

IN THE STATE COURT OF FORSYTH COUNTY

STATE OF GEORGIA

INTERNAL OPERATING PROCEDURE 03-03

IN RE: CALENDARING FOR CRIMINAL CASES

I.O.P. 98-22 designated the Solicitor General as “calendar clerk” for all criminal matters. Due to the volume of criminal cases filed in the State Court and the current lack of personnel available to be designated solely as calendar clerk for all State Court criminal cases, I.O.P. 98-22 is hereby modified so that the respective judicial assistant for each State Court Judge shall be designated as calendar clerk for all criminal matters assigned to each judge until the Chief Judge of the State Court designates another calendar clerk(s). The Solicitor General shall assist in the transition of all calendaring matters to the new calendar clerk(s).

In order to provide an efficient forum for the citizens of Forsyth County to process and adjudicate criminal matters, the following procedures are hereby implemented for all criminal cases filed in the State Court of Forsyth County:

1. The calendar clerk(s) shall place every case from the arraignment calendar onto the criminal jury trial calendar unless a written waiver of jury trial is filed by the Defendant. All court date notices setting a case for the criminal jury trial calendar shall have attached the standing order attached hereto as Exhibit A. The Clerk of Court shall prepare and publish a jury trial calendar and non-jury trial calendar in which the cases shall be prioritized for trial by case file number with the oldest cases appearing first. Once a case is placed on a trial calendar, whether jury trial or non-jury trial, it can only be removed by written order of the assigned State Court Judge. No case shall be removed from the published criminal trial calendar without a final disposition or rescheduled court date in writing, as applicable.
2. Attorneys and their clients are required to appear for criminal jury trial calendar call on the date their case is scheduled. At the calendar call, each attorney and their client shall meet with a representative of the State to discuss their case. Discussions shall include, but not be limited to, issues regarding discovery, pre-trial motions, witness scheduling for trial, and possible pre-trial disposition of the case. At the conclusion of the meeting, the defendant and/or defense attorney shall complete a status conference report form and file it with the Clerk of Court.

If a defense attorney is unable to attend the criminal jury trial calendar call, a conflict letter in compliance with Rule 17 of the Uniform Superior Court Rules must be filed in the case with copies sent to the Solicitor’s Office and the assigned judge’s office. It will be the defense attorney’s responsibility to contact the Solicitor’s Office to set a date certain prior to the Friday before criminal jury trial week to meet with the State and their client to discuss the case. At the conclusion of the meeting, the defense attorney shall complete a status conference report form and file it with the Clerk of Court. Failure of a defense attorney to meet with the Solicitor’s Office to discuss the case prior to the Friday before criminal jury trial week may subject the defense attorney to sanctions by the presiding judge.

3. All motions for continuances by either party for a case appearing on the criminal jury trial calendar shall be in writing and filed with the Clerk of Court prior to noon on the Friday before criminal jury trial week unless circumstances do not allow otherwise. The motion for continuance shall specifically state the party requesting the continuance, whether opposing counsel consents to the continuance, how many times the case has appeared on a jury trial calendar, and the specific basis why a continuance is necessary. A proposed consent order for continuance shall be submitted to the presiding judge for review. It shall be the presiding judge's discretion as to whether or not to grant the continuance. Any motion for continuance that is not consented to by opposing counsel shall be addressed at the priority calendar call held on the Friday before criminal jury trial week.

All motions for continuances by either party for a case not appearing on the criminal jury trial calendar must be filed in writing prior to the scheduled court date. The motion for continuance shall specifically state the party requesting the continuance, whether opposing counsel consents to the continuance, how many times the case has previously been continued, and the specific basis why a continuance is necessary. A proposed consent order for continuance shall be submitted to the presiding judge for review. It shall be the presiding judge's discretion as to whether or not to grant the continuance. Any motion for continuance that is not consented to by opposing counsel shall be addressed at the scheduled court date unless ordered otherwise by the presiding judge.

4. A priority calendar call will be held on the Friday before criminal jury trial week at the time and place designated by each State Court Judge. Any case that has announced ready for trial and has a status conference report form filed with the Clerk of Court is not required to attend the priority calendar call. At the priority calendar call, the judge will set the priority of each case for trial. All cases that have announced ready for trial shall report on the Monday morning of trial week. Cases not reached for trial on the Monday morning of trial week will be placed on a two hour call notice for the remainder of the criminal jury trial period. Information concerning the priority list for the criminal jury trial period will be available by calling (770) 205-4648 after 5 p.m. on the Friday before criminal jury trial week.
5. All parties shall have until noon on the Friday before criminal jury trial week to resolve cases prior to trial. Any pleas accepted after noon on the Friday before criminal jury trial week will be a non-negotiated status. Defendants will receive an offer prior to the first time the case appears on a criminal jury trial calendar. There will only be one plea offer per case. If the offer is not accepted prior to the first trial week calendar the case appears, then any plea will be non-negotiated regardless of how many times the case appears on a criminal jury trial calendar. The parties shall immediately notify the judge's office of case resolutions reached prior to the beginning of trial week.

