

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

DECLARATION OF LOCAL  
JUDICIAL EMERGENCY

August 16, 2021

**ORDER EXTENDING LOCAL JUDICIAL EMERGENCY**

On July 1, 2021, this Court entered an Order Declaring Local Judicial Emergency, due to the significant backlog of cases created by the statewide suspension of jury trials ordered by the Chief Justice of the Supreme Court of Georgia. The local judicial emergency was extended by Order filed July 30, 2021. Said Order was amended on August 5, 2021, to reinstate several health and safety precautions due to a rise in COVID-19 cases in the community.<sup>1</sup>

Since the Court's last order, the active number of COVID-19 cases in Cherokee County has continued to rise, and has reached levels not seen since January of this year.<sup>2</sup> Also of concern is the number of employees working in the Justice Center who are testing positive, which anecdotally seems to be higher than at any point in the pandemic.

Therefore, it is with regret, and no small amount of frustration, that the Court deems in necessary to file this Order, which shall SUPERSEDE the Court's Orders of July 30, 2021, and August 5, 2021, in their entirety.

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<sup>1</sup> Order Declaring Local Judicial Emergency, filed July 1, 2021, at Superior Court Minute Book 201, Page 2757; Order Extending Local Judicial Emergency, filed July 30, 2021, at Superior Court Minute Book 201, Page 2788; and Order Amending Order Extending Local Judicial Emergency, filed August 5, 2021, at Superior Court Minute Book 201, Page 2797.

<sup>2</sup> On August 3, 2021, the number of new COVID cases was 172 and 7-day moving average was 85.6; the percentage of PCR tests with positive results was 18.6, and the 7-day moving average was 15. On August 16, 2021, the number of new COVID cases was 219 and 7-day moving average was 197; the percentage of PCR tests with positive results was 17.4, and the 7-day moving average was 18.9. The last date the number of new cases approached this amount was

In order to protect the health and safety of all court personnel, attorneys, litigants, and the general public, and to continue the orderly operation of the courts, and pursuant to O.C.G.A. § 38-3-60(2)(D) and O.C.G.A. § 38-3-61, the previously ordered judicial emergency is extended 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, as follows:

**1. Health and Safety Measures:** Where this order refers to "public health guidance," it references the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), and the Georgia Department of Public Health (DPH).

While the courts have been abiding by various health and safety measure throughout the pandemic, this Order shall serve to clarify and reemphasize these provisions.

**A. IF YOU ARE SICK OR HAVE BEEN EXPOSED, STAY HOME.**

No person should come into the Justice Center or the Historic Courthouse if they have tested positive for COVID-19 or are experiencing common symptoms of COVID: fever or chills, cough, shortness of breath, fatigue, aches, loss of taste or smell, sore throat, runny nose, or diarrhea. Additionally, anyone exposed to someone with these symptoms, or to someone known to be positive for COVID-19, shall report this prior to the appropriate individual **before** entering any judicial facility (employees shall report this to their supervisor, litigants to their attorneys, jurors to the jury clerk, attorneys to the judge's office, etc.). Sick or exposed employees should be required to take time off or work remotely. Judges shall make appropriate accommodations for parties or attorneys who need to appear remotely, instead of in-person, to allow their appearance before the Court.

The Court Administrator shall cause the notice and requirements of this paragraph to be posted at the entrances of the Justice Center and the Historic Courthouse.

**B. Screening and Public Access:** Everyone entering the courthouse will be screened for symptoms and COVID- 19 exposure. The Sheriff's Office shall ask all persons entering the Justice Center the following questions: 1) Have you been diagnosed with, or had contact with someone who has been diagnosed with, COVID-19 within the last 14 days?; and 2) Have you developed a new cough, difficulty breathing, or fever over 100 degrees over the last 3 days? Anyone answering yes to either of these questions will not be allowed to enter the Justice Center.

Also, as a part of the screening process, deputies will take the temperature of every person entering the Justice Center. Any person with a fever of 100 degrees or higher will not be permitted to enter the Justice Center.

Any person denied entry into the Justice Center shall be instructed by deputies to call the Justice Center main telephone number (678-493-6100) from outside the courthouse. If said person is seeking to file a pleading or other document, the Clerk of Court shall determine whether such filing can be accomplished through the electronic filing system. If the individual does not have access to the e-filing system, then the Clerk shall accept paper filing. The person filing the pleading shall remain outside the Justice Center while the pleading is being filed; delivery of the paper filing shall be made by a deputy sheriff to the Clerk.

