

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: Extension of Judicial Emergency

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**ORDER DECLARING EXTENSION OF JUDICIAL EMERGENCY**

On March 14, 2020, Chief Justice Harold Melton of the Supreme Court of Georgia entered an order declaring a state-wide judicial emergency. Thereafter, this Court entered a series of Orders to confirm and implement the provisions of the Chief Justice’s Order. These Orders are reaffirmed and incorporated by reference, except as may be modified herein.<sup>1</sup>

On April 6, 2020, Chief Justice Melton entered an Order extending the state-wide judicial emergency until May 13, 2020 at 11:59 p.m. Said Order is incorporated by reference herein. 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 the Master Calendar of the Superior Court is suspended during the extension of the emergency period. Jury trials scheduled the week of May 18, 2020 are hereby suspended.

The Court has published a protocol memorandum for scheduling of negotiated pleas and revocations by videoconferencing. Said protocol remains in effect for the duration of the state of judicial emergency.

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

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<sup>1</sup> Those 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; and First Amendment to Order to Address Essential Functions, filed March 27, 2020 at Superior Court Minute Book 201, Page 2233.

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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 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 7 day of April, 2020 at 10:48

a.m./~~p.m.~~

/s/ Ellen McElyea

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

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

**RECEIVED FILED**

By Therese S Barnes at 9:41 am, Mar 30, 2020

IN THE SUPERIOR COURT OF CHEROKEE COUNTY

BLUE RIDGE JUDICIAL CIRCUIT

STATE OF GEORGIA

IN RE: STATE OF JUDICIAL EMERGENCY

**ORDER TO ADDRESS ESSENTIAL FUNCTIONS**

By Order of March 14, 2020, Chief Justice Harold Melton of the Supreme Court of Georgia declared a state-wide judicial emergency, limiting court proceedings to certain essential matters.<sup>1</sup> The state of emergency exists until April 13, 2020, at 11:59 p.m., unless otherwise extended. So that there may be clarity in the way that the Superior Court shall comply with the Order of the Chief Justice, and provide litigants the opportunity to address said essential matters and functions, the judges of the Superior Court of Cherokee County ORDER the following.

The Master Calendar of the Superior Court is suspended during the emergency period. No jury trials will be held, and no calendars held, except as ordered herein.

1. **Criminal Cases:** There will be a **criminal non-jury calendar held each Tuesday and Thursday at 1:30 p.m.** Criminal matters where defendants are in custody may be scheduled on these calendars by the District Attorney, the defense attorney, or a self-represented defendant, by contacting the judges' Calendar Clerks. **Cases may be scheduled on this calendar irrespective of judicial assignment.** These calendars will be heard by a presiding judge, in a rotation agreed upon by the judges. The hearings will be conducted by videoconferencing, as permitted by Uniform Superior Court Rule 9.2. Motions for revocation of bond may be set on these calendars upon request of the District Attorney; any other cases involving defendants who are not in custody will be set upon approval of both the presiding judge and the assigned judge. No motions for reconsideration or modification shall be heard except by the original judge.
2. **Petitions for Temporary Protective Order:** **All petitions for temporary protective order shall be heard by the presiding judge, irrespective of judicial assignment.** Any currently scheduled 30-day hearing shall be continued to the next-occurring presiding judge calendar. Upon filing of a petition for temporary protective order, the Clerk of Court shall notify the presiding judge's office of same. Requests for ex parte relief shall be considered by the presiding judge electronically, without the

<sup>1</sup> On March 13, 2020, Chief Judge Ellen McElyea declared a state of judicial emergency for the Courts and Clerks of the Blue Ridge Judicial Circuit. The Order of the Chief Justice rescinds and supersedes Judge McElyea's Order.

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physical appearance of the petitioner. Petitioners should be available by telephone if the judge wishes to hear evidence prior to the entry of any ex parte order. **Should the petition be set for further hearing, it shall be set on a presiding judge calendar, as described above, within thirty (30) days of entry of the ex parte order.** These hearings will be conducted remotely, by telephone or videoconferencing. Nothing herein shall modify the Standing Order of this Court regarding assignment of certain Petitions for Temporary Protective Order to the judges of the Juvenile Court.

- 3. **Civil Cases, other than Petitions for Temporary Protective Order:** Any requests for emergency relief shall be addressed to the assigned judge for consideration, and efforts to schedule and conduct those motions for hearing by telephone or videoconferencing will be made, as is warranted in the discretion of the judge. Attorneys and self-represented parties shall submit courtesy copies of any emergency petitions or motions to the assigned judge's office by email. Attorneys and self-represented parties may contact the assigned judge's office for scheduling of any non-emergency matters that may be conducted by telephone or videoconferencing.
- 4. **Uncontested Divorces:** Uncontested divorces, including those involving minor children, may be submitted by motions for judgment on the pleadings, to be considered by the assigned judge. With proper documentation, all judges will accept parents' attendance at online seminars for divorcing parents.

