

IN THE STATE COURT OF CHATHAM COUNTY  
STATE OF GEORGIA

In Re: PRE-COURT ARRAIGNMENT  
WAIVER PROCESS

] ]  
Filed in office this 14 day of DEC, 2021

STANDING ORDER Dep. Clerk, The State Court of Chatham County

The Covid-19 Pandemic having created a substantial backlog in criminal cases, the Judges of the State Court of Chatham County have determined that it is in the best interest of judicial economy and resource allocation to establish a pre-court arraignment waiver protocol. Subject to the conditions set forth in this order, counsel for defendants with cases scheduled for arraignment may pre-arraign the defendant and waive the in-court arraignment docket appearance. The attached form, as may be amended from time to time, must be used to pre-arraign a defendant and with the clerk (the most recent version of the pre-arraignment and waiver form is available in fillable .pdf format at the court website: <https://courts.chathamcountyga.gov/State/CriminalForms>). The form must be e-filed to be effective.

Pre-court arraignment waiver forms must be filed at least seven days (7) business days prior to the scheduled arraignment date.

Pre-court arraignment waiver is not available for incarcerated defendants.

Motions must be filed within 10 days of arraignment waiver. Only particularized motions will be given a hearing date.

By signing the arraignment waiver form, counsel is certifying to the Court following:

1. Counsel has communicated with defendant and explained all aspects of the pre-arraignment process including the right to formal arraignment, and certifies that defendant consents to the pre-arraignment and waiver process.

2. Counsel has received a copy of the accusation;

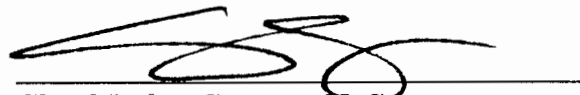
3. Counsel has requested and, to the best of counsel's knowledge, has received all due and available initial discovery. The State has declared to the Court that it maintains an open file policy on discovery in misdemeanor cases. Consequently, if counsel is in doubt whether all due and available initial discovery has been provided, counsel must meet with the assigned Assistant District Attorney to review the discovery in the State's file.

4. Counsel has received an actionable plea offer from the State. In the event that the State is unable to provide an actionable plea offer, the State will provide counsel with written certification to that effect.

5. Counsel must ensure that the clerk has the defendant's most recent and accurate mailing address and email address.

This Order, shall be filed and recorded on the minutes of the Clerk of State Court and shall remain in effect until further order of the Court.

SO ORDERED this 14<sup>th</sup> day of December, 2021.

  
\_\_\_\_\_  
Chief Judge Gregory V. Sapp  
State Court of Chatham County

cc: Judge Elizabeth E. Coolidge  
Judge Derek J. White  
Brian K. Hart, Clerk of State Court

# IN THE STATE COURT OF CHATHAM COUNTY

STATE OF GEORGIA

State Court Case #:

Vs

Scheduled Arraignment Date:

, Defendant

Date of Birth:

By submitting this request, counsel for the Defendant certifies to the Court that all requirements of the Standing Order covering this process are satisfied. The Standing Order can be found here: <https://courts.chathamcountyga.gov/State/CriminalForms>

This request must be e-filed at least seven (7) business days before the scheduled arraignment date. Until accepted for filing, the Defendant is obligated to appear as scheduled.

If the Defendant is incarcerated, the Defendant cannot be pre-arraigned.

**IMPORTANT: IF YOU DO NOT CHECK THE TWO LINES BELOW THE CASE WILL REMAIN ON THE SCHEDULED ARRAIGNMENT DOCKET.**

I acknowledge I have communicated with the defendant and the ADA. I have received a copy of the accusation, initial discovery (or examined the DA's open file), and plea offer on this case. If there is no plea offer, I have received a letter from the DA indicating there is no plea offer at this time.

Defendant is not incarcerated as of the filing of this pre-arraignment request.

## PRE-ARRAIGNMENT REQUEST / ENTRY OF APPEARANCE

As an Officer of the Court, I hereby certify that I have been  Retained  Appointed as counsel for the above-named Defendant in the matter now pending before the State Court of Chatham County. On behalf of said Defendant, I do hereby enter my appearance in this case and inform the Court that:

- The Defendant understands that each charge cited in the above case is a misdemeanor, punishable by up to twelve (12) months confinement or \$1000.00 fine, or both unless the charge is for a misdemeanor of a "high and aggravated" nature, in which event the fine may be increased up to \$5,000.00.
- The Defendant understands his/her right to file written motions within 10 days of today. Failure to file such motions may result in forfeiting that right.
- The Defendant further understands certain other rights which include:
  - The right to remain silent; but if he/she chooses to speak, anything so said may be used as evidence against the Defendant.
  - The right to be represented by an attorney, who may be court appointed in the event the Defendant cannot afford one.
  - The right to trial by jury; and that the Defendant may give up the right to a jury trial and be tried by a judge only.
- Further, the Defendant, cited above, hereby waives formal arraignment and asks the Court to recognize his / her wish to enter a plea of:

**GUILTY**

**NOT GUILTY**

Please set this case for the following track:

**TRIAL BY JURY**

**TRIAL BEFORE THE COURT**

**PLEA**

*Defendant's Mailing Address (street, city, state, zip)*

**Defendant's 10 digit Phone #**

**Defendant's E-Mail**

*Attorney's Signature*

**Printed Name**

**Date**

**10 digit Phone #**

**GA Bar #**

## ACTION BY THE CLERK OF COURT

By the Deputy Clerk's signature below, Counsel's entry of appearance is noted and the defendant's preferences are noted on the record. This matter is now set for a hearing in the State Court on \_\_\_\_\_ at \_\_\_\_\_ in Courtroom \_\_\_\_\_. The Clerk has scheduled this case to the requested event.

**Defendant is released from the subpoena requiring his/her presence at the arraignment, shown at the top of this form. Defendant is now OBLIGATED UNDER PENALTY OF LAW to be and appear at the hearing on the date and at the time specified above.**

*Brian K. Hart*

Clerk of the State Court of Chatham County

BY: \_\_\_\_\_

Deputy Court Clerk

Date \_\_\_\_\_