

**IN THE SUPERIOR COURT OF CHEROKEE COUNTY  
BLUE RIDGE JUDICIAL CIRCUIT  
STATE OF GEORGIA**

IN RE: State of Judicial Emergency  
May 12, 2020

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**ORDER DECLARING SECOND EXTENSION OF JUDICIAL EMERGENCY**

On March 14, 2020, Chief Justice Harold Melton of the Supreme Court of Georgia entered an order declaring a state-wide judicial emergency. Thereafter, this Court entered a series of Orders to confirm and implement the provisions of the Chief Justice's Order.

On April 6, 2020, Chief Justice Melton entered an Order extending the state-wide judicial emergency until May 13, 2020 at 11:59 p.m. Similarly, this Court entered an additional Order to confirm and implement the provisions of the Chief Justice's Order. All of the above Orders are reaffirmed and incorporated by reference, except as may be modified herein.<sup>1</sup> On May 11, 2020, Chief Justice Melton entered an Order extending the state-wide judicial emergency until June 14, 2020 at 11:59 p.m. Said Order is incorporated by reference herein.

The active number of coronavirus/CoVid-19 cases in Cherokee County continues to rise; there continues to be a potential risk of infection to those who work in our Courts and those who are required to appear in them. This risk of disease transmission is

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<sup>1</sup> Said orders are as follows: Order to Address Essential Functions, filed March 18, 2020 at Superior Court Minute Book 201, Page 2229; Order on Public Access, filed March 26, 2020 at Superior Court Minute Book 201, Page 2231; and First Amendment to Order to Address Essential Functions, filed March 27, 2020 at Superior Court Minute Book 201, Page 2233; and Order Declaring Extension of Judicial Emergency, filed April 7, 2020 at Superior Court Minute Book 201, Page 2240.

especially great in settings where groups are typically required to appear, such as jury service, arraignment calendars, calendar calls, and multiple-case calendars. Both the Sheriff's Office and the county maintenance staff have requested that reopening of nonessential services be done in a limited way. Therefore, pursuant to O.C.G.A. § 38-3-60(2)(D) and O.C.G.A. § 38-3-61, a judicial emergency is declared by this Order, and shall affect all courts and clerk's offices in the Blue Ridge Judicial Circuit.

Accordingly, IT IS THE ORDER of the Court, as follows:

- 1) The Superior Court jury trials scheduled for the weeks of June 15 and June 22, 2020, are hereby suspended.
- 2) The suspension of in-person, non-essential hearings shall remain in effect until June 14, 2020. Whether a hearing is essential is to be determined by the judges in accordance with the definitions and guidelines provided in previous orders.
- 3) The Superior Court shall resume civil hearings, both domestic and general, provided they are conducted substantially by remote videoconferencing. Such hearings shall be scheduled at the discretion of the judge assigned to the case, with proper notice and opportunity given for any party to object. The Superior Court shall resume criminal calendars to be heard by the assigned judge effective June 1, 2020, with further information as to calendaring to be published by memorandum. All such hearings shall be conducted in compliance with the Supreme Court of Georgia's clarified and/or amended Rule 9 of the Uniform Superior Court Rules issued on March 27, 2020.
- 4) The Probate Court shall resume of issuing weapons carry licenses in such a manner so as to ensure that the public, to the extent feasible, are required to maintain social distancing guidelines (requiring appointments for application, limiting number of

people in waiting area, and requiring individuals to remain outside the building until they are contacted by court staff). The Probate Court shall continue to provide essential services as set forth on the Probate Court website.

5) Other classes of courts may resume non-essential hearings provided that the proceedings are conducted substantially by remote videoconference, in compliance with any rules of open court, and at the discretion of the judge assigned to the case. Attorneys or self-represented litigants should contact the judge's chambers to request such a hearing.

6) All courts, offices, and departments are encouraged, to the extent feasible, to allow employees to work remotely, and to conduct business and offer essential services by appointment, in order to mitigate the number of visitors entering the facilities at any one time.

IT IS FURTHER ORDERED, pursuant to OCGA § 38-3-62, during the period of this Order, the undersigned hereby suspends, tolls, extends, and otherwise grants relief from any deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes, rules, regulations, or court orders, whether in civil or criminal cases or administrative matters, including, but not limited to any: (1) statute of limitation; (2) time within which to issue a warrant; (3) time within which to try a case for which a demand for speedy trial has been filed; (4) time within which to hold a commitment hearing; (5) deadline or other schedule regarding the detention of a juvenile; (6) time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury; (7) time within which to file a writ of habeas corpus; (8) time within which discovery or any aspect thereof is to be completed; (9) time within which to serve a party;

and (10) time within which to appeal or to seek the right to appeal any order, ruling, or other determination.

This Judicial Emergency shall terminate on June 14, 2020, at 11:59 p.m., unless otherwise extended, rescinded, amended, or superseded.

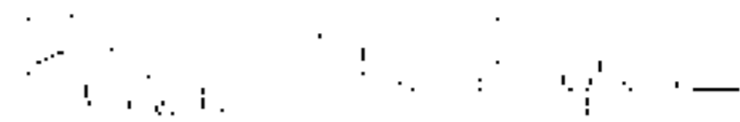
During this period of judicial emergency, the Court directs the Court Administrator to coordinate the development of reopening guidelines. All stakeholders are encouraged to participate, including but not limited to all classes of courts, the Clerk of Court, the Sheriff's Office, the District Attorney, the Solicitor-General, the Indigent Defense director, and the County maintenance department. Any such plan shall address the manner of monitoring and screening individuals coming in the Justice Center, the means by which social distancing can be maintained, the coordination of calendars to mitigate the number of individuals in the building at a given time, the availability of personal protective equipment (masks, gloves, hand sanitizer), the method and frequency of cleaning and sanitizing of all facilities in the building, and any other issue necessary to protect the health of court personnel, attorneys, litigants, witnesses, and the general public.

Pursuant to O.C.G.A. § 38-3-63, it is Ordered that the Sheriff of Cherokee County shall post this Order on his public notification site and in the Frank C. Mills, III Justice Center; that this Order shall immediately be served upon Chief Justice Harold D. Melton of the Supreme Court of Georgia, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at \_\_\_\_\_; that this Order shall immediately be served upon the judges and clerks of all courts sitting within the Blue Ridge Judicial Circuit and on the clerks of the Georgia Court of Appeals and the

Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt; and this Order shall be published on the Court Administrator's website for notice to the affected parties, counsel for the affected parties, and the public.

**IT IS SO ORDERED** this 12 day of May, 2020 at 2:40

a.m./p.m.



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Ellen McElyea, Chief Judge  
Superior Court of Cherokee County  
Blue Ridge Judicial Circuit