

IN THE SUPERIOR COURTS
APPALACHIAN JUDICIAL CIRCUIT
STATE OF GEORGIA

FILED IN OFFICE

MAR 13 2020

CLERK OF SUPREME
COURT OF GEORGIA

STANDING ORDER OF THE COURT

IN RE: Declaration of Judicial Emergency

Date: March 13, 2020

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ORDER DECLARING JUDICIAL EMERGENCY

WHEREAS, IT HAS BEEN DETERMINED that a Judicial Emergency exists in Pickens County, Fannin County, and Gilmer County, Georgia affecting all courts such that there is a serious health emergency pursuant to O.C.G.A. § 38-3-60(2)(D). See O.C.G.A. § 38-3-60(2)(D) (providing that “Judicial Emergency” means “[s]uch other serious emergency”).

WHEREAS, IT HAS BEEN DETERMINED that the Judicial Emergency substantially endangers or infringes upon the normal functioning of the judicial system as it relates to jury service, including grand jury service, and any non-essential matters, unless they can be conducted via video or teleconferencing.

Therefore, pursuant to O.C.G.A. § 38-3-61, the Honorable Chief Judge Brenda S. Weaver of the Appalachian Judicial Circuit, Superior Courts of Pickens, Fannin, and Gilmer Counties, DOES HEREBY ORDER AND DECLARE the existence of a Judicial Emergency in Pickens, Gilmer, and Fannin Counties. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the State of Georgia and the potential infection of those who are required to appear in our courts and interact with large groups due to jury service, including grand jury service, or other large, non-essential calendars.

Thus, the undersigned hereby makes this declaration of a judicial emergency affecting all courts and clerk's offices in Pickens County, Gilmer County, and Fannin County as it relates to jury service, including grand jury service, and any non-essential matters, unless they can be conducted via video or teleconferencing.

Accordingly, IT IS THE ORDER of the Court that jury trials are CONTINUED, and no jurors or grand jurors shall report, and no jury trials shall be held for a period of thirty (30) days from the date of the entry of this Order. Furthermore, no civil or non-essential criminal matters shall be heard by the courts during this 30-day time period, unless they can be conducted via video or teleconferencing, with the exception of jail bond hearings, jail first appearance hearings, jail pleas, emergency matters involving children, family violence or stalking, or other matters deemed an emergency by the Presiding Judge. Parties or attorneys in any non-emergency matters should contact the chambers of the judge assigned to their case if they have any questions and/or need to ensure their compliance with this Order.

Pursuant to O.C.G.A. § 38-3-62, during the period of this Order, the Court hereby suspends, tolls, extends, and otherwise grants relief from: (1) a statute of limitation; (2) the time within which to try a case for which a demand for speedy trial has been filed; (3) the time within which to hold a commitment hearing; (4) the time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury; and/or (5) such other legal proceedings as determined to be necessary, including calendars involving large numbers of litigants, lawyers, or other persons.

AMENDED COURT CALENDAR

All parties and attorneys in specially-set hearings that are scheduled to occur between **March 13, 2020**, and **April 11, 2020**, shall contact the assigned judge for direction;

The following is the Amended 2020 Superior Court Calendar of the Appalachian Circuit from March 13, 2020, to April 11, 2020:

- Pickens Civil Jury Trials to begin the week of **March 16, 2020**, are CONTINUED.
- Gilmer Civil Jury Trials to begin the week of **March 16, 2020**, are CONTINUED;
- Gilmer Criminal Nonjury Hearings on **March 17, 2020**, shall include only bond hearings or pleas in which the Defendant is incarcerated; all other cases are CONTINUED;
- Gilmer Civil Nonjury Hearings on **March 17, 2020**, shall include only those cases in which an emergency hearing involving stalking, family violence, or minor children is requested; all other cases are CONTINUED;
- Pickens Criminal Nonjury Hearings on **March 18, 2020**, shall include only bond hearings or pleas in which the Defendant is incarcerated; all other cases are CONTINUED;
- Pickens Civil Nonjury Hearings on **March 18, 2020**, shall include only those cases in which an emergency hearing involving stalking, family violence, or minor children is requested; all others are CONTINUED;
- Fannin Criminal Nonjury Hearings on **March 19, 2020**, shall include only bond hearings or pleas in which the Defendant is incarcerated; all other cases are CONTINUED;
- Fannin Civil Nonjury Hearings on **March 19, 2020**, shall include only those cases in which an emergency hearing involving stalking, family violence, or minor children is requested; all other cases are CONTINUED;
- Fannin Motions and Pleas on **March 20, 2020**, is CONTINUED; all bond hearings or pleas in which the Defendant is incarcerated shall be heard on **March 19, 2020**.
- Fannin Criminal Jury Trials to begin the week of **March 23, 2020** are CONTINUED;

