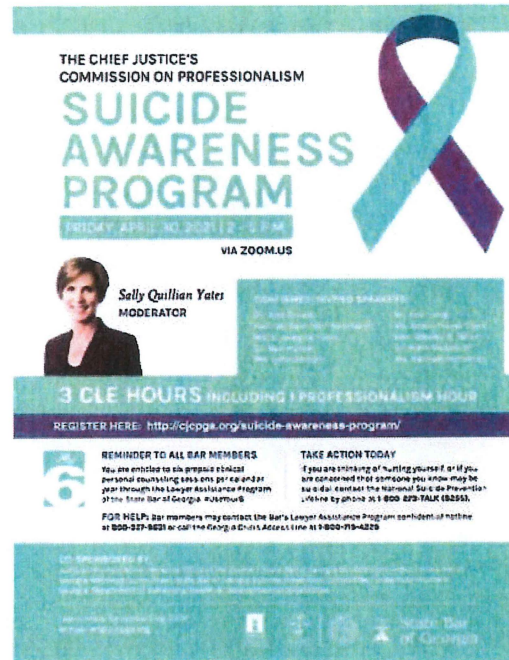


**March 2021**

### **Greetings Courts Journal Readers:**

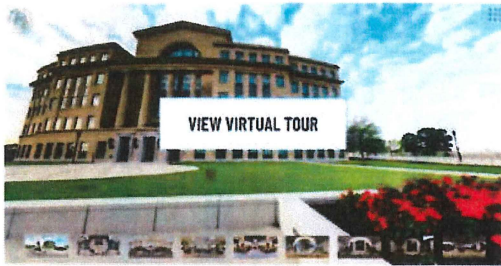
Our top stories are the 2021 State of the Judiciary speech by Chief Justice Melton—his final— which he delivered in person to the Georgia General Assembly on March 16th and also live-streamed, as well as the news that court personnel became eligible for the COVID-19 vaccine on March 17th. A number of court personnel told us that their communities immediately jumped into action to get their local court staff vaccinated including Forsyth County Courts, Fulton County Superior Court and Magistrate Court, Hall County Courts, and the City of Suwanee. The AOC also reached out to Kroger pharmacy which responded immediately and set up a clinic for the justices, judges, and staff near the Capitol. A number of folks reported feeling good about the start of this collective process of building immunity after the year-long virus threat. T.J. BeMent shared poignant remarks in this NCSC article about lessons learned





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about you and the book you recommend (you'll approve it before posting, of course!). We are also planning a panel discussion with three Fulton County middle schools and Fulton County Judges on May 7, 2021. Finally, if you are participating in any Law Day activities, please let us know as we'd love to promote your good civics education efforts. In the meantime, stay well while you send us a book recommendation!



**Call on us anytime. Talk to you in April.**

*Your JC/AOC Courts Journal newsletter team: Michelle Barclay, Noelle Laqueux-Alvarez, Bruce Shaw, and our contractor, John Ramspott.*



### March 23

*"My father, Donald W. Gettle, Emory L62, was my inspiration to attend Emory Law School. He was brilliant and acerbic, the archetypal law school professor. My mother was the first woman hired in the State of Georgia Department of Human Resources as their Public Relations officer. They both set a very high bar! Upon graduation, in 1979, I was fortunate to receive an offer to work as a staff attorney for Chief Judge Tom Camp, State Court of Fulton County. While there, I met Judge Dorothy Toth Beasley, the first woman appointed to the Fulton County State Court, in 1977. While I worked at the State Court, I listened to Judge Beasley when she was on the bench and during judges' meetings. She rarely let people ruffle her, including older gentlemen that did not always take her seriously. Judge Beasley always responded to people in a respectful and interested manner, even staff attorneys. She was appointed to the Georgia Court of Appeals in 1984, and successfully lobbied to add "and women" to the Court of Appeals' motto, which now reads: "Upon the integrity, wisdom, and independence of the judiciary depend on the sacred rights of free men and women." Hopefully, I have learned from her example. I am also inspired by my good friend, Judge Rashida Oliver, Municipal Court of East Point. She is strong, smart, fearless, and beautiful. Judge Oliver protects the rights of everyone that walks, or zooms, into her court; she sets the bar for all of us. Hopefully, I have learned from her example, as well."*



Chief Judge Margaret Washburn, Municipal Court of Sugar Hill