

IN THE SUPERIOR COURTS FOR THE NORTHERN JUDICIAL CIRCUIT OFFICE

STATE OF GEORGIA

2018 SEP 17 PM 1:36

KELLI PARADISE SMITH
SUPERIOR COURT CLERK
ROSEBUD COUNTY, GA

AMENDED STANDING ORDER OF PROCEDURE FOR FELONY CRIMINAL CASES

In keeping with the needs of judicial efficacy and requirements of due process in criminal proceedings, the Superior Courts of the Northern Judicial Circuit hereby issue this Amended Standing Order, amending and supplanting the Standing Order entered by the Court on January 3, 2018, applicable to all felony criminal cases in the Northern Judicial Circuit:

-1-

The date of arraignment for a criminal defendant charged with a felony shall be the triggering date from which all following actions and times within this Standing Order are measured.

-2-

A criminal defendant charged with a felony shall file any motions within thirty (30) days from the date of arraignment, except as may be otherwise permitted by law. Good cause shall be required for the filing of any motion(s) outside thirty (30) days of arraignment.

-3-

The State shall provide all discovery required by law to counsel for the Defendant, or otherwise to a Defendant proceeding pro se, no later than forty-five (45) days following the date of the Defendant's arraignment, and shall file a certificate of service of such discovery with the Clerk of Court.

-1-

-4-

If the Defendant elects to participate in statutory reciprocal discovery, the Defendant shall provide all required discovery no later than thirty (30) days following receipt of discovery from the State, and shall file a certificate of service of such discovery with the Clerk of Court.

-5-

All discovery shall be amended or updated immediately upon a party receiving any new/additional discoverable information, with appropriate certificates of service being filed with the Clerk of Court evidencing such. The Court is cognizant of issues that exist as a result of case overload with the Georgia State Crime Lab, but cases listed on the Trial Calendar published by the Court will be expected to be ready for trial, crime lab results included.

-6-

The Defendant and the State shall particularize any motions previously filed in the action no later than ten (10) days prior to the date of the criminal motion day for the term of court in which the Defendant's case is to be called.

-7-

The party who files a motion(s) which requires a hearing by this Court shall place the motion(s) for hearing upon the criminal motion calendar by Rule Nisi no later than ten (10) days prior to the date of the criminal motion day, with a certificate of service being attached thereto evidencing service upon the opposing party. It should be noted that motions/notices filed pursuant to OCGA § 24-4-404 should be scheduled and heard by the Court at the criminal motion day, unless otherwise permitted by the Court for good cause.

-2-

The State shall provide its plea offer, if any, to the Defendant no later than twenty (20) days prior to the date of the calendar call for the term of Court in which the case is to be called for trial.

If the Defendant accepts any plea offer from the State, the Defendant shall have all required paperwork completed and prepared to present to this Court at the beginning of the Criminal Calendar Call, at which time negotiated pleas will be heard by this Court.

Upon an announcement of "Ready" by either the State or the Defendant, the party so announcing is representing to this Court that: **(1)** no discovery is outstanding and all discovery has been provided to the opposing party as required by law, except as otherwise noted herein in Paragraph 5; **(2)** all discovery has been received by a party as required by law, except as otherwise noted herein in Paragraph 5; **(3)** the parties have submitted and reviewed the witness lists of the other party; **(4)** all pending motions in the action have been heard by the Court; and **(5)** that the party is prepared to proceed immediately to trial upon the accusation or indictment that is the charging document of the action before this Court.

In regard to witnesses expected to be called at trial, witnesses for those cases on the published Trial Calendar are expected to be subpoenaed and available for trial, and a party proceeds without subpoena at its own risk. Should a party become aware of the unavailability of a witness for just cause, the Court and opposing counsel shall be notified of that circumstance, in writing, at least five (5) days prior to the trial week, absent emergency or providential cause in

which event notice shall be given as soon as practicable upon a party learning of the witness' unavailability.

-11-

An announcement of "Not Ready" or a request for a continuance of the action by a party shall be charged to that party, and the reason for the announcement or request shall be made in open court on the record.

-12-

A reindictment or reaccusation of an action shall remove a case from its place of priority on the Criminal Trial Calendar and shall cause the time requirements set forth in this Standing Order to start over. Any reindictment or reaccusation shall further cause the continuance of the case to be charged to the State for purposes of constitutional speedy trial claims.

-13-

In the event counsel of record files a Leave of Absence that involves a case in which the Defendant client is incarcerated such that the Defendant's case is entitled to a priority for trial, or in which a Demand for Speedy Trial is filed, the Leave of Absence shall be deemed automatically denied by this Court for any such case(s), unless the Court specifically enters an Order granting the Leave of Absence.

-14-

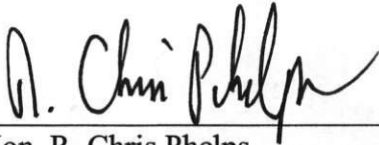
This Standing Order, as amended, shall be effective as of February 20, 2018. A copy of this Amended Standing Order is being provided to the District Attorney's Office and the Public Defender's Office. A copy of this Amended Standing Order shall be provided to the private defense bar at arraignment by the Court.

-4-

IT IS SO ORDERED AND ENTERED, this 17th day of September, 2018.



Hon. Jeffery S. Malcom
Chief Judge of Superior Courts
Northern Judicial Circuit



Hon. R. Chris Phelps
Judge of Superior Courts
Northern Judicial Circuit



Hon. Lauren A. Watson
Judge of Superior Courts
Northern Judicial Circuit