

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

IN RE: Declaration of Judicial Emergency

Date: May 13, 2020

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**SECOND ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY  
UNTIL JUNE 12, 2020**

On March 14, 2020, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, entered an ORDER DECLARING STATEWIDE JUDICIAL 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 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 an ORDER EXTENDING DELARATION OF JUDICIAL EMERGENCY UNTIL MAY 13, 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 hereby extends the ORDER DECLARING JUDICIAL EMERGENCY for Pickens, Gilmer and Fannin Counties, until 11:59 p.m., Friday, **June 12, 2020**.

### **AMENDED COURT CALENDAR**

Any party or attorney wishing to present a Rule Nisi to set a contested civil 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 civil cases may be scheduled by Rule Nisi at the discretion of the presiding judge assigned to the case.**

**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 **May 13, 2020, and June 12, 2020**:

- Gilmer Civil Nonjury Hearings on **May 18, 2020**, shall include only those cases for in-person or remote hearings in which the assigned judge has set the matter by Rule Nisi.
- Gilmer Civil Nonjury Hearings on **May 19, 2020**, shall include only those cases for in-person or remote hearings in which the assigned judge has set the matter by Rule Nisi.
- Gilmer Criminal Nonjury Hearings on **May 19, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, probation revocations, bond motions and other motion hearings. Calendar times will be staggered. Priority will be given to hearing motions pending in cases set for jury trial in August or September, in which the defendant

is incarcerated in one of the three counties in the Appalachian Judicial Circuit. All pre-trial conferences are continued.

- Gilmer Criminal Calendar Call on **May 19, 2020**, is cancelled.
- Pickens Civil Nonjury Hearings on **May 20, 2020**, shall include only those cases for in-person or remote hearings in which the assigned judge has set the matter by Rule Nisi.
- Pickens Criminal Nonjury Hearings on **May 20, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, probation revocations, bond motions and other motion hearings. Calendar times will be staggered. Priority will be given to hearing motions pending in cases set for jury trial in August or September, in which the defendant is incarcerated in one of the three counties in the Appalachian Judicial Circuit. All pre-trial conferences are continued.
- Fannin Civil Nonjury Hearings on **May 21, 2020**, shall include only those cases for in-person or remote hearings in which the assigned judge has set the matter by Rule Nisi.
- Fannin Criminal Nonjury Hearings on **May 21, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, probation revocations, bond motions and other motion hearings. Calendar times will be staggered. Priority will be given to hearing motions pending in cases set for jury trial in August or September, in which the defendant is incarcerated in one of the three counties in the Appalachian Judicial Circuit. All pre-trial conferences are continued.
- Pickens Civil Nonjury Hearings on **May 22, 2020**, shall include only those cases for in-person or remote hearings in which the assigned judge has set the matter by Rule Nisi.

- Gilmer Criminal Nonjury Hearings on **May 26, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, probation revocations, bond motions and other motion hearings. Calendar times will be staggered. Priority will be given to hearing motions pending in cases set for jury trial in August or September, in which the defendant is incarcerated in one of the three counties in the Appalachian Judicial Circuit. All pre-trial conferences are continued.
- Gilmer Criminal Calendar Call on **May 26, 2020**, is continued until **August 4, 2020**, at 1:30 p.m.
- Pickens Criminal Nonjury Hearings on **May 27, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, probation revocations, bond motions and other motion hearings. Calendar times will be staggered. Priority will be given to hearing motions pending in cases set for jury trial in August or September, in which the defendant is incarcerated in one of the three counties in the Appalachian Judicial Circuit. All pre-trial conferences are continued.
- Fannin Criminal Nonjury Hearings on **May 28, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, probation revocations, bond motions and other motion hearings. Calendar times will be staggered. Priority will be given to hearing motions pending in cases set for jury trial in August or September, in which the defendant is incarcerated in one of the three counties in the Appalachian Judicial Circuit. All pre-trial conferences are continued.
- Gilmer Civil Nonjury Hearings on **June 2, 2020**, shall include only those cases for in-person or remote hearings in which the assigned judge has set the matter by Rule Nisi.

- Gilmer Criminal Nonjury Hearings on **June 2, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, probation revocations, bond motions and other motion hearings. Calendar times will be staggered. Priority will be given to hearing motions pending in cases set for jury trial in August or September, in which the defendant is incarcerated in one of the three counties in the Appalachian Judicial Circuit. All pre-trial conferences are continued.
- Pickens Civil Nonjury Hearings on **June 3, 2020**, shall include only those cases for in-person or remote hearings in which the assigned judge has set the matter by Rule Nisi.
- Pickens Criminal Nonjury Hearings on **June 3, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, probation revocations, bond motions and other motion hearings. Calendar times will be staggered. Priority will be given to hearing motions pending in cases set for trial in August or September, in which the defendant is incarcerated in one of the three counties in the Appalachian Judicial Circuit. All pre-trial conferences are continued.
- Fannin Civil Nonjury Hearings on **June 4, 2020**, shall include only those cases for in-person or remote hearings in which the assigned judge has set the matter by Rule Nisi.
- Fannin Criminal Nonjury Hearings on **June 4, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, probation revocations, bond motions and other motion hearings. Calendar times will be staggered. Priority will be given to hearing motions pending in cases set for trial in August or September, in which the defendant is incarcerated in one of the three counties in the Appalachian Judicial Circuit. All pre-trial conferences are continued.

- Fannin Criminal Calendar Call on **June 4, 2020**, is hereby continued until **July 16, 2020** at 1:30 p.m.
- Pickens Grand Jury to begin **June 8, 2020**, shall be continued.
- Gilmer Criminal Motions and Pleas on **June 8, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, probation revocations, bond motions and other motion hearings. Calendar times will be staggered. Priority will be given to hearing motions pending in cases set for trial in August or September, in which the defendant is incarcerated in one of the three counties in the Appalachian Judicial Circuit. All pre-trial conferences are continued.
- Arraignments have been rescheduled per prior order of the Court for **June 9, 10, and 11**. The May arraignment dates are continued.
- 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 June 12, 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:

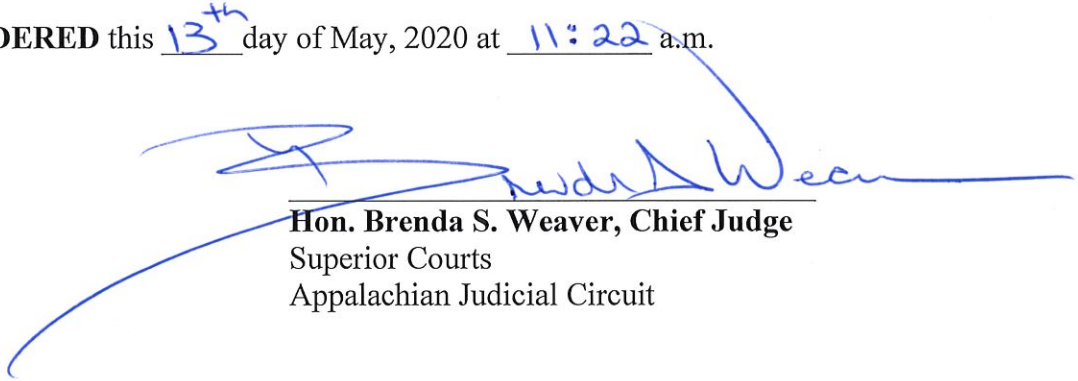
IT IS ORDERED that the Sheriffs of Pickens County, Gilmer County, and Fannin County, shall post this Order on their public notification site and in the courthouses;

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 13<sup>th</sup> day of May, 2020 at 11:22 a.m.



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