If the person denied entry into the Justice Center is there to attend a hearing as either a litigant, witness, or public spectator, such person shall remain outside the Justice Center while the appropriate judicial chambers is notified by the security staff. The assigned judge is authorized to consider all relevant facts and circumstances and make a determination as to whether to admit such person.

The Clerk of Court shall remain open to the public for filing of pleadings by self-represented litigants and in criminal cases. All self-represented litigants, including individuals seeking to file a Petition for Temporary Protective Order under the Family Violence Act, should contact the Clerk of Court at [clerk.cherokeega.com](http://clerk.cherokeega.com) or call 678-493-6511 to schedule an appointment for assistance. While attorneys and self-represented litigants are encouraged to use the temporary criminal e-filing system, the Clerk shall accept and file paper pleadings in all criminal cases.

**C. Masks:** All persons entering the Justice Center are required to wear a mask in any public area of the building, to include lobbies, hallways, elevators, rest rooms, the Jury Assembly room, and the Law Library. This requirement includes individuals working in the building as well as members of the public. Those working in their offices may remove their masks with the consent of their supervisor.

The mask must remain in proper position over the nose and mouth. All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the Courthouse seen without a mask to put one on. Anyone arriving without a mask will be provided one at screening.

Individuals in court may remove their face-covering only with the permission of the judge presiding.

**D. Social Distancing and Room Capacities; Jury Assembly Room:** All courts, offices, and departments are encouraged, to the extent possible, to allow employees to work remotely, and to conduct business and offer services by appointment, in order to mitigate the number of visitors entering the facilities at any given time.

All persons in the building shall make every effort to remain six feet apart during face-to-face interactions. The limit for elevator capacity shall be 2 people not in the same household, and this restriction posted at the elevator entries. All judges are encouraged to be aware of

appropriate room capacities and social distancing for any proceeding occurring in their courtroom.

The Jury Assembly room has a maximum capacity of 24 people. In order to coordinate the use of this room among the classes of courts, and allow for appropriate cleaning and social distancing, any court or office requesting use of it shall contact Lynn Epps, Court Administrator, for prior approval.

No office or entity will be allowed use of the Jury Assembly room without permission of the Court Administrator. It shall not be used for meetings, trainings, conferences, receptions, or any other functions other than those solely related to conducting court (for example, arraignments, grand jury, jury assembly) for the duration of this Order, and any extension thereof.

**2. Essential Functions:** The Frank C. Mills, III Cherokee County Justice Center **shall remain open to the public** and the Courts shall be open to address essential functions, giving priority to matters necessary to protect health, safety, and liberty of individuals. Essential functions include the following: (a) where an immediate liberty or safety concern is present requiring the attention of the court as soon as the court is available; (b) criminal court search warrants, arrest warrants, initial appearances, and bond reviews; (c) domestic abuse temporary protective orders and restraining orders; (d) juvenile court delinquency detention hearings and emergency removal matters; and (e) mental health commitment hearings.

**3. Limitation and Suspension of In-Person Proceedings; Proceedings to be Conducted Remotely:** The Justice Center remains open to the public for access of the essential functions of the courts. As noted in prior orders, the Courts of the Blue Ridge Judicial Circuit have worked hard to develop resources for conducting non-jury hearings remotely.

**A. Suspension of In-Person Hearings:** This Order suspends and cancels any in-person hearings or proceedings in the Justice Center, except as otherwise allowed herein. Jury trials now in progress may continue to conclusion. The grand jury shall be permitted to conduct in-person proceedings in the Jury Assembly Room of the Justice Center, abiding by all public health guidance and procedures set forth in this Order.

**B. 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 classes of court shall conduct hearings remotely, by telephone or videoconference, except as otherwise provided herein. Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, where allowed by court rules (including emergency amendments thereto). Such proceedings shall be consistent with public health guidance, must not impose undue burdens on participants, and must not be prohibited by the requirements of the United States or Georgia constitutions or applicable statutes or court rules. In civil, criminal, juvenile, and administrative proceedings, litigants may expressly consent in the record to remote proceedings not otherwise authorized and affirmatively waive otherwise applicable legal requirements.

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.

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.

