

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

DECLARATION OF LOCAL
JUDICIAL EMERGENCY

September 30, 2021

TEMPORARY SAFETY MEASURES FOR ALL CLASSES OF COURTS

The Court's local judicial emergency expires on September 30, 2021 at 12:00 p.m.

While COVID case numbers have decreased substantially since the Court's orders in August and September of this year, the virus continues to pose a great risk to public health. The Courts have continued to function as fully as possible within the necessary restrictions of the pandemic. In light of the fact that most in-court proceedings compel individuals to appear, rather than allowing them to make personal choices regarding their own health, and in consultation with local public health officials and other court and judicial officials, the Blue Ridge Judicial Circuit will continue to follow certain safety measures and precautions to protect the health of courthouse personnel, attorneys, litigants, and the general public.

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

1. Health and Safety Measures: Where this order refers to "public health guidance," it references the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), and the Georgia Department of Public Health (DPH).

A. IF YOU ARE SICK OR HAVE BEEN EXPOSED, STAY HOME.

No person should come into the Justice Center or the Historic Courthouse if they have tested positive for COVID-19 or are experiencing common symptoms of COVID: fever or chills, cough, shortness of breath, fatigue, aches, loss of taste or smell, sore throat, runny nose, or diarrhea. Additionally, anyone exposed to someone with these symptoms, or to someone known

to be positive for COVID-19, shall report this prior to the appropriate individual **before** entering any judicial facility (employees shall report this to their supervisor, litigants to their attorneys, jurors to the jury clerk, attorneys to the judge's office, etc.). Sick or exposed employees should be required to take time off or work remotely. Judges shall make appropriate accommodations for parties or attorneys who need to appear remotely, instead of in-person, to allow their appearance before the Court.

The Court Administrator shall cause the notice and requirements of this paragraph to be posted at the entrances of the Justice Center and the Historic Courthouse.

B. Screening and Public Access: Everyone entering the courthouse will be screened for symptoms and COVID- 19 exposure. The Sheriff's Office shall ask all persons entering the Justice Center the following questions: 1) Have you been diagnosed with, or had contact with someone who has been diagnosed with, COVID-19 within the last 14 days?; and 2) Have you developed a new cough, difficulty breathing, or fever over 100 degrees over the last 3 days? Anyone answering yes to either of these questions will not be allowed to enter the Justice Center.

Also, as a part of the screening process, deputies will take the temperature of every person entering the Justice Center. Any person with a fever of 100 degrees or higher will not be permitted to enter the Justice Center.

Any person denied entry into the Justice Center shall be instructed by deputies to call the Justice Center main telephone number (678-493-6100) from outside the courthouse. If said person is seeking to file a pleading or other document, the Clerk of Court shall determine whether such filing can be accomplished through the electronic filing system. If the individual does not have access to the e-filing system, then the Clerk shall accept paper filing. The person

filing the pleading shall remain outside the Justice Center while the pleading is being filed; delivery of the paper filing shall be made by a deputy sheriff to the Clerk.

If the person denied entry into the Justice Center is there to attend a hearing as either a litigant, witness, or public spectator, such person shall remain outside the Justice Center while the appropriate judicial chambers is notified by the security staff. The assigned judge is authorized to consider all relevant facts and circumstances and make a determination as to whether to admit such person.

While attorneys and self-represented litigants are encouraged to use the temporary criminal e-filing system, the Clerk shall accept and file paper pleadings in all criminal cases.

C. Masks: All persons entering the Justice Center are required to wear a mask in any public area of the building, to include lobbies, hallways, elevators, rest rooms, the Jury Assembly room, and the Law Library. This requirement includes individuals working in the building as well as members of the public. Those working in their offices may remove their masks with the consent of their supervisor.

The mask must remain in proper position over the nose and mouth. All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the Courthouse seen without a mask to put one on. Anyone arriving without a mask will be provided one at screening.

