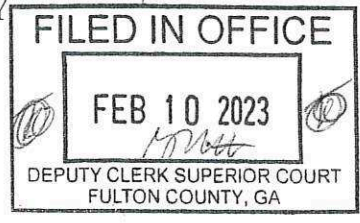


2023-EX-000133

IN THE SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT
STATE OF GEORGIA



In Re:)
Criminal Case Management) Judge Charles M. Eaton Jr.
)
)
)

STANDING CASE MANAGEMENT ORDER FOR CRIMINAL CASES
(February 2023)

The following rules and procedures will govern criminal cases in this division in which the defendant has entered a plea of not guilty. Absent express permission from the Court, no exceptions or waivers to the requirements set forth herein are allowed.

COMMUNICATING WITH THE COURT

1. General. While the Court encourages counsel to communicate with Chambers, such communication shall be in writing and delivered in hard copy or emailed to Cathy Robinson, Litigation Manager, at cathy.robinson@fultoncountyga.gov with copies of such communication also provided to all counsel of record unless the matter is a proper ex parte filing.
2. Email. The Court, via the litigation manager, communicates with counsel via email whenever possible. At the entry of appearance of counsel, the attorneys are required to provide their email addresses to Litigation Manager Cathy Robinson same to her. If you do not personally check your emails, you must arrange to have your emails forwarded to someone in your office who will be responsible for checking them and informing you of the messages/documents that have been sent. To avoid inappropriate ex parte communications, submit all questions, explanations or discussions concerning your case by email, with a copy to opposing counsel. Appropriate ex parte communications are exempted from this rule. To prevent miscommunications and inappropriate ex parte communications, avoid telephoning chambers except in exceptional circumstances.

PLEA & ARRAIGNMENT

1. Appearance and Waiver. Each new case assigned to Judge Eaton’s division will be set for a Plea and Arraignment hearing date. Prior to the hearing date, counsel may file a Waiver of Arraignment, indicating that the defendant is entering a plea of ‘Not Guilty’ and waiving formal arraignment.
2. Scheduling Order. At the time of arraignment and entry of a not guilty plea (whether by waiver or by announcement at the hearing), the Court will enter a case-specific Case Management Scheduling Order (“CMSO”) setting specific deadlines for discovery and motions in any case and advising of the expected month for Final Plea and Trial in each case. Re-indicted cases are

bound by the Scheduling Order, notices, and published calendars for the originally indicted case.

DISCOVERY

1. General. The parties shall promptly and completely comply with the requirements of O.C.G.A. § 17-16-4 by the specific discovery date deadline as set forth in the separate CMSO entered in each Defendant's case. Any supplemental discovery must be supplemented as soon as practicable, but in any event no later than 5 business days after receipt of any additional information, documents, reports or other matters which are subject to disclosure pursuant to applicable criminal discovery statutes.
2. Extensions. Any request for an extension of the discovery date deadline shall be submitted by written motion to the Court at least five (5) days prior to the deadline. Such motions must provide a detailed, fact-based explanation of the need for the extension including the amount of time needed to provide outstanding discovery, along with a proposed order for the Court's consideration. As with all motions, a courtesy copy of any motion for extension must be provided to Judge Eaton's Chamber by email to Cathy Robinson, Litigation Manager, at cathy.robinson@fultoncountyga.gov. Any outstanding forensic testing, requested by either party, must be brought to the Court's attention by way of a timely request for extension filed PRIOR TO the discovery deadline to prevent delays in the trial, other court dates, and deadlines.
3. Compelling Discovery. The parties are directed to comply with all discovery obligations. The parties are ordered not to file "form" motions seeking an order compelling the generalized disclosure of discoverable materials or the general exclusion of evidence. Any such non-specific "form" motions will not be considered by the Court. Should a party need to file a motion to compel discovery, the party shall itemize the articulable and case-specific instances in which the party believes the opposing party has failed to comply with discovery obligations. Such motion may be filed any time after the discovery date deadline has passed and no later than the date motions are due which is identified in the separate CMSO entered in each Defendant's case.
4. Experts. Any party seeking to rely on expert testimony at trial (or any evidentiary hearing) must provide written notice to the opposing party. This notice must include a meaningful summary of the expert's testimony as well as her qualifications to serve as an expert witness. The notice must be provided at least fourteen days before trial and seven days before any evidentiary hearing. Rebuttal experts must be identified by written notice within 14 days following notice of opposing counsel's expert notification, absent leave of court.

MOTIONS

1. General. The due date for all motions is the specific Motions Due Date deadline as set forth in the separate CMSO entered in each Defendant's case. Motions filed after that date are untimely and will NOT be considered, absent a showing of just cause for the late filing. *Copeland v. State*, 272 Ga. 816, 817 (2000); U.S.C.R. 31.1. All motions, proposed orders, and other submissions to the Court shall be in WORD format.

