

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
BLUE RIDGE JUDICIAL CIRCUIT
STATE OF GEORGIA

DECLARATION OF LOCAL
JUDICIAL EMERGENCY

July 30, 2021

ORDER EXTENDING LOCAL JUDICIAL EMERGENCY

On July 1, 2021, this Court entered an Order Declaring Local Judicial Emergency, based on the backlog of both criminal and civil cases that has been created as a result of statewide judicial emergency orders entered by the Chief Justice of the Georgia Supreme Court. The Court incorporates the findings of said Order herein.¹

A backlog of the magnitude found in the Court's previous Order will take some time to clear, despite the diligent efforts that will be made by the judges of this Circuit. Resumption of large-scale trial calendars have taken place in State Court this month. Superior Court trials with all judges in trial simultaneously will take place in August. The Court will continue to monitor the pace at which cases are being closed.

Accordingly, the Court finds that there exist significant circumstances in the Blue Ridge Judicial Circuit that substantially endanger or infringes upon the normal functioning of the judicial system, the ability of persons to avail themselves of the judicial system, or the ability of litigants or others to have access to the courts or to meet schedules or time deadlines imposed by court order or rule, statute, or administrative rule or regulation. The Court therefore extends the previously ordered local judicial emergency in the Blue Ridge Judicial Circuit, pursuant to O.C.G.A. § 38-3-61(b), and additionally ORDERS as follows:

¹ Order Declaring Local Judicial Emergency, filed July 1, 2021, at Superior Court Minute Book 201, Page 2757.

1. Health and Safety Measures: There is no requirement that Justice Center security personnel screen persons entering the building for COVID-19 symptoms. All Courts are encouraged to continue to follow public health guidance, that is, to reference to the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), and the Georgia Department of Public Health (DPH). Current guidance suggests that all persons, even those who have been vaccinated, should wear masks in indoor, public settings. However, the Court does not re-instate a mask requirement at this time.

2. In-Person Proceedings; Jury Assembly Room: In-person proceedings are not restricted by this Order. In order to insure for proper sanitation of courtrooms and public spaces, judges are encouraged to notify the Court Administrator prior to conducting an in-person hearing. For the same reason, the Court shall continue to monitor the use of the Jury Assembly Room. Any court or office requesting use of it shall contact Lynn Epps, Court Administrator, for prior approval. Priority use shall be given to functions solely related to the holding of hearings and conducting of court.

3. Conduct of Remote Hearings: On March 27, 30, and 31 of 2020, the Supreme Court of Georgia issued orders temporarily clarifying and amending video conferencing rules of the Superior Courts, Juvenile Courts, Magistrate Courts, Municipal Courts, and Probate Courts. By Order of the Georgia Supreme Court on June 22, 2021, those temporary amendments have been extended and shall remain in effect through June 30, 2022. In addition, those rules were additionally clarified to allow any proceeding not otherwise allowed to be conducted by video conference so long as the judge and all the parties consent, and public access is ensured as required. in said rules.

All Courts of the Blue Ridge Circuit are therefore encouraged to conduct remote hearings as authorized, to continue to maintain a degree of social distancing in the Justice Center or other court facilities, and to reserve the use of courtroom space, holding cells, and public spaces for the hearing matters that must be held in-person.

If a party or a member of the public objects to the remote proceeding, the court shall sustain or overrule such objection prior to conducting the proceeding.

4. Required Notice for Remote Hearings: Any Court scheduling a remote hearing with a self-represented litigant shall notify said litigant as follows herein.

ANY PERSON WITHOUT ACCESS TO AN ADEQUATE INTERNET CONNECTION OR TO A DEVICE WHICH WILL PERMIT REMOTE PARTICIPATION SHOULD CONTACT THE COURT ADMINISTRATOR'S OFFICE PRIOR TO HEARING. THE COURT ADMINISTRATOR WILL MAKE SUCH AVAILABLE FOR PARTICIPATION IN THE HEARING AT THE JUSTICE CENTER. IF YOU ARE ORDERED OR SUMMONED TO APPEAR, AND YOU HAVE NOT MADE THESE ARRANGEMENTS PRIOR TO HEARING, YOU SHOULD STILL APPEAR AT THE JUSTICE CENTER WHEN REQUIRED, ALTHOUGH YOUR HEARING MAY BE DELAYED OR CONTINUED AT THE DISCRETION OF THE ASSIGNED JUDGE.

5. Livestream Broadcasts: Livestream links are available on the Court Administration website (<https://www.cherokeega.com/Court-Administrators-Office/>) for all proceedings not deemed to be confidential by law or otherwise held in open court.

6. Tolling Provisions: The tolling provisions enacted by the various Orders of the Chief Justice are no longer in effect. This order imposes the following tolling provisions.

A. Superior and State Court: The time for filing a statutory speedy trial demand under O.C.G.A. § 17-7-170 and §17-7-171 is hereby reinstated. However, the time allotted under those statutes for the case to be tried remains tolled for the duration of this Order.

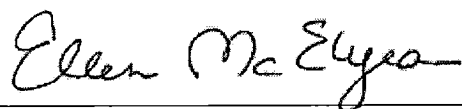
B. Magistrate Court: The statutory deadlines for setting civil cases for trial imposed on the magistrate court by O.C.G.A. § 15-10-43(c) are suspended.

This Order shall become effective on July 31, 2021. It will terminate on August 30, 2021, at 11:59 p.m., unless otherwise extended, rescinded, amended, or superseded.

This document shall be posted at all entryways to the Justice Center, on the website of the Clerk of Court and the Court Administrator, and at the elevator entrances on all floors of the Justice Center.

Pursuant to O.C.G.A. § 38-3-63, it is Ordered that the Sheriff of Cherokee County shall post this Order on his public notification site and in the Frank C. Mills, III Justice Center; that this Order shall immediately be served upon Chief Justice David E. Nahmias of the Supreme Court of Georgia, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us; that this Order shall immediately be served upon the judges and clerks of all courts of the Blue Ridge Judicial Circuit 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 this Order shall be published on the Court Administrator's website for notice to the affected parties, counsel for the affected parties, and the public.

SO ORDERED, this 30th day of July, 2021.



Chief Judge Ellen McElyea
Superior Court of Cherokee County
Blue Ridge Judicial Circuit

CC:

Chief Justice David E. Nahmias, Supreme Court of Georgia

Tee Barnes, Clerk of the Supreme Court of Georgia

Clerk, Georgia Court of Appeals

Sheriff Frank Reynolds

Judges of Cherokee Superior Court

Judges of Cherokee State Court

Judges of Cherokee Juvenile Court

Judge James Drane, Magistrate

Judge Keith Wood, Probate Court

Patty Baker, Clerk of Courts

Shannon Wallace, District Attorney

Todd Hayes, Solicitor-General

Lynn Epps, Court Administrator

Cherokee County Bar Association

Louis Turchiarelli, Indigent Defense Director

Cherokee County Board of Commissioners