

**IN THE SUPERIOR COURTS
APPALACHIAN JUDICIAL CIRCUIT
STATE OF GEORGIA**

IN RE: Declaration of Judicial Emergency *
Date: July 13, 2020 *
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**FOURTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY
UNTIL AUGUST 11, 2020**

On March 14, 2020, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, entered an ORDER DECLARING STATEWIDE EMERGENCY for the State of Georgia due to the threat of transmission of Coronavirus/COVID-19. On April 6, 2020, Justice Melton entered an ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY, which lengthened the statewide judicial emergency until 11:59 p.m., Wednesday, May 13, 2020. On May 11, 2020, Justice Melton entered the SECOND ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY, which lengthened the statewide emergency until 11:59 p.m., Friday, June 12, 2020. On June 12, 2020, Justice Melton entered the THIRD ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY, which lengthened the statewide emergency, but with significant modifications, until 11:59 p.m., Sunday, July 12, 2020. On July 10, 2020, with an effective date of July 12, 2020, Justice Melton entered the FOURTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY, which lengthened the statewide emergency, but with clarifications, modifications, and directions, until Tuesday, August 11, 2020, at 11:59 pm.

On March 13, 2020, the Honorable Brenda S. Weaver, Chief Superior Court Judge of the Appalachian Judicial Circuit, entered an ORDER DECLARING JUDICIAL EMERGENCY for Pickens, Gilmer, and Fannin Counties, due to the threat of transmission of Coronavirus/COVID-19. On April 8, 2020, Chief Judge Weaver entered the ORDER EXTENDING DELARATION OF JUDICIAL EMERGENCY UNTIL MAY 13, 2020. On May 13, 2020, Chief Judge Weaver entered the SECOND ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY UNTIL JUNE 12, 2020. On June 15, 2020, Chief Judge Brenda S. Weaver entered the THIRD ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY UNTIL JULY 12, 2020. On July 8, 2020, and July 10, 2020, respectively, Chief Judge Brenda S. Weaver entered the AMENDED THIRD ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY and SECOND AMENDED THIRD ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY. Pursuant to OCGA § 38-3-61, and due to the continuing statewide emergency involving the transmission of Coronavirus/COVID-19, Chief Judge Brenda S. Weaver extends the ORDER DECLARING JUDICIAL EMERGENCY for Pickens, Gilmer and Fannin Counties, until 11:59 p.m, Tuesday, August 11, 2020.

SAFETY GUIDELINES FOR ENTERING COURTHOUSES

- All individuals entering the Pickens, Fannin and Gilmer courthouses, including elected officials, staff, and members of the public, shall have their temperature taken by court security using a touchless thermometer. In the event the temperature registers as 100.4 degrees Fahrenheit or higher, entry will be denied.

- All individuals entering the courthouses, including elected officials, staff, and members of the public, shall use hand sanitizer upon entering the courthouse and again before entering the courtrooms.
- Social distancing-persons in the courtroom shall observe a minimum distance of six (6) feet from each other except at the counsel table and the witness table during document exchanges.
- Occupancy in each courtroom shall be 10 or less persons excluding the bailiff, court security officer, court reporter, and judge.
- All individuals entering the courtrooms shall be required to wear masks. Masks may be removed only when counsel is making oral argument, questioning witnesses or otherwise addressing the court. Parties and witnesses may remove masks when testifying.
- Cleaning and disinfection of tabletop surfaces, chairs, witness stand, lectern/podium, and any other common surface area in frequent use shall be performed before and after each case by the bailiff.
- Hand sanitizer shall be provided at various locations within the courthouse for frequent usage, especially after handling documents.
- Attorneys shall 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 Coronavirus (COVID-19) and have recently been to court or have an upcoming hearing.

AMENDED COURT CALENDAR

Any party or attorney wishing to present a Rule Nisi to set a contested matter remotely or for an in-person or remote hearing shall present the same to the assigned judge until further order of this Court. **Both essential and non-essential cases may be scheduled by Rule Nisi at the discretion of the presiding judge assigned to the case; the cases do not have to be “emergencies” to proceed.**

Criminal cases may be set for a hearing using the same procedure in place prior to the issuance of state or circuit emergency judicial orders.

Both civil and criminal cases may be set using remote participation at the discretion of the presiding judge.

The following is the Amended 2020 Superior Court Calendar of the Appalachian Circuit for the time period between **July 13, 2020 and August 11, 2020:**

- Gilmer Juvenile In-Person Hearings for **the week of July 13, 2020** are cancelled. Zoom hearings will go forward.
- Fannin Juvenile In-Person Hearings for **the week of July 13, 2020** are cancelled. Zoom hearings will go forward.
- Gilmer Probate Hearings **for the week of July 13, 2020** are cancelled.
- Fannin Probate Hearings **for the week of July 13, 2020** are cancelled.
- Gilmer Magistrate Hearings **for the week of July 13, 2020**, are cancelled.
- Fannin Magistrate Hearings **for the week of July 13, 2020**, are cancelled.
- Gilmer Civil Nonjury Hearings on **July 14, 2020**, shall include only the remote hearings which the assigned judge has set by Rule Nisi. No in-person hearings were set.

