

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

IN RE: Declaration of Judicial Emergency \*  
Date: August 12, 2020 \*  
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**FIFTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY  
UNTIL SEPTEMBER 10, 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 August 11, 2020, Justice Melton

entered the FIFTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY until Thursday, September 10, 2020, at 11:59 p.m.

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. On July 11, 2020, Chief Judge Brenda S. Weaver entered the FOURTH EMERGENCY ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY UNTIL AUGUST 11, 2020. 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 Thursday, September 10, 2020, at 11:59 p.m.

### **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 bailiffs, court security officers, court reporter, court personnel 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 areas 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 matter 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 are not required 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 **August 12, 2020 and September 10, 2020:**

- Pickens Civil Nonjury Hearings on **August 12, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Fannin Civil Nonjury Hearings on **August 13, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Gilmer Criminal Motions and Pleas on **August 14, 2020**, are continued.
- Gilmer Criminal Jury Trials to begin on **August 17, 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 18, 2020**, shall include only the remote hearings which the assigned judge has set by Rule Nisi.
- Gilmer Criminal Nonjury on **August 18, 2020**, will be added to the master calendar and 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 19, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Pickens Criminal Nonjury on **August 19, 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 20, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Fannin Criminal Nonjury on **August 20, 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 Grand Jury for the week of **August 24, 2020**, is continued.
- Gilmer Civil Nonjury Hearings on **August 25, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Gilmer Criminal Nonjury on **August 25, 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 26, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Pickens Criminal Nonjury on **August 26, 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 27, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Fannin Criminal Nonjury Hearings on **August 27, 2020**, will be added and 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 Motions and Pleas on **August 28, 2020**, are continued.
- Pickens Criminal Jury Trials on **August 31, 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 **September 8, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Pickens Civil Nonjury Hearings on **September 9, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Fannin Civil Nonjury Hearings on **September 10, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.

- 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 and September 10, 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:

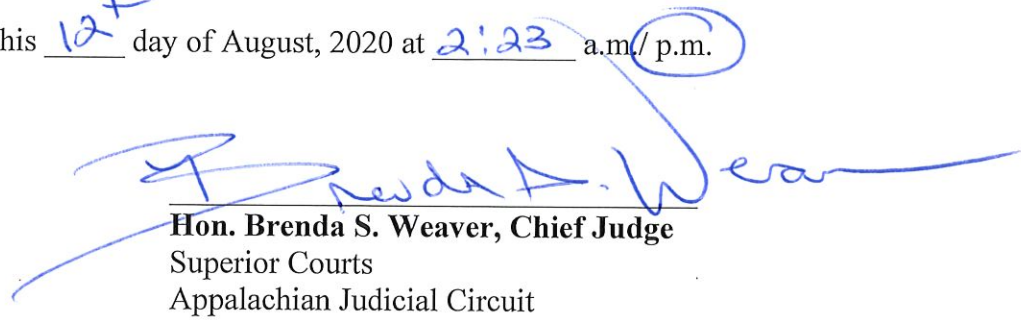
IT IS ORDERED that the Sheriffs of Pickens County, Gilmer County, and Fannin County, shall post this Order on their public notification site and in the courthouses;

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](mailto: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 12<sup>th</sup> day of August, 2020 at 2:23 a.m./ p.m.



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