

22AP1108

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

STANDING CASE MANAGEMENT ORDER FOR
CRIMINAL CASES ASSIGNED TO DIVISION 7

Effective April 2022

IT IS HEREBY ORDERED THAT the following deadlines, policies, and procedures govern all criminal cases assigned to Division 7 of the Superior Court of DeKalb County. Absent express permission from the Court, no exceptions, extensions, or waivers to the requirements set forth herein are allowed. If necessary, specific deadlines for discovery and motions will be set forth in a separate scheduling order.

Service via eFileGA and emails to the Court shall be to both the Judicial Assistant, Mrs. Damico N. Edwards at dnedwards@dekalbcountyga.gov, and the Criminal Calendar Clerk, Mrs. Renata Bilić at rbilic2@dekalbcountyga.gov. **In no instance should counsel directly email the Judge.**

Within twenty-four (24) hours of filing, all entries of appearance, leaves of absence, conflict notices, motions, and other substantive filings must be provided to the Court by hard copy, eservice, and/or email.

Proposed orders must be emailed to the Court in Word format (a PDF copy may also be included if there are original consent signatures) and cc'd to all counsel of record.

The court calendars for Division 7 are regularly provided to all counsel of record as well as published on the Court's website: www.dekalbsuperiorcourt.com/judges/latisha-dear-jackson/court-calendars/.

APPEARANCE AT ALL CALENDARS AND HEARINGS

1. Attorneys. Every attorney, including Assistant District Attorneys and Assistant Public Defenders, must file an Entry of Appearance so the record correctly shows who is prosecuting and defending the case. An Entry of Appearance must be provided to the Court within forty-eight (48) hours after being retained. USCR 4.2.

Attorneys are required to appear at all published calendars unless:

- a. a proper and timely Leave of Absence is filed in accordance with USCR 16.1 or 16.2 with a copy provided to the Court at least 30 days prior to leave; or
- b. a proper and timely Conflict Letter is filed in accordance with USCR 17.1 with a copy provided to the Court at least seven (7) days prior to the conflict; or
- c. the attorney is otherwise expressly excused by the Court.

CAUTIONARY NOTE: A Leave of Absence that fails to comply with the above conditions stands DENIED under USCR 16.4. If the Conflict Letter fails to comply with the above conditions, the attorney will not be deemed to have a conflict under USCR 17.1(A).

2. Defendants. The Defendant is responsible for keeping all contact information up to date. Change of address forms are available in person and with photo identification, and must be filed in the Clerk's Office.

Unless the Court has affirmatively continued the case to another calendar, every Defendant with a case on the calendar must appear for calendar call, unless express permission has been granted.

ARRAIGNMENT CALENDAR

1. Notice. The Court publishes an Arraignment Calendar, and notices are sent to the District Attorney, the Public Defender, the Defendants, and the DeKalb County Jail.
2. Waiver. A Defendant may waive arraignment by filing, with copies served on the State and the Court, a written waiver no later than 4:00 p.m. the business day immediately preceding the Arraignment Calendar. The waiver shall generally read, "The Defendant hereby voluntarily waives formal arraignment and pleads not guilty to all offenses in the indictment," and be signed by the Defendant or defense counsel.

DISCOVERY

1. General. The parties shall promptly and completely comply with the disclosure requirements of OCGA § 17-16-4 within thirty (30) days of arraignment. Any supplemental discovery must be provided as soon as practicable, but in any event no later than five (5) business days after receipt of the new information.
2. Extensions. A written request to extend discovery shall be filed at least five (5) days before the discovery deadline. Counsel must provide a detailed, fact-based explanation of the need for the extension, along with a proposed order setting a date certain for the new deadline(s).
3. Compelling Discovery. A motion to compel discovery shall list and detail the alleged discovery violation(s) and specify the relief sought. "Form" motions seeking generalized disclosure/exclusion are prohibited. Discovery motions may be filed any time before or after the discovery deadline but no later than the motions deadline.