**C. In-Person Hearings; Treatment Courts:** Essential matters as defined herein, and matters deemed emergencies by the assigned judge, may be held in-person, only if: (a) required by law to be in person, or (b) if it is not practicable for technical or other reasons for persons participate in the proceeding to participate remotely, AND (c) as long as any such hearing or matter is conducted in accordance with public health guidance and this Court's related orders.

Treatment courts and accountability courts may conduct in-person proceedings, if deemed necessary by the presiding judges of said courts, to address the special circumstances and needs of their participants. All such hearings shall be conducted in accordance with public health guidance and this Court's related orders.

**3. Alternate Locations:** Nothing herein shall prohibit any class of court from conducting hearings or other business at an external or alternate location, with the agreement of the Cherokee

County Board of Commissioners, in order to allow larger calendars while still abiding by social distancing and other public health guidance.

**4. 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.

**5. Probate Court:** The Probate Court shall conduct all business, with the exception of essential matters and emergencies, by appointment only. These appointments shall be scheduled and conducted in a way to ensure that applicants are required to maintain social distancing guidelines (for example, to limit the number of people in waiting area, hallways, and elevators). The Probate Court shall continue to provide essential services as set forth on the Probate Court website (<https://www.cherokeega.com/Probate-Court/>). The Probate Court shall coordinate with the Sheriff's courthouse security personnel to ensure that walk-in applicants are advised of the way they may schedule an appointment for the services sought.

**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 August 17, 2021. It shall 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 and the Historic Courthouse, 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 Nahamias 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](mailto: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 16<sup>th</sup> day of August, 2021.



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

CC:  
Chief Justice Harold Melton, 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

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

**ORDER AMENDING ORDER EXTENDING LOCAL JUDICIAL EMERGENCY**

On July 30, 2021, this Court entered an Order Extending Local Judicial Emergency.<sup>1</sup> Said Order addressed the tolling of certain deadlines, based on the backlog of cases created during necessary shutdowns related to the COVID-19 pandemic.

All Courts are anxious to resume operations as usual. Regrettably, the COVID-19 virus continues to pose a great risk to public health. Since the Court's Order of July 1, 2021, the number of new cases per day, the 7-day moving average of new cases, and the daily percentage of positive tests have all increased significantly in Cherokee County.<sup>2</sup> In consultation with local hospital officials, the Court finds number of hospitalizations has increased at least four-fold.

Additionally, the resumption of in-person proceedings and the return to "business as usual" in the courtrooms and offices of the Justice Center have led to confusion for individuals

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<sup>1</sup> Said Order is filed at Superior Court Minute Book 201, Page 2788. It extends the Order Declaring Local Judicial Emergency filed July 1, 2021, at Superior Court Minute Book 201, Page 2757.

<sup>2</sup> On July 1, 2021, the number of new cases was 12, and the 7-day moving average was 9.7; on August 3, 2021, the number of new cases was 172 and the 7-day moving average was 85.6. On July 1, 2021, the percentage of PCR tests with positive results was .06, and the 7-day average was 2.3; on August 3, the percentage of PCR tests with positive results was 18.6, and the 7-day moving average was 15. Georgia Department of Public Health website: <https://dph.georgia.gov/covid-19-daily-status-report>.

who may currently be positive for the virus or otherwise experiencing symptoms. This Order seeks to clarify and guide those persons.

Therefore, to continue the orderly operation of the Courts and to protect the health of litigants, lawyers, judges, court personnel and the public, IT IS THE ORDER OF THE COURT, effective immediately:

**1. IF YOU ARE SICK OR HAVE BEEN EXPOSED, STAY HOME.**

No person should come into the Justice Center or the Historic Courthouse if they have tested positive for COVID-19 or are experiencing common symptoms of COVID: fever or chills, cough, shortness of breath, fatigue, aches, loss of taste or smell, sore throat, runny nose, or diarrhea. Additionally, anyone exposed to someone with these symptoms, or to someone known to be positive for COVID-19, shall report this prior to the appropriate individual **before** entering any judicial facility (employees shall report this to their supervisor, litigants to their attorneys, jurors to the jury clerk, attorneys to the judge's office, etc). Sick or exposed employees should be required to take time off or work remotely. Judges shall make appropriate accommodations for parties or attorneys who need to appear remotely, instead of in-person, to allow their appearance before the Court.

The Court Administrator shall cause the notice and requirements of this paragraph to be posted at the entrances of the Justice Center and the Historic Courthouse.