- Gilmer Criminal Nonjury Hearings on **July 14, 2020**, are continued.
- Pickens Civil Nonjury Hearings on **July 15, 2020**, shall include only the remote hearings which the assigned judge has set by Rule Nisi. No in-person hearings were set.
- Pickens Criminal Nonjury on **July 15, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, arraignments, probation revocations, bond motions and other motion hearings. Calendar times shall be staggered.
- Pickens Criminal Calendar Call on **July 15, 2020**, is continued.
- Fannin Civil Nonjury Hearings on **July 16, 2020**, shall include only the remote hearings which the assigned judge has set by Rule Nisi. No in-person hearings were set.
- Fannin Criminal Nonjury Hearings on **July 16, 2020**, are continued.
- Pickens Accountability Court Pleas on **July 17, 2020**, shall go forward as directed by Judge Weaver and Judge Worcester.
- Fannin Civil Jury Trials to begin on **July 20, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are continued until further order of the Georgia Supreme Court.
- Gilmer Civil Jury Trials to begin on **July 20, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are continued until further order of the Georgia Supreme Court.
- Pickens Civil Jury Trials to begin on **July 20, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are continued until further order of the Georgia Supreme Court.

- Gilmer Civil Nonjury Hearings on **August 4, 2020**, shall include only the remote hearings which the assigned judge has set by Rule Nisi. In-person civil hearings will only occur if specifically requested and approved by the assigned judge.
- Gilmer Criminal Nonjury Hearings on **August 4, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, arraignments, probation revocations, bond motions and other motion hearings. Calendar times shall be staggered.
- Pickens Civil Nonjury Hearings on **August 5, 2020**, shall include only the remote hearings which the assigned judge has set by Rule Nisi. In-person civil hearings will only occur if specifically requested and approved by the assigned judge.
- Pickens Criminal Nonjury Hearings on **August 5, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, arraignments, probation revocations, bond motions and other motion hearings. Calendar times shall be staggered.
- Fannin Civil Nonjury Hearings on **August 6, 2020**, shall include only the remote hearings which the assigned judge has set by Rule Nisi. In-person civil hearings will only occur if specifically requested and approved by the assigned judge.
- Fannin Criminal Nonjury Hearings on **August 6, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, arraignments, probation revocations, bond motions and other motion hearings. Calendar times shall be staggered.
- Fannin Criminal Calendar Call on **August 6, 2020**, is continued.
- Fannin Motions and Pleas on **August 7, 2020** are continued.
- Pickens Motions and Pleas on **August 7, 2020** are continued.

- Fannin Criminal Jury Trials to begin on **August 10, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are continued until further order of the Georgia Supreme Court.
- Pickens Criminal Jury Trials to begin on **August 10, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are continued until further order of the Georgia Supreme Court.
- Gilmer Civil Nonjury hearings on **August 11, 2020**, shall include only the remote hearings which the assigned judge has set by Rule Nisi. In-person civil hearings will only occur if specifically requested and approved by the assigned judge.
- Parties and attorneys shall contact the **Juvenile Judge's** Office for instructions on scheduling hearings.
- Parties and attorneys shall contact the assigned **Probate Judge's** Office for instructions on scheduling hearings.
- Parties and attorneys shall contact the assigned **Magistrate Judge's** Office for instructions on scheduling hearings.

The Clerk's office is instructed not to accept Rule Nisis for court dates between now and August 11, 2020, without first presenting the same to the assigned judge.

All safety requirements for visitors to the courthouse as outlined in the ORDER DECLARING JUDICIAL EMERGENCY entered by this Court on March 13, 2020, remain in full force and effect.

Pursuant to O.C.G.A. § 38-3-63:

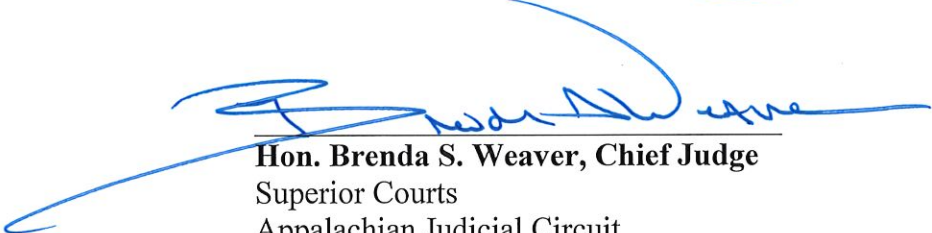
IT IS ORDERED that the Sheriffs of Pickens County, Gilmer County, and Fannin County, shall post this Order on their public notification site and in the courthouses;

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 July, 2020 at 12:16 a.m./p.m.



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