

Patty Baker, Clerk of Superior Court - Cherokee County, GA

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Patty Baker, Clerk of Superior Court - Cherokee County, GA

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

IN RE: Declaration of Judicial Emergency

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ORDER DECLARING JUDICIAL EMERGENCY

Due to the Coronavirus/COVID-19 pandemic, and the existence of individuals infected with the virus in and around Cherokee County, there exists a serious health emergency that substantially endangers or infringes upon the normal functioning of the judicial system as it relates to jury service, including grand jury service, and any non-essential matters, unless they can be conducted via video or teleconferencing. Therefore, pursuant to O.C.G.A. § 38-3-60(2)(D) and O.C.G.A. § 38-3-61, a judicial emergency is declared by this Order, and shall affect all courts and clerk's offices in the Blue Ridge Judicial Circuit.

Accordingly, it is the Order of the Court that **SUPERIOR COURT JURY TRIALS SCHEDULED THE WEEKS OF MARCH 23 AND MARCH 30, 2020, ARE HEREBY CANCELLED.** Furthermore, for a period of fourteen (14) days from the date of this Order, no civil or non-essential matters shall be heard by the courts unless they can be conducted via video or teleconferencing. Parties or attorneys in any non-essential matters should contact the chambers of the judge assigned to their case if they have any questions and/or need to ensure their compliance with this Order.

Pursuant to O.C.G.A. § 38-3-62, for a period of fourteen (14) days from the date of this Order, the Court hereby suspends, tolls, extends, and otherwise grants relief from: (1) a statute of limitation; (2) the time within which to try a case for which a demand for speedy trial has been filed; (3) the time within which to hold a commitment hearing; (4) the time within which to return a bill of indictment or an accusation or to bring a matter before a grand jury; (5) the time within which to issue a warrant; (6) the time within which to conduct a detention hearing regarding a juvenile; (7) the time within which to file a writ of habeas corpus; and/or (8) such

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other legal proceedings as determined to be necessary, including calendars involving large numbers of litigants, lawyers, or other persons.

Should the state of emergency extend beyond the period indicated above, or should the nature of the emergency otherwise require modification by the Court, the Court will make a determination of available alternative remedies for the conduct of court business, as necessary, and a corresponding Order will be entered and distributed in accordance with Georgia law.

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 Harold D. Melton 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 sitting within 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.

IT IS SO ORDERED this 13th day of March, 2020 at 1:35 p.m.
a.m./p.m.

/s/ Ellen McElyea

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