PRE-TRIAL CALENDAR

1. Notice. The Court publishes a Pre-Trial Calendar, and notices are sent to the District Attorney, Public Defender, private counsel, the Defendant, and the DeKalb County Jail.
2. Purpose. The Court accepts pleas, and the parties announce their readiness for trial. If a case is not disposed of, it generally rolls to the next available Pre-Trial Calendar.
3. CAUTIONARY NOTE: The Judge frequently announces the next court date from the bench. Counsel and the Defendants shall be responsible for noting the return date and returning to court on said date.
4. Continuance/Request for Status Conference. Any motion for continuance or for a status conference must be in writing and submitted at least five (5) business days before the trial date. The motion must set forth with specificity the grounds for the requested continuance or conference.

MOTIONS CALENDAR

1. Notice. The Court publishes a Motions Calendar. As previously noted, the Judge instructs each case of when to return to court. Based on these instructions, the District Attorney and defense counsel of record are emailed the hearing date. If the Defendant is self-represented, a hearing notice will be sent to the Defendant.
2. Deadline. The filing deadline for all motions is fifteen (15) days after the close of discovery. Untimely motions may not be considered absent a showing of just cause for the late filing.
3. Particularization Required. Motions must be sufficiently particularized to provide legal notice to the opposing parties. For instance, a general motion seeking to suppress any and all statements/evidence is insufficient and may be denied for lack of specificity.
4. Application. Except for motions in limine, the above requirements apply to all motions, pleas in bar, pleas in abatement, and the following notices:
 - a. State's notice of other acts under OCGA §§ 24-4-404(b), 24-4-413, and 24-4-414;
 - b. State's notice of intention to use child hearsay;
 - c. Defendant's notice of intent to raise defense of incompetency, insanity, or mental illness;
 - d. Defendant's notice of intent to raise alibi defense; and
 - e. Defendant's notice of intent to introduce evidence of specific acts of violence by victim against third parties.

5. Order to Confer in Advance. The parties are HEREBY ORDERED to confer before the motions hearing to determine whether any of the outstanding motions can be narrowed or resolved by agreement.

NEGOTIATED PLEAS

1. Deadline. The last opportunity to present a negotiated plea is at the Final Plea Calendar and/or motions in limine hearing prior to trial. After the deadline, the Court will not accept a negotiated plea and will not move the case to the dead docket absent good cause shown.
2. Order to Confer in Advance. The parties are HEREBY ORDERED to confer before the Pre-Trial Calendar and again before the motions in limine hearing to discuss the merits of the State's offer and to decide whether the Defendant will enter a plea.
3. Scheduling Negotiated Pleas in Advance. Negotiated pleas may be presented at any time prior to the motions in limine hearing. The parties are directed to email the Court no later than 3:00 p.m. the day before the requested plea hearing.
4. All attorneys are responsible for contacting the assigned clerk of court to receive the necessary paperwork. All paperwork shall be electronically completed in advance of the scheduled plea. There is limited availability for the paperwork to be printed in the courtroom and is highly discouraged.

TRIAL CALENDAR

1. Calendar Call. The Court publishes a Jury Trial Calendar. The State, defense counsel of record, and Defendants for all cases listed thereon are directed to report and answer the call of the calendar. Cases will be called in the order as decided by the Court, which is not necessarily the order in which they appear on the Jury Trial Calendar.
2. Pre-Trial Submissions. Once a "ready" announcement is made and the case is called for trial, the court will provide a date certain for the parties shall file the following four (4) items:
 - a. Motions in limine. Motions in limine should be limited to discrete evidentiary or procedural matters, such as the admissibility of specific evidence. It is improper to attempt use a motion in limine to address matters that should have been resolved during the pre-trial motions phase, e.g., motions to suppress, to dismiss, or to sever.
 - b. Proposed jury charges. All requests to charge must be numbered consecutively in accordance with USCR 10.3, and must be emailed to the Court in Word format. Pattern charges that do not require any modification may be referenced by the pattern charge number and title, without including the text of the charge itself. For

all modified pattern or non-pattern charges, the parties must submit the full proposed text with citation to supporting authority.