**2. MASKS ARE REQUIRED:** All persons entering the Justice Center are required to wear a mask in any public area of the building, to include lobbies, hallways, elevators, rest rooms, the Jury Assembly room, and the Law Library. This requirement includes individuals working in the building as well as members of the public. Those working in their offices may remove their masks with the consent of their supervisor.

The mask must remain in proper position over the nose and mouth.

All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the Courthouse seen without a mask to put one on. Anyone arriving without a mask will be provided one at screening.

All jurors in the Jury Assembly Room and in any space used as a jury deliberation room shall wear a mask. Grand jurors are also subject to this requirement. All persons in any courtroom proceeding may remove their face-covering only with the permission of the presiding judge.

**3. SCREENING REQUIRMENTS:** Everyone entering the courthouse will be screened for symptoms and COVID- 19 exposure. The Sheriff's Office shall ask all persons entering the Justice Center the following questions: 1) Have you been diagnosed with, or had contact with someone who has been diagnosed with, COVID-19 within the last 14 days? and 2) Have you developed a new cough, difficulty breathing, or fever over 100 degrees over the last 3 days? Anyone answering yes to either of these questions will not be allowed to enter the Justice Center.

Also, as a part of the screening process, deputies will take the temperature of every person entering the Justice Center. Any person with a fever of 100 degrees or higher will not be permitted to enter the Justice Center.

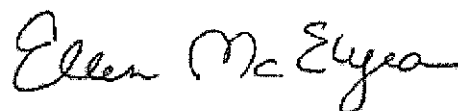
Any person denied entry into the Justice Center shall be instructed by deputies to call the Justice Center main telephone number (678-493-6100) from outside the courthouse. If said person is seeking to file a pleading or other document, the Clerk of Court shall determine whether such filing can be accomplished through the electronic filing system. If the individual does not have access to the e-filing system, then the Clerk shall accept paper filing. The person

filing the pleading shall remain outside the Justice Center while the pleading is being filed;  
delivery of the paper filing shall be made by a deputy sheriff to the Clerk.

If the person denied entry into the Justice Center is there to attend a hearing as either a litigant, witness, or public spectator, such person shall remain outside the Justice Center while the appropriate judicial chambers is notified by the security staff. The assigned judge is authorized to consider all relevant facts and circumstances and make a determination as to whether to admit such person.

Any provisions of the July 31, 2021 not herein amended, shall remain in full force and effect.

SO ORDERED, this <sup>8/5/2021</sup> \_\_\_ day of August, 2021.



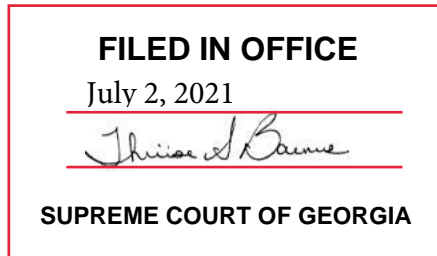
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Chief Judge Ellen McElyea  
Superior Court of Cherokee County  
Blue Ridge Judicial Circuit

CC:

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  
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Louis Turchiarelli, Indigent Defense Director  
Cherokee County Board of Commissioners

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



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

DECLARATION OF LOCAL  
JUDICIAL EMERGENCY

JULY 1, 2021

**ORDER DECLARING LOCAL JUDICIAL EMERGENCY**

Since March 14, 2020, the Courts of this Circuit has been operating under a series of orders from Chief Justice Harold Melton of the Supreme Court of Georgia, declaring and extending a state-wide judicial emergency. This state-wide emergency terminated on Wednesday, June 30, 2021, at 11:59 p.m.

During statewide judicial emergency, all jury trials and grand jury proceedings were suspended beginning March 14, 2020. The Chief Justice first allowed the resumption of grand jury proceedings, and the grand jury for the Blue Ridge Circuit has functioned in the normal course since February 22, 2021.

The Supreme Court allowed the resumption of jury trials by Order dated March 9, 2021, subject to public health guidance and a local jury trial plan required by the Chief Justice. Said plan, developed by a committee appointed by the Chief Judge, had already been submitted on February 12, 2021. Both Superior Court and State Court jury trials resumed in March, 2021.