This Order shall be filed upon the minutes of the Superior Court and published in the Office of the Clerk of Superior Court. It shall remain in effect throughout emergency period as set for by the Order of the Chief Justice, and for any extension of said Order.

SO ORDERED, THIS 18<sup>TH</sup> DAY OF MARCH, 2020.

/s/ Ellen McElyea



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

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Judge David L. Cannon, Jr.  
Superior Court of Cherokee County  
Blue Ridge Judicial Circuit



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Judge M. Anthony Baker  
Superior Court of Cherokee County  
Blue Ridge Judicial Circuit

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

**RECEIVED** FILED  
By Therese S Barnes at 9:42 am, Mar 30, 2020

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

IN RE: STATE OF JUDICIAL EMERGENCY  
ORDER ON PUBLIC ACCESS

**ORDER ON PUBLIC ACCESS**

By Order of March 14, 2020, Chief Justice Harold Melton of the Supreme Court of Georgia declared a state-wide judicial emergency. Pursuant to O.C.G.A. § 38-3-61, during the time period set forth in the said Order, it is hereby ORDERED as follows:

Security personnel of the Cherokee County Sheriff's Office shall be required to take the temperature of all people seeking entry to the Frank C. Mills, III Justice Center, including individuals who work in the building and attorneys appearing before the Courts. If a person currently has a fever, as defined as a temperature in excess of 99.0 degrees, said person shall be denied entry.

The person denied entry into the Justice Center shall be instructed by security personnel 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.

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This Order shall be filed upon the minutes of the Superior Court, posted at the entrances to the Justice Center, and published on the website of the Court Administrator (<https://www.cherokeega.com/Court-Administrators-Office/>). It shall remain in effect throughout emergency period as set forth by the Order of the Chief Justice, and for any extension of said Order.

SO ORDERED, THIS 25<sup>TH</sup> DAY OF MARCH, 2020.

/s/ Ellen McElyea

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

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

**RECEIVED FILED**

By Therese S Barnes at 9:43 am, Mar 30, 2020

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

IN RE: STATE OF JUDICIAL EMERGENCY  
AS DECLARED MARCH 14, 2020

**FIRST AMENDMENT TO ORDER ADDRESSING ESSENTIAL FUNCTIONS**

By Order of March 18, 2020, the judges of the Superior Court of Cherokee County entered an Order addressing the provision of essential functions of the Courts of this Circuit, to further implement the Order of the Chief Justice entered March 14, 2020. All provisions of said Order remain in place, except as may be modified herein.

1. **Jury trials** scheduled the week of April 27, 2020, are hereby suspended.
2. **Criminal Cases:** There will be a **criminal non-jury calendar held each Tuesday and Thursday at 1:30 p.m. Criminal pleas and revocations** where the defendant is in custody may be scheduled on these calendars by the agreement of the District Attorney and the defense attorney (or self-represented litigant), by contacting the judges' Calendar Clerks. **Cases may be scheduled on this calendar irrespective of judicial assignment.** These calendars will be heard by a presiding judge, in a rotation agreed upon by the judges. The hearings will be conducted by videoconferencing, as permitted by Uniform Superior Court Rule 9.2. **Bond motions, including motions for revocation of bond, shall be set on a presiding judge calendar only upon agreement of the assigned judge and the presiding judge.** Otherwise, all motions related to bond shall be scheduled and heard by the assigned judge. Any cases involving defendants who are not in custody will be set upon approval of both the presiding judge and the assigned judge. No motions for reconsideration or modification shall be heard except by the original judge.

This Order shall be filed upon the minutes of the Superior Court and published in the Office of the Clerk of Superior Court. It shall remain in effect throughout emergency period as set for by the Order of the Chief Justice, and for any extension of said Order.

SO ORDERED, THIS 26<sup>TH</sup> DAY OF MARCH, 2020.

/s/ Ellen McElyea


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Chief Judge Ellen McElyea

Superior Court of Cherokee County, Blue Ridge Judicial Circuit

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

IN RE: Declaration of Judicial Emergency

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**FILED IN OFFICE**  
MAR 13 2020  
  
**CLERK OF SUPREME COURT OF GEORGIA**

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



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](mailto: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 13<sup>th</sup> day of March, 2020 at 1:35 p.m.  
a.m./p.m.

/s/ Ellen McElyea

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