- c. Proposed verdict form. A proposed verdict form in Word format must be emailed to the Court.
 - d. A list of all potential witnesses. Counsel must email the Court a list, in Word format, of witness names with any applicable title/rank/honorific (no other identifying information is required). The witness list does NOT need to be filed; it is used by the Judge during voir dire.
3. Voir Dire. Prospective jurors are given numbered cards and are seated in the courtroom in numerical order. Prospective jurors should be addressed by their juror numbers only.
- a. General Questions. The Court will ask the statutory, hardship, and other general questions requested by counsel to the entire panel. Prospective jurors are directed to respond by raising their cards. The Court will call each number raised.
 - b. Individual Questions. After general questioning by all, counsel will be permitted to conduct individual questioning. The Court will **not** permit the parties to ask questions that are 1) repetitive, 2) unrelated to ensuring the selection of a fair and impartial jury, e.g., prior jury service; or 3) intended to argue the case.
 - c. Motions to Strike for Cause. The Court will hear motions to strike potential jurors for cause at the end of **each** panel, immediately after questioning is complete.
 - d. Jury Selection. Peremptory strikes will be by silent strike, in order, unless otherwise requested. The parties shall consider each juror in order, starting with the State and then the Defendant(s) accepting or striking Panel Member Number 1, then Panel Member Number 2, etc. Once a jury of twelve has been selected, the same process will then be applied to the alternate juror(s) selection, beginning with the next qualified panel member.
4. Exhibits. Counsel shall comply with the “Amended Standing Order Designating District Attorney’s Office as Official Record Custodian of Criminal Cases and Order Covering Exhibits and Evidence Entered at Trial,” a copy of which is attached hereto.
- a. Before voir dire, counsel shall mark all exhibits, catalogue them in an Exhibit List, and provide the Exhibit List to 1) the court reporter, 2) each opposing party, and 3) the Court. The Exhibit List shall include both the exhibit number and a brief identifying description.

- b. During trial, the State and defense counsel have a continuing obligation to cooperatively review exhibits during recess, and not after witnesses take the stand and jurors are in the box.
- 5. Objections. As required by OCGA § 24-1-103, counsel must state the specific ground of objection, i.e., the invoked Rule of Evidence and its application to the evidence at issue. Speaking objections are absolutely prohibited; counsel shall indicate the need for argument outside the jury's presence.
- 6. Stipulations. All stipulations must be made in writing, signed by the parties, and presented to the Court outside the presence of the jury. Counsel shall not present any stipulation to the jury that has not been previously presented to the Court.

POST-TRIAL

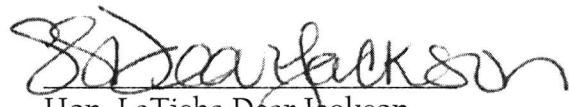
- 1. Probation Revocations. The Court publishes a Probation Revocation Calendar, and notices are sent to the District Attorney, the Public Defender, private counsel, the probation officers, and the DeKalb County Jail. The defendants who are not in custody shall be notified by their probation officers.
 - a. Probation Officers shall properly and timely file and serve all petitions upon the defendant.
- 2. Motions for New Trial.
 - a. All motions for new trial must be emailed to the Court.
 - b. The State and defense counsel shall help ensure compliance with USCR 41.2, i.e., the requirements for an initial 120-day status conference and the subsequent 180-day status conferences, by emailing regular updates to the Court.
 - c. Once a motion for new trial is ready to be heard, counsel shall email the Court to schedule the hearing.

REQUEST FOR COURT SERVICES

- 1. Court Translator. Requests for translators for a Defendant or witness must be emailed to the Court as soon as possible but no later than at least one (1) week prior to the hearing date.
- 2. Court Production Order. Requests for the production of a Defendant incarcerated in a prison or jail must be emailed to the Court at least five (5) days for jail inmates within the metro area, ten (10) days for jail inmates outside the metro area, twenty (20) days for inmates in prison, and forty (40) days for inmates in federal custody.

3. Courtroom Evidence Presentation. If any party intends to present exhibits at any hearing, trial, or other proceeding, and the attorney is unfamiliar with the evidence presentation technology in Courtroom 7B, then that attorney is required to email Court Administration IT, courtadminit@dekalbcountyga.gov, for equipment training no later than five (5) business days before the hearing or the first day of voir dire for trial. Training can generally be accomplished in 15 minutes. Even if counsel has previously used Courtroom 7B's evidence presentation technology, arrangements should be made with Court Administration IT to test media before the court proceeding to ensure that the files are not corrupted and are compatible with the courtroom technology.

SO ORDERED, this 14th day of April 2022.

A handwritten signature in black ink, appearing to read "LaTisha Dear Jackson", written over a horizontal line.

Hon. LaTisha Dear Jackson
Judge, Superior Court of DeKalb County
Stone Mountain Judicial Circuit