While the resumption of jury trials has been an important first step, the Courts have not been able to conduct trials on large scale. Trial calendars have been limited to fewer cases. Due to the necessity of social distancing, the Courts have summoned fewer jurors. Rather than using multiple courtrooms for trials, as was the pre-pandemic practice, the Chief State Court judge's courtroom was specifically renovated to provide appropriate social distancing for all participants, and all trials have taken place therein. In order to ensure a public trial, trial proceedings have been

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

broadcast in real time in a separate “viewing courtroom,” and another courtroom was used as the jury deliberation room. Travel restrictions have made it difficult to insure the availability of witnesses from out-of-state. The trial of lengthy and complicated witnesses has been unwise due to the possibility of a mistrial due to a participant contracting COVID-19 during such trial.

These necessary restrictions have resulted in a backlog of cases. The focus of jury trials since “reopening” has been on criminal cases; no civil jury trials have taken place at all. The Superior Court criminal case count is roughly three times what it was in March, 2020, the beginning of the statewide judicial emergency.<sup>1</sup> The current criminal caseload for Cherokee County State Court has increased by 66.14% from the beginning of the pandemic. Its civil caseload has increased by 15.22% from the beginning of the pandemic.

A backlog of this magnitude 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 calendar are anticipated in July and August of this year, and the Court will monitor the pace at which cases are being closed.

The Court finds that there exist significant circumstances in the Blue Ridge Judicial Circuit that substantially endanger or infringe 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 declares a local judicial emergency in the Blue Ridge Judicial Circuit, pursuant to O.C.G.A. § 38-3-61, and additionally ORDERS as follows:

**1. Previous Emergency Orders:** Since the Chief Justice’s original statewide judicial

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<sup>1</sup> In August, 2020, the Judicial Council of Georgia had recommended the creation of a fourth Superior Court judgeship in the Blue Ridge Judicial Circuit, based on the court’s caseload from 2017-2019, and the rapid population growth of Circuit since the creation of the last new judgeship in 2007. The Judicial Council ranked the Circuit second in priority by need. The Georgia General Assembly has not yet funded the new position.



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

emergency order, this Court has entered multiple orders declaring local judicial emergencies under the authority of OCGA §§ 38-3-61 and 38-3-62, as well as additional orders to confirm and implement the provisions of the Supreme Court's orders.<sup>2</sup> Any and all such orders not already expired are hereby terminated.

**2. Health and Safety Measures:** There is no requirement that Justice Center security personnel screen persons entering the building for COVID-19 symptoms. Mask-wearing is now voluntary. 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).

**3. 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.

**4. 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

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<sup>2</sup> Said orders are as follows: Order to Address Essential Functions, filed March 18, 2020 at Superior Court Minute Book 201, Page 2229; Order on Public Access, filed March 26, 2020 at Superior Court Minute Book 201, Page 2231; First Amendment to Order to Address Essential Functions, filed March 27, 2020 at Superior Court Minute Book 201, Page 2233; Order Declaring Extension of Judicial Emergency, filed April 7, 2020 at Superior Court Minute Book 201, Page 2240; Order Declaring Second Extension of Judicial Emergency, filed May 12, 2020 at Superior Court Minute Book 201, Page 2256; Order Declaring Local Judicial Emergency, filed July 13, 2020 at Superior Court Minute Book 201, Page 2301; Order Extending Local Judicial Emergency, filed August 12, 2020, Superior Court Minute Book 201, Page 2331; Order Declaring Local Judicial Emergency, filed December 18, 2020, Superior Court Minute Book 201, Page 2382.; Order Extending Local Judicial Emergency, filed January 15, 2021, Superior Court Minute Book 201, Page 2577; and Order Adopting Provisions of March 9, 2021, Twelfth Extension of State-wide Judicial Emergency, filed March 11, 2021 at Superior Court Minute Book 201, Page 2646.

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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.

**5. 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.

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

**6. 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.

**7. 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 1, 2021. It will terminate on July 30, 2021, at 11:59 p.m., unless otherwise extended, rescinded, amended, or superseded.

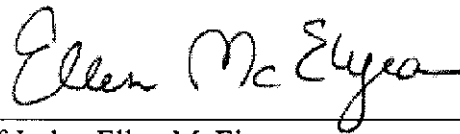
This document shall be posted at all entryways to the Justice Center, on the website of the Clerk of Court and the Court Administrator, and at the elevator entrances on all floors of the Justice Center.

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](mailto: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

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

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 1<sup>st</sup> day of July, 2021.



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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  
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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

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