

IN THE STATE COURT OF BRYAN COUNTY
STATE OF GEORGIA

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IN RE: ALL NON-CIVIL, TRAFFIC §
and CRIMINAL MATTERS, §
§

Rebecca C. Crowe
Clerk of Courts
Bryan County, Georgia

STANDING ORDER NO. 2025-1

Both the Federal and our State Constitution provide for the right to a public hearing of all criminal cases. Argersinger v. Hamlin, 407 U.S. 25, 28, 92 S.Ct. 2006, 32 L.Ed.2d 530 (1972); Purvis v. State, 288 Ga. 865, 708 S.E.2d 283 (2011). Such right requires that the courthouse and courtroom remain open and accessible to the public at all times when a criminal matter is being heard. Young v. State, 312 Ga. 71, 860 S.E.2d 746 (2021). However, this privilege does not include the right for a defendant to appear at any time he/she chooses during the day of his/her hearing. On several occasions, a party in this Court has entered the Courthouse, and sought admittance into the State Court Courtroom thirty minutes or more after the case was scheduled to be heard seeking to have his case heard upon his entry into the Courtroom, or thereafter. In such circumstances, court personnel have sought clarification as to whether the defendant's case could be heard, albeit later than scheduled. While the Court has at no time rejected anyone's ability to enter the courtroom to observe the proceedings, the Court is empowered to continue matters when a party does not appear on the designated date/time. LaGon v. State, 334 Ga. App. 14, 778 S.E.2d 32 (2015); State v. Dodge, 251 Ga. App. 361, 553 S.E.2d 831 (2001); Jones v. State, 250 Ga. App. 829, 553 S.E.2d 24 (2001); Clark v. State, 259 Ga. App. 573, 578 S.E.2d 184 (2003). On occasion the Court has allowed such individuals' cases to be heard, even if it was later than expected. On those occasions, however, this has delayed the proceedings, also allowing individuals who may

have been waiting since the appointed time to wait even longer just so that a matter may be heard latter than scheduled. Such results are inequitable and inefficient.

NOW THEREFORE, it is hereby **ORDERED** that upon the call of any case in which any defendant, and/or his counsel, is appearing later than 45 minutes after the case is scheduled to be called, the case shall automatically stand continued to the next available court date. To be clear, this mandate shall not limit the Court's ability to enter a bench warrant or impose such other sanction it deems proper. Moreover, this requirement shall not apply to the following circumstances:

- (a) any case where counsel has previously announced an inability to be present at the designated time because of a conflict after Counsel's compliance with the relevant Superior Court Rule(s). Court personnel is hereby authorized and directed to inform any such individuals of the entry of this Standing Order;
- (b) any case where the foregoing exception applies and the defendant is belatedly entering the courthouse due to his counsel's inability to timely be present due to conflict; and
- (c) any instance where the defendant resides 100 miles, or more, and his appearance was delayed due to his/her travel time, the defendant's case shall be called as soon as possible upon his appearance, so long as court is still in session.

SO ORDERED, this 9th day of April, 2025.



HON. BILLY E. TOMLINSON
Judge, State Court of Bryan County
State of Georgia