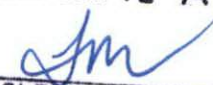


IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

FILED IN OFFICE

2020 JUN 12 A 8:20


CLERK, SUPERIOR CT
CHATHAM COUNTY, GA

IN RE: CRIMINAL CASE SCHEDULING AND CASE STATUS REPORTS

Effective June 15, 2020, this Standing Order requires the parties in all criminal proceedings in Superior Court to adhere to the provisions set forth in the Order on Criminal Case Scheduling and Status Reports, attached hereto and incorporated herein, until further Order of the Court. This Order is issued consistently with the opening of the courts and the directions, recommendations and orders pertaining thereto, as issued thus far and as amended or altered by the Chief Justice of the Georgia Supreme Court.

So Ordered, this 12th day of June, 2020.



Honorable Penny Haas Freese
Chief Judge, Superior Court
Chatham County
Eastern Judicial Circuit
State of Georgia

cc: Clerk of Court

COPY

ORDER

**ON SCHEDULING AND CRIMINAL CASE STATUS REPORTS
PROTOCOLS**

THIS ORDER SUPPLANTS ALL EXISTING SCHEDULING ORDERS FOR OFD.

**THIS ORDER DOES NOT REQUIRE DISCLOSURE OF PROTECTED OR
PRIVILEGED INFORMATION OR STRATEGY**

Introduction

The COVID-19 pandemic and consequent state of emergency have curtailed the courts of the State from conducting in-person dockets in criminal cases. During the judicial state of emergency declared by Chief Justice Melton of the Georgia Supreme Court, the lack of an active grand jury and the inevitable slowing of the court processes have created a criminal case backlog.

As a part of the recovery plan to open for additional proceedings, the superior court judges will place primary emphasis on nonjury dispositional hearings, such as negotiated pleas and consent revocations, first with just in-custody cases, adding bonded cases as soon as the capacity to do so remotely is achieved.

Applicability of Order

This Order applies only to the Other Felony/Domestic Division.

1. All cases now pending, either by indictment or by accusation, except for those as to which the State and Defendant have announced ready for trial and had been assigned a specific date for jury trial
2. All cases bound up and pending accusation or indictment as of March 14, 2020, and all cases bound up since March 14, 2020.

Mandatory Status Reports

Upon receipt of a Status Report Docket, counsel for the State and the Defendant shall exchange discovery within 30 days and shall each provide the status reports to each other and the court, case manager and staff attorney by no later than the end of the 35th day after the docket date. If defendant does not opt in to reciprocal discovery, the State is not obligated to serve discovery. "Discovery," at this preliminary point, is defined as items in the possession of the State/Defendant and may include police reports, video or audio recordings, witness statements if any, the criminal history of accused and alleged victim, if any, and any exculpatory evidence known to the State. The obligation to supplement discovery is not affected by the acceptance of preliminary discovery. A fillable form is attached.

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Waiver of Arraignment

Defendant shall indicate if he/she will waive arraignment. In light of the expedited discovery and scheduling order, the need for formal arraignment is deferred until trial docket for OFD cases.

Motions

Motions, demurrers and other evidentiary matters requiring pre-trial rulings shall be filed no later than 30 days after the 30-day initial discovery period.

Contents of Status Reports

1. Assign Complexity level

Complex:

MCD-type charges

Non-complex:

Charges which are often disposed with a plea, standard sentences and conditions or in which the charge is also a violation of probation and could be resolved expeditiously

Standard:

All special victim non-MCD cases and other offenses involving bodily harm, gun charges and anything neither non-complex nor complex.

2. Dispositional Status

Indicate each factor that applies

- 1. Jail cases resolvable short of trial have highest priority and within that list, priority is given to those serving longest in pretrial detention**
- 2. Pending accepted plea offer or non-negotiated plea hearing requested**
- 3. Potentially dispositive Probation Revocations pending**
- 4. Consent Revocation Docket**
- 5. Motions pending**

3. Defendant Information

Is defendant is on bond or in custody?

If defendant has been in jail, how long?

Will defendant waive arraignment?

4. Charges:

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Issues (e.g. recidivism, evidentiary motions, mental health concerns, etc.):

The existence of plea negotiations. (If none, state why, e.g., nature of charge):

Plea Offers should be included either via a petition or by summary, e.g. reference to standard drug plea.

Has most recent plea offer been conveyed to defendant?

If a plea offer was extended and then withdrawn, state whether the offer was rejected by defendant in writing or on the record? If neither, the defendant will have to appear before the Court to reject the plea offer before the plea will be allowed to be withdrawn by the State. This requirement is protect the record regarding the offer, the defendant's understanding of it and the defendant's personal decision to reject it.

Proposals or considerations regarding terms of plea: E.g. FOA, conditional discharge, waiver or nonwaiver of recidivist, BID available and if so, state the proposed BID.

Requested setting: NGP or OGP or PRH or TDC:

Status conference requested: Yes ___ No ___.

Explain any other factors, including legal and evidentiary issues you believe need to be addressed by the court