

Patty Baker, Clerk of Superior Court - Cherokee County, GA

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

IN RE: STATE OF JUDICIAL EMERGENCY

ORDER TO ADDRESS ESSENTIAL FUNCTIONS

By Order of March 14, 2020, Chief Justice Harold Melton of the Supreme Court of Georgia declared a state-wide judicial emergency, limiting court proceedings to certain essential matters.¹ The state of emergency exists until April 13, 2020, at 11:59 p.m., unless otherwise extended. So that there may be clarity in the way that the Superior Court shall comply with the Order of the Chief Justice, and provide litigants the opportunity to address said essential matters and functions, the judges of the Superior Court of Cherokee County ORDER the following.

The Master Calendar of the Superior Court is suspended during the emergency period. No jury trials will be held, and no calendars held, except as ordered herein.

- 1. Criminal Cases:** There will be a **criminal non-jury calendar held each Tuesday and Thursday at 1:30 p.m.** Criminal matters where defendants are in custody may be scheduled on these calendars by the District Attorney, the defense attorney, or a self-represented defendant, by contacting the judges' Calendar Clerks. **Cases may be scheduled on this calendar irrespective of judicial assignment.** These calendars will be heard by a presiding judge, in a rotation agreed upon by the judges. The hearings will be conducted by videoconferencing, as permitted by Uniform Superior Court Rule 9.2. Motions for revocation of bond may be set on these calendars upon request of the District Attorney; any other cases involving defendants who are not in custody will be set upon approval of both the presiding judge and the assigned judge. No motions for reconsideration or modification shall be heard except by the original judge.
- 2. Petitions for Temporary Protective Order:** **All petitions for temporary protective order shall be heard by the presiding judge, irrespective of judicial assignment.** Any currently scheduled 30-day hearing shall be continued to the next-occurring presiding judge calendar. Upon filing of a petition for temporary protective order, the Clerk of Court shall notify the presiding judge's office of same. Requests for ex parte relief shall be considered by the presiding judge electronically, without the

¹ On March 13, 2020, Chief Judge Ellen McElyea declared a state of judicial emergency for the Courts and Clerks of the Blue Ridge Judicial Circuit. The Order of the Chief Justice rescinds and supersedes Judge McElyea's Order.

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physical appearance of the petitioner. Petitioners should be available by telephone if the judge wishes to hear evidence prior to the entry of any ex parte order. **Should the petition be set for further hearing, it shall be set on a presiding judge calendar, as described above, within thirty (30) days of entry of the ex parte order.** These hearings will be conducted remotely, by telephone or videoconferencing. Nothing herein shall modify the Standing Order of this Court regarding assignment of certain Petitions for Temporary Protective Order to the judges of the Juvenile Court.

- 3. **Civil Cases, other than Petitions for Temporary Protective Order:** Any requests for emergency relief shall be addressed to the assigned judge for consideration, and efforts to schedule and conduct those motions for hearing by telephone or videoconferencing will be made, as is warranted in the discretion of the judge. Attorneys and self-represented parties shall submit courtesy copies of any emergency petitions or motions to the assigned judge's office by email. Attorneys and self-represented parties may contact the assigned judge's office for scheduling of any non-emergency matters that may be conducted by telephone or videoconferencing.
- 4. **Uncontested Divorces:** Uncontested divorces, including those involving minor children, may be submitted by motions for judgment on the pleadings, to be considered by the assigned judge. With proper documentation, all judges will accept parents' attendance at online seminars for divorcing parents.

This Order shall be filed upon the minutes of the Superior Court and published in the Office of the Clerk of Superior Court. It shall remain in effect throughout emergency period as set for by the Order of the Chief Justice, and for any extension of said Order.

SO ORDERED, THIS 18TH DAY OF MARCH, 2020.

/s/ Ellen McElyea



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

Judge David L. Cannon, Jr.
Superior Court of Cherokee County
Blue Ridge Judicial Circuit



Judge M. Anthony Baker
Superior Court of Cherokee County
Blue Ridge Judicial Circuit