

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

IN RE: Declaration of Judicial Emergency

Date: June 15, 2020

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**THIRD ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY
UNTIL JULY 12, 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 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. 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., Sunday, July 12, 2020.

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.**

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 **June 15, 2020, and July 12, 2020:**

- Fannin Civil Jury Trials to begin on **June 15, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are continued until further order of the Georgia Supreme Court.

- Gilmer Criminal Jury Trials to begin on **June 15, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are continued until further order of the Georgia Supreme Court.
- Fannin Civil Nonjury Hearings on **June 15, 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 **June 16, 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 Civil Nonjury Hearings on **June 17, 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 Civil Nonjury Hearings on **June 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.
- Fannin Motions and Pleas on **June 19, 2020**, are continued.
- Fannin Misdemeanor Jury Trials to begin on **June 22, 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 **June 23, 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 23, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, arraignments, 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 24, 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 24, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, arraignments, 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 Criminal Calendar Call on **June 24, 2020**, is continued until **August 5, 2020**, at 1:30 p.m.
- Fannin Civil Nonjury Hearings on **June 25, 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 Grand Jury to begin **July 6, 2020**, shall be continued until further order this Court.
- Gilmer Civil Nonjury Hearings on **July 7, 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 Civil Nonjury Hearings on **July 8, 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 **July 8, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, arraignments, 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 Criminal Calendar Call on **July 8, 2020**, is continued until **August 12, 2020**, at 1:30 p.m.
- Fannin Civil Nonjury Hearings on **July 9, 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 **July 9, 2020**, shall include plea hearings for both incarcerated and non-incarcerated defendants, arraignments, 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 Calendar Call on **July 9, 2020**, is continued until **October 8, 2020**, at 1:30 p.m.
- 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 July 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:

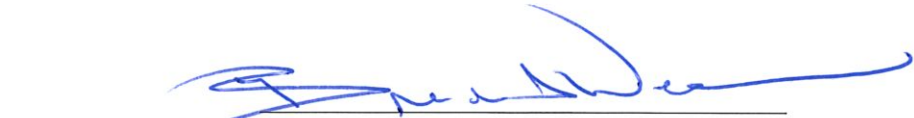
IT IS ORDERED that the Sheriffs of Pickens County, Gilmer County, and Fannin County, shall post this Order on their public notification site and in the courthouses;

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;

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 15th day of June, 2020 at 2:54 a.m./(p.m.)



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