

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

IN RE: Declaration of Judicial Emergency *
Date: October 13, 2020 *
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**SEVENTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY
UNTIL NOVEMBER 9, 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 October 10, 2020, Justice Melton entered the SEVENTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY until Monday, November 9, 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. On September 14, 2020, Chief Judge Brenda S. Weaver entered the SIXTH EMERGENCY ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY UNTIL

October 10, 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 Monday, November 9, 2020, at 11:59 p.m.

RESUMPTION OF GRAND JURY PROCEEDINGS

The SIXTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY, entered by Justice Melton on September 10, 2020, and the SEVENTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY, entered by Justice Melton on October 10, 2020, ordered that the Chief Superior Court Judge may resume Grand Jury proceedings if doing so can be done safely and in compliance with public health guidance based on local conditions. The SIXTH ORDER DECLARING JUDICIAL EMERGENCY for Pickens, Gilmer, and Fannin Counties, entered by Judge Weaver on September 14, 2020, already has ordered the reinstatement of Grand Jury proceedings. Grand Jury proceedings will resume as previously ordered:

- 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**.

RESUMPTION OF 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 formed 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 date of this committee meeting has been scheduled for October 23, 2020 at 10:00 a.m. by remote videoconference. 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 posted at the entrance of each courthouse.

The SEVENTH ORDER EXTENDING DECLARATION OF STATEWIDE JUDICIAL EMERGENCY, entered by Justice Melton on October 10, 2020, orders that Jury Trials may be reinstated effective immediately if they can be done safely and in accordance with a final jury trial plan developed in collaboration with the local committee and incorporated into the court’s written operating guidelines for in-person proceedings. Each circuit must give at least thirty days’ notice for the reinstatement of jury trials. It is HEREBY ORDERED as follows:

- Gilmer Criminal Jury Trials will begin **November 30, 2020**. Motions and pleas will be held on **November 20, 2020**.
- Pickens Criminal Jury Trials will begin **November 30, 2020**. Motions and pleas will be held on **November 20, 2020**.
- Fannin Criminal Jury Trials will begin **November 30, 2020**. Motions and pleas will be held on **November 20, 2020**.
- Gilmer Criminal Jury Trials will begin **January 25, 2021**. Motions and pleas will be held on **January 15, 2021**.

- Pickens Criminal Jury Trials will begin **January 25, 2021**. Motions and pleas will be held on **January 15, 2021**.
- Fannin Criminal Jury Trials will begin **January 25, 2021**. Motions and pleas will be held on **January 15, 2021**.

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. Witnesses testifying before a grand jury or trial jury must wear a face shield.

- 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.

REVISED MASTER 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 Revised 2020 Superior Court Calendar of the Appalachian Circuit for the time period between **October 11, 2020 and November 13, 2020:**

- Fannin Motions and Pleas on **October 16, 2020**, are cancelled.
- Pickens Motions and Pleas on **October 16, 2020**, are cancelled.
- Fannin Criminal Jury Trials on **October 19, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are reinstated, but the Chief Superior Court Judge must give at least 30 days' notice of the reinstatement.
- Pickens Criminal Jury Trials on **October 19, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are reinstated, but the Chief Superior Court Judge must give at least 30 days' notice of the reinstatement.
- Gilmer Grand Jury shall convene on **October 19, 2020**.
- Gilmer Civil Nonjury Hearings on **October 20, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Gilmer Criminal Nonjury on **October 20, 2020**, is continued due to the Grand Jury being in session.
- Pickens Civil Nonjury Hearings on **October 21, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Pickens Criminal Nonjury on **October 21, 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 22, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Fannin Criminal Nonjury on **October 22, 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.
- Gilmer Civil Nonjury Hearings on **October 23, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Gilmer Criminal Nonjury on **October 27, 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 on **October 28, 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 29, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Fannin Criminal Nonjury on **October 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 **October 30, 2020**, shall include only the remote hearings or in-person hearings which the assigned judge has set by Rule Nisi.
- Pickens Motions and Pleas on **October 30, 2020**, are cancelled.

- Pickens Criminal Jury Trials on **November 2, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are reinstated, but the Chief Superior Court Judge must give at least 30 days' notice of the reinstatement.
- Fannin Civil Jury Trials on **November 2, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are reinstated, but the Chief Superior Court Judge must give at least 30 days' notice of the reinstatement.
- Gilmer Civil Jury Trials on **November 2, 2020**, are continued. The Georgia Supreme Court has ordered that jury trials are reinstated, but the Chief Superior Court Judge must give at least 30 days' notice of the reinstatement.
- Fannin Grand Jury shall convene on **November 9, 2020**.
- Gilmer Civil Nonjury Hearings on **November 10, 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 **November 12, 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 **November 13, 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 Judges'** Offices for instructions on scheduling hearings.
- Parties and attorneys shall contact the assigned **Probate Judges'** Offices for instructions on scheduling hearings.

- Parties and attorneys shall contact the assigned **Magistrate Judges'** Offices for instructions on scheduling hearings.

The Clerk's office is instructed not to accept Rule Nisis for court dates between now and November 13, 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:

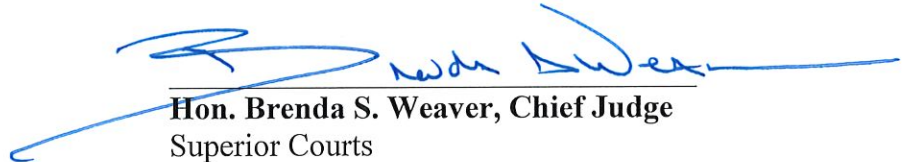
IT IS ORDERED that the Sheriffs of Pickens County, Gilmer County, and Fannin County, shall post this Order on their public notification site and in the courthouses;

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 Ms. 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 13 day of October, 2020 at 3:24 a.m./p.m.



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