Individuals in court may remove their face-covering only with the permission of the judge presiding.

D. Social Distancing and Room Capacities; Jury Assembly Room: All courts, offices, and departments are encouraged, to the extent possible, to allow employees to work remotely, and

to conduct business and offer services by appointment, in order to mitigate the number of visitors entering the facilities at any given time.

All persons in the building shall make every effort to remain six feet apart during face-to-face interactions. The limit for elevator capacity shall be 2 people not in the same household, and this restriction posted at the elevator entries. All judges are encouraged to be aware of appropriate room capacities and social distancing for any proceeding occurring in their courtroom.

The Jury Assembly room has a maximum capacity of 24 people. In order to coordinate the use of this room among the classes of courts, and allow for appropriate cleaning and social distancing, any court or office requesting use of it shall contact Lynn Epps, Court Administrator, for prior approval.

No office or entity will be allowed use of the Jury Assembly room without permission of the Court Administrator. It shall not be used for meetings, trainings, conferences, receptions, or any other functions other than those solely related to conducting court (for example, arraignments, grand jury, jury assembly) for the duration of this Order, and any extension thereof.

2. Virtual Proceedings Strongly Encouraged: All classes of courts are encouraged to continue to use technology for virtual hearings, as a safer alternative to in-person proceedings, and to refrain from scheduling practices that are likely to result in large numbers of people being present at the same time. Amendments to the videoconferencing rules promulgated by the Georgia Supreme Court remain in effect. Courts should give appropriate deference to attorneys and litigants who wish to appear by videoconferencing. Any virtual proceeding that is not open to the public should be livestreamed. Livestream links are available on the Court Administration website

(<https://www.cherokeega.com/Court-Administrators-Office/>) for all proceedings not deemed to be confidential by law or otherwise held in open court.

All classes of courts should avoid scheduling practices that are likely to result in large numbers of people being present at the same time.

The Court is aware that there are litigants and witnesses who do not have reliable internet service or access to devices that would allow remote participation. Should a litigant or witness appear in person for a hearing which has been scheduled for videoconference, that person shall be directed to the office of the assigned judge. The assigned judge may give directions to such person in his or her discretion, in compliance with the other provisions of this Order.

Court Administration has two devices with which to allow individuals who appear in person to participate in a hearing by videoconference within the Justice Center. It shall be the responsibility of the assigned judge's office to coordinate with Court Administration should such assistance be requested, understanding the limited capability available for such assistance.

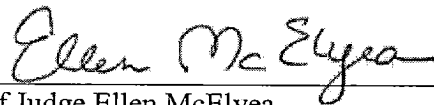
The grand jury may be permitted to conduct in-person proceedings, provided that grand jurors and witnesses abide by the terms of this Order.

It is the responsibility of the presiding judge of any jury trial to ensure that all jurors are protected and aware of the requirements of this Order.

3. Tolling Provisions: The tolling provisions enacted by previous Orders are no longer in effect; however, the time for filing a statutory speedy trial demand may be addressed by separate Order of the Chief Judges of the Superior and State Courts.

This Order shall remain in effect through December 31, 2021, unless modified, suspended or terminate. This document shall be posted at all entryways to the Justice Center and the Historic Courthouse, on the website of the Clerk of Court and the Court Administrator, and at the elevator entrances on all floors of the Justice Center, and shall be served on the interested parties as listed below.

SO ORDERED, this 30th day of September, 2021.



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

CC:
Judges of Cherokee Superior Court
Judges of Cherokee State Court
Judges of Cherokee Juvenile Court
Judge James Drane, Magistrate
Judge Keith Wood, Probate Court
Patty Baker, Clerk of Courts
Shannon Wallace, District Attorney
Todd Hayes, Solicitor-General
Sheriff Frank Reynolds
Lynn Epps, Court Administrator
Cherokee County Bar Association
Louis Turchiarelli, Indigent Defense Director