EXHIBIT A

TO: ATTORNEYS OF RECORD, FORSYTH COUNTY CRIMINAL ACTIONS
FROM: CHIEF JUDGE DAVID L. DICKINSON and JUDGE PHILIP C. SMITH
SUBJECT: CRIMINAL JURY TRIAL CALENDAR

STANDING ORDER

The State Court of Forsyth County has implemented new procedures for all cases listed on the criminal jury trial calendar. Due to the tremendous number of cases on each criminal jury trial calendar, the following procedures have been created to help facilitate the movement of cases through the legal process.
Effective January 1, 2003:

1. Plea offers will be sent out one time for each case. Defendants will receive an offer prior to the first general calendar call for a criminal jury trial calendar.
2. Plea offers must be accepted and notified in writing to the Solicitor's Office **no later than noon on the Friday before jury trial week**. Once a plea offer has been accepted, a plea date will be given. No cases will be removed from the published criminal jury trial calendar without a final disposition or a rescheduled court date. **If the plea offer is not accepted prior to the deadline, then any plea accepted after that date will be a non-negotiated status.** Remember, there will only be one plea offer per case. If the offer is not accepted prior to the first trial week calendar the case appears, then any plea will be non-negotiated regardless of how many times the case appears on a criminal jury trial calendar.
3. All conflict letters must be in compliance with Rule 17 of the Uniform Superior Court Rules. The written letter should include the details of the court conflicts and a proposed resolution of the conflicts. Neither oral notice nor last minute faxed notice of conflicts satisfy the requirements of the rule.
4. All cases published on the criminal jury trial calendar will be required to attend a general calendar call. At the calendar call, each attorney and their client shall meet with a representative of the Solicitor's Office to discuss their case. Discussions shall include, but not be limited to, issues regarding discovery, pre-trial motions, witness scheduling for trial, and possible pre-trial disposition of the case. At the conclusion of the meeting, the defendant and/or defense attorney shall complete a status conference report form and file it with the Clerk of Court. If a defense attorney is unable to attend the criminal jury trial calendar call, a conflict letter must be filed in the case with copies to the Solicitor's Office and the assigned judge's office. It will be the defense attorney's responsibility to contact the Solicitor's Office to set a date certain prior to the Friday before criminal jury trial week to meet with the State and their client to discuss the case. Failure of a defense attorney to meet with the Solicitor's Office prior to the Friday before criminal jury trial week may subject the defense attorney to sanctions by the presiding judge.
5. A priority calendar call will be held on the Friday before criminal jury trial week at the time and place designated by each State Court Judge. Any case that has announced ready for trial and has a status conference report form filed with the Clerk of Court is not required to attend the priority calendar call. All cases that have announced ready for trial shall report on the Monday morning of trial week. Cases not reached for trial on the Monday morning of trial week will be placed on a two hour call notice for the remainder of the criminal jury trial period. Information concerning the priority list for the criminal jury trial period will be available by calling (770) 205-4648 after 5 p.m. on the Friday before criminal jury trial week.
6. All motions for continuances for a case appearing on the criminal jury trial calendar shall be in writing and filed with the Clerk of Court prior to noon on the Friday before criminal jury trial week unless circumstances do not allow otherwise. The motion for continuance shall specifically state the party requesting the continuance, whether opposing counsel consents to the continuance, how many times

the case has appeared on a jury trial calendar, and the specific basis why a continuance is necessary. A proposed consent order for continuance shall be submitted to the presiding judge for review. It shall be the presiding judge's discretion as to whether or not to grant the continuance. Any motion for continuance that is not consented to by opposing counsel shall be addressed at the priority calendar call held on the Friday before criminal jury trial week.

So ORDERED this 7th day of January, 2003.

David L. Dickinson, Chief Judge
State Court of Forsyth County
Bell-Forsyth Judicial Circuit

Philip C. Smith, Judge
State Court of Forsyth County
Bell-Forsyth Judicial Circuit