

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

IN RE: Declaration of Judicial Emergency

Date: September 11, 2020

*
*
*
*
*

**SIXTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY
UNTIL OCTOBER 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 September 10, 2020, Justice Melton entered the SIXTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY until Saturday, October 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. On August 12, 2020, Chief Judge Brenda S. Weaver entered the FIFTH EMERGENCY ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY UNTIL September 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 Saturday, October 10, 2020, at 11:59 p.m.

RESUMPTION OF GRAND JURY PROCEEDINGS AND JURY TRIALS

As ordered by Justice Melton in the SIXTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY on September 10, 2020, the undersigned Chief Judge of the Appalachian Judicial Circuit has the discretion, after consultation with the District Attorney, to resume grand jury proceedings as local conditions allow. Judge Weaver called a meeting with the District Attorney, the Fannin Clerk of Superior Court, the Pickens Clerk of Superior Court, and the Gilmer Clerk of Superior Court and has now determined that grand jury proceedings may resume with safety measures in place and following guidelines. The next Grand Jury will convene in Gilmer County on **October 19, 2020**. For the safety of jurors, court personnel, and the public, the undersigned Chief Judge will ensure that guidelines from the Centers for Disease Control (CDC), Department of Health (DPH), and “Guidance for Resuming In-Person Grand Jury Proceedings,” developed by the Judicial COVID-19 Task Force, are followed.

As ordered by Justice Melton in the SIXTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY on September 10, 2020, jury trials at this time are prohibited, but the order directs the undersigned Chief Judge of the Appalachian Judicial Circuit to form a local committee to develop detailed operating guidelines for the resumption for jury trials, utilizing guidance from the Centers for Disease Control (CDC), Department of Health (DPH), and “Guidance for Local Committees on Resuming Jury Trials,” developed by Judicial COVID-19 Task Force. The local guidelines will be announced and made available to the public on the Appalachian Judicial Circuit website (<https://www.appalachiancourts.com>), Appalachian Judicial Circuit Twitter feed (<https://twitter.com/AppalachianCt>), Administrative Office of the Courts website (<https://georgiacourts.gov/covid-19-court-operating-guidelines/>), and the offices

of the Clerk of Superior Court and the courthouse entrances. The tentative date for jury trials to resume in this circuit is **November 30, 2020**, but this date may be extended based upon the prohibition or resumption of jury trials in the next Supreme Court Order that will be issued on or before October 10, 2020. Pursuant to the Supreme Court's directive, when the date for the resumption of jury trials has been determined, an order authorizing the same will be entered by Judge Weaver a month or more in advance to allow ample time to summon potential jurors for service.

SAFETY GUIDELINES FOR ENTERING COURTHOUSES

The following guidelines are subject to modification subsequent to the local committee's operating guidelines and any evolving directives from the Centers for Disease Control (CDC) and the Department of Health (DPH):

- 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, 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 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 **September 11, 2020 and October 10, 2020:**

- Pickens Grand Jury for the week of **September 14, 2020**, is continued.
- Gilmer Civil Nonjury Hearings on **September 15, 2020**, shall include only the remote hearings which the assigned judge has set by Rule Nisi.
- Pickens Civil Nonjury Hearings on **September 16, 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 17, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Fannin Arraignment and Pleas shall occur on **September 17, 2020**.
- Gilmer Motions and Pleas (Worcester) **September 18, 2020**, are cancelled.
- Fannin Motions and Pleas (Weaver) **September 18, 2020**, are cancelled.
- Fannin Criminal Jury Trials on **September 21, 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 on **September 21, 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 22, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Gilmer Criminal Nonjury Pretrial Conferences shall be heard on **September 22, 2020**. Calendar times shall be staggered.
- Pickens Civil Nonjury Hearings on **September 23, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Pickens Criminal Nonjury on **September 23, 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 Nonjury Pretrial Conferences shall be heard on **September 23, 2020**. Calendar times shall be staggered.
- Fannin Civil Nonjury Hearings on **September 24, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Fannin Criminal Nonjury Pretrial Conferences shall be heard on **September 24, 2020**.
- Pickens Civil Jury Trials on **September 28, 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 29, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Gilmer Criminal Nonjury Hearings on **September 29, 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 **September 30, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Pickens Criminal Nonjury Hearings on **September 30, 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 **October 1, 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 **October 1, 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 Jury Trials on **October 5, 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 on **October 5, 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 **October 6, 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 **October 7, 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 **October 8, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.

RESUMPTION OF GRAND JURY PROCEEDINGS

- Gilmer Grand Jury shall convene on **October 19, 2020**.

- Fannin Grand Jury shall convene on **November 9, 2020**.
- Pickens Grand Jury shall convene on **November 16, 2020**.

***TENTATIVE* RESUMPTION OF JURY TRIALS**

The Supreme Court of Georgia has prohibited jury trials at this time but will reevaluate the prohibition or resumption of jury trials in the next order to be entered on or before October 10, 2020. The tentative date for jury trials to resume in this circuit is **November 30, 2020**, but this date may be extended based upon the next Supreme Court Order.

- Gilmer Criminal Jury Trials will tentatively begin **November 30, 2020**, subject to the Supreme Court's next order. Motions and pleas will be held on **November 20, 2020**.
- Pickens Criminal Jury Trials will tentatively begin **November 30, 2020**, subject to the Supreme Court's next order. Motions and pleas will be held on **November 20, 2020**.
- Fannin Criminal Jury Trials will tentatively begin **November 30, 2020**, subject to the Supreme Court's next order. Motions and pleas will be held on **November 20, 2020**.
- Gilmer Criminal Jury Trials will tentatively begin **January 25, 2021**, subject to the Supreme Court's next order. Motions and pleas will be held on **January 15, 2021**.
- Pickens Criminal Jury Trials will tentatively begin **January 25, 2021**, subject to the Supreme Court's next order. Motions and pleas will be held on **January 15, 2021**.
- Fannin Criminal Jury Trials will tentatively begin **January 25, 2021**, subject to the Supreme Court's next order. Motions and pleas will be held on **January 15, 2021**.
- 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 October 10, 2020, without first presenting the same to the assigned judge, other than default judgments or other uncontested matters.

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:

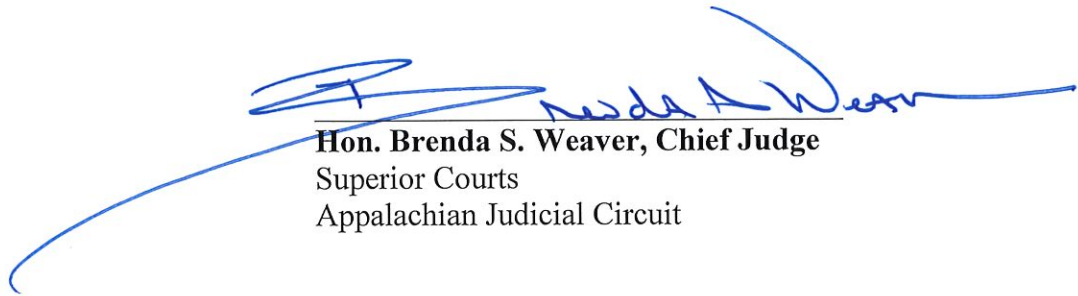
IT IS ORDERED that the Sheriffs of Pickens County, Gilmer County, and Fannin County, shall post this Order on their public notification site and in the courthouses;

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 14th day of September, 2020 at 10:27 (a.m./p.m.).



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