

TO: ATTORNEYS, PARTIES, OFFICERS OF THE COURT, AND PUBLIC
FROM: JUDGES OF THE CHEOKEE COUNTY SUPERIOR COURT
DATE: MAY 13, 2020
RE: SUPERIOR COURT CALENDARS BEGINNING JUNE 1, 2020

Beginning June 1, 2020, and until further notice, the master calendar for Superior Court is suspended. In lieu thereof, the following calendars will take place.

CRIMINAL CASES

Each judge will have two weekly criminal non-jury calendars for cases assigned to them, as follows:

Judge McElyea	Every Tuesday at 9:00 a.m.; every Thursday at 1:30 p.m.
Judge Cannon	Every Tuesday at 1:30 p.m.; every Friday at 1:30 p.m.
Judge Baker	Every Monday at 1:30 p.m.; every Wednesday at 9:00 a.m.

Please note that these calendars will be approximately three (3) hours in duration, due to the requirement of sharing the videoconferencing capacity of the jail courtroom with State and Magistrate Courts.

Negotiated pleas and uncontested revocations should be scheduled on the assigned judge's calendar by contacting the Court's criminal calendar clerks. Such matters shall be scheduled according to the procedures and using the documents set forth in the Court's Emergency Protocol for Negotiated Pleas and Revocations dated April 6, 2020. See <https://www.cherokeega.com/Court-Administrators-Office/Superior-Court-Plea-Forms/>

Notwithstanding case assignment, negotiated pleas and uncontested revocations that result in an inmate's release from custody may be scheduled on any judge's calendar.

Non-negotiated pleas, bond hearings, and other contested matters allowed to be conducted by videoconferencing per Uniform Superior Court Rule 9.2 may be scheduled at the discretion of the assigned judge by request to the Court's criminal calendar clerks. In order to assist with scheduling, the request should include 1) a FILED copy of the motion; 2) a time announcement from the movant; 3) the number of witnesses anticipated, if any; and 4) a statement of whether there is any reason all participants, including witnesses, cannot appear remotely. The non-moving party shall reply with similar information within three (3) days in the case of bond hearings or non-negotiated pleas and five (5) days in other contested matters. Failure of the non-moving party to respond in a timely manner shall not delay the calendaring of the case but may result in the inability to introduce certain evidence.

ACCOUNTABILITY COURTS

Schedules and procedures for Drug Accountability Court and Parental Accountability Court shall be published by the coordinators and judges of those Courts.

PETITIONS FOR TEMPORARY PROTECTIVE ORDER

All Petitions for Temporary Protective Order shall be heard by the assigned judge. Upon receipt of such, the Clerk of Court shall notify the assigned judge's staff and the Court Administrator's office. The Clerk shall forward any proposed Order to the assigned judge's electronic filing queue. Requests for ex parte relief shall be considered by the assigned judge electronically, without the need for the petitioner being physically present in the Justice Center. Petitioners shall be available by telephone should the assigned judge wish to hear any evidence prior to the entry of an order.

Should the petition be set for further hearing, it shall be set on a calendar to be heard by the assigned judge. These hearings will be conducted substantially by videoconferencing, as set forth herein. 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.

Petitions for temporary protective order shall be set for hearing before the assigned judge within 30 days of granting ex parte relief. Currently scheduled calendars are as follows:

Judge McElyea	June 4; June 18; July 9; July 23. All calendars start at 9:00 a.m.
Judge Cannon	June 4; June 18; July 16; July 30. All calendars start at 1:30 p.m.
Judge Baker	June 2; June 16; July 7; July 21. All calendars start at 9:00 a.m.

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.

OTHER CIVIL CASES

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-essential matters that may be conducted by telephone or videoconferencing. Each Superior Court judge may publish additional directions for scheduling in this regard.

EVIDENCE IN ALL CONTESTED CASES

Each party shall supply the other with copies of any documentary evidence it wishes to introduce at least 72 hours prior to hearing. Parties are encouraged to discuss all evidence prior to hearing, in an attempt to agree to stipulations of evidence and narrow the issues to be determined by the Court. Objections to evidence should be submitted in writing at least 24 hours prior to hearing and the Court shall attempt to resolve the issue via videoconference or telephone conference.

VIDEOCONFERENCING

It is the intention of the Court that all essential matters be conducted primarily by videoconferencing or other remote means, as provided by Uniform Superior Court Rule 9 and Orders of the Georgia Supreme Court and this Court. However, any judge may allow in-person appearances on a limited basis if deemed necessary.

Non-essential matters may be set for hearing via videoconferencing in the discretion of the assigned judge. A case may not be appropriate for hearing by videoconferencing if it involves multiple parties, numerous witnesses, extensive physical evidence, or for other reasons.

All videoconference hearings shall be accessible to the general public through a video livestream link on the Court Administrator's Office website: <https://www.cherokeega.com/Court-Administrators-Office/>. For questions or assistance in accessing the livestream, contact Lynn Epps, Court Administrator, at 678-493-6475, or by email link provided on the above website. Any additional calendars that may be scheduled will be posted on the Court Administrator's website.

Copies of all court calendars may be obtained by any interested party upon request to the office of the assigned judge. Any objections to the conduct of videoconference hearings shall be made in writing to the assigned judge; timely objections will be ruled upon on an expedited basis.

To protect the integrity and security of the videoconference proceedings, all participants accessing the videoconference application shall use an account name whereby he or she is identified by first and last name. All participants shall appear by both audio and live video. Anyone failing to abide by these requirements shall be removed from the hearing, but may watch the hearing by livestream.