- Gilmer Civil Nonjury Hearings on **March 24, 2020**, shall include only those cases in which an emergency hearing involving stalking, family violence, or minor children is requested; all other cases are CONTINUED.
- Gilmer Criminal Nonjury Hearings on **March 24, 2020**, shall include only bond hearings or pleas in which the Defendant is incarcerated; all other cases are CONTINUED;
- Pickens Civil Nonjury Hearings on **March 25, 2020**, shall include only those cases in which an emergency hearing involving stalking, family violence, or minor children is requested; all other cases are CONTINUED.
- Pickens Criminal Nonjury Hearings on **March 25, 2020**, shall include only bond hearings or pleas in which the Defendant is incarcerated; all other cases are CONTINUED;
- Fannin Civil Nonjury Hearings on **March 26, 2020**, shall include only those cases in which an emergency hearing involving stalking, family violence, or minor children is requested; all other cases are CONTINUED.
- Gilmer Motions and Pleas on **March 27, 2020**, are CONTINUED; all jail matters shall be heard on **March 23, 2020**.
- Gilmer Misdemeanor Jury Trials to begin the week of **March 30, 2020** are CONTINUED;
- Pickens Civil Jury Trials to begin the week of **March 30, 2020** are CONTINUED;
- All **Juvenile Court** hearings are continued for the duration of this order, thirty (30) days, with the exception of matters deemed an emergency by the Juvenile Judge.
- All **Magistrate Court** hearings are continued for the duration of this order, thirty (30) days, with the exception of matters deemed an emergency or jail cases (ie., first appearance hearings or bond hearings) by the Magistrate Judge.

- All **Probate Court** hearings are continued for the duration of this order, thirty (30) days, with the exception of matters deemed an emergency by the Probate Judge.

The Clerk's office is instructed not to accept further Rule Nisis for court dates between the date of this order and **April 11, 2020**, without first presenting the same to the assigned judge. If a party requests that a hearing proceed that would have been cancelled by this order, the party shall contact the assigned judge, stating the reason therein.

It is hereby ORDERED that attorneys should advise their clients and witnesses to notify them if they show any symptoms of illness, even mild symptoms, prior to or after court or have been exposed to a Coronavirus (COVID-19) positive individual. Attorneys should contact the assigned judge's office as soon as possible if they, their clients, or witnesses, are showing symptoms or have been exposed to someone who tested positive for a Coronavirus (COVID-19) and have recently been to court or have an upcoming hearing.

It is FURTHER ORDERED that the following persons shall not enter Pickens, Gilmer, or Fannin Courthouse or any probation office in Pickens, Gilmer, or Fannin Counties, without prior permission from the Chief Judge:

- Persons who have been in any of the following countries or regions within the last 14 days:

STATE OF WASHINGTON
NEW ROCHELLE, NEW YORK
CHINA
SOUTH KOREA
JAPAN
ITALY
IRAN
EGYPT

- Persons who reside or have had close contact with someone who has been in one of the countries listed above within the last 14 days;
- Persons who have been asked to self-quarantine by any doctor, hospital, or health agency;
- Persons who have been diagnosed within, or have had contact with, anyone who has been diagnosed with Coronavirus (COVID-19); and it is further

ORDERED that the Sheriff's offices of Pickens, Gilmer, and Fannin Counties, shall deny entry to anyone attempting to enter in violation of this Order, and it is further

ORDERED that if you are scheduled or required to appear at the Pickens, Gilmer, or Fannin Courthouse or a probation office in Pickens, Gilmer, or Fannin, and you are unable to appear because of the restrictions in this Order, you are directed to proceed as follows:

If you are represented by an attorney, please contact your attorney;

If you are an attorney and you are scheduled to appear in court before a judge, please contact the chambers directly;

If you are scheduled to meet with a Probation officer, please contact the Probation Office;

If you are a juror, please contact the Clerk's office for the county in which you were summoned;

Please contact the Juvenile, Probate or Magistrate offices in the respective county for instructions if you have a case in said court; and it is further

ORDERED that these restrictions will remain in place temporarily until it is determined to be safe to remove them, and it is further

ORDERED that these restrictions will be updated as further guidance is received.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification by the Court, the Court will make a determination of available alternative remedies for the conduct of court business, as necessary, and a corresponding Order will be entered and distributed in accordance with Georgia law.

Pursuant to O.C.G.A. § 38-3-63:

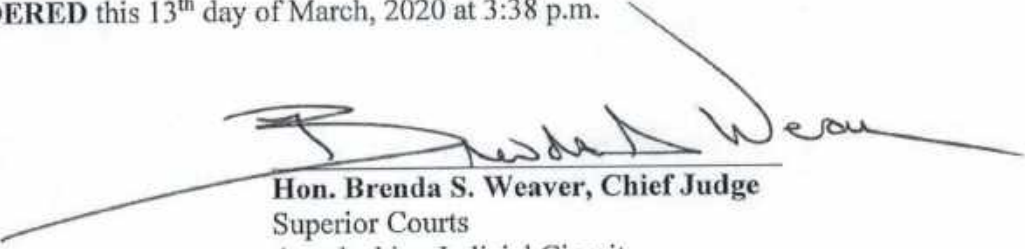
IT IS ORDERED that the Sheriffs of Pickens County, Gilmer County, and Fannin County shall post this Order on his public notification site and in the courthouses;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges and clerks of all courts sitting within the jurisdictions affected 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

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 13th day of March, 2020 at 3:38 p.m.



Hon. Brenda S. Weaver, Chief Judge
Superior Courts
Appalachian Judicial Circuit