2. Application. The motion filing requirements and deadlines apply to all motions, including O.C.G.A. § 26-3-24 immunity motions as well as demurrers, pleas in bar or abatement and apply to the following notices: (a) State's notice of O.C.G.A. §§ 24-4-404(b), 24-4-413 and 24-4-414 evidence; (b) State's notice of intention to use child hearsay; (c) Defendant's notice of intent to raise issues of incompetency, insanity or mental illness; (d) Defendant's notice of intent to raise alibi defense; (e) any motions/notices related to the Rape Shield statute; and (f) Defendant's notice of intent to introduce evidence of specific acts of violence by victim against third parties. These deadlines do not apply to motions in limine involving discrete evidentiary issues the significance of which is not readily apparent until focused trial preparation. However, untimely motions improperly cast as motions in limine which are not true in limine motions, such as motions to suppress, to dismiss, or to sever defendants, will not be permitted after the Motions Due Date deadline absent a showing of just cause.
3. Particularization required. Only those motions sufficiently particularized as to provide legal notice to the opposing parties will be considered by the Court. Generalized motions and omnibus motions are not to be filed and if filed will be denied as vague, dilatory and in violation of this order. Motions must specify, with particularity, the item or statement or event at issue and must be tailored to the facts of the case at hand. Thus, a general motion seeking to suppress any and all statements or any and all evidence is insufficient and will be denied. The motion must identify the specific statement or evidence that the movant is seeking to suppress, as well as provide a theory of suppression.
4. Order to Confer in Advance. The Court hereby orders the parties to confer before the Motions hearing date to determine whether any of the outstanding motions can be narrowed or resolved by agreement and to discuss the State's offer to resolve the case as well as the defendant's desire to enter a plea of guilty or move forward to the motions hearing and to trial.
5. Motions and Orders in Re-indicted Cases. If a case is reindicted, all timely filed motions and all orders from the previously indicted case are adopted and effective in the newly indicted case unless the prior motion or order was addressed by the new indictment (e.g. a demurrer to the original indictment)
6. Filing, Courtesy and Service Copies. All motions must be filed with the Clerk of Court. Copies may be served on opposing counsel via e-mail. A courtesy copy of every motion must be sent to Cathy Robinson, Litigation Manager, at cathy.robinson@fultoncountyga.gov under separate cover — SERVING HER VIA EFILEGA IS INSUFFICIENT. The courtesy copies of motions must be received in Chambers the same day that the motions are filed in the Clerk's office. Failure to provide the litigation manager with a copy of a motion will result in that motion not being calendared for a hearing and may constitute waiver of the issue.

FINAL PLEAS

1. General. A defendant's final plea date will be set forth in their CMSO. A defendant who enters a guilty (or Alford) plea on or before the day of their final plea hearing may withdraw their plea if they are dissatisfied with the sentence. This right of withdrawal (premised on sentence dissatisfaction) must be exercised on the record in open court on the same day the plea was entered. This right of withdrawal expires when Court adjourns that day. The State will not be allowed to place the case on Dead Docket or re-indict after the Final Plea Calendar absent good

cause shown and further order of this Court. The Final Plea Date shall not be reset absent good cause shown and express order of this Court.

2. Scheduling Pleas in Advance. Pleas may be entered at any time prior to Final Trial Calendar Call as set forth in the CMSO. The parties are directed to contact Cathy Robinson, Litigation Manager for Judge Eaton, at (404) 612-8463 or cathy.robinson@fultoncountyga.gov to schedule a date for entry prior to this date. The defendant may, as discussed above, withdraw their plea upon pronouncement of the sentence. However, if a negotiated or non-negotiated plea has been withdrawn by Defendant, the defendant will not be allowed to withdraw a guilty plea at any point in the future.

TRIAL DATE and PRE-TRIAL PROCEDURE

1. Report for Trial Calendar. For all cases in which a plea of not guilty has been entered without resolution, the defendant(s) and counsel are directed to report before Judge Charles M. Eaton Jr., at 185 Central Avenue, Atlanta, Georgia 30303, Courtroom 5C for the Trial Calendar call as noticed and set forth in the CMSO.
2. Called in for Trial. Trials will be called in the order decided by the Court, which is not necessarily the order in which the cases appear on the published Trial Calendar. After Trial Calendar Call, all cases are subject to two-hour notice to appear in Court ready for trial, absent express order of this Court. Notice will be provided by email to counsel of record. It is the duty of counsel and all defendants to stay informed as to when the case will be called for trial.
3. Pre-Trial Submissions. Once a case is called in for trial for a set date (as opposed to the call of the trial calendar), *the parties are required to efile, serve on opposing counsel by email, AND submit by email to Staff Attorney Elizabeth Marum at Elizabeth.Marum@fultoncountyga.gov, by 3 p.m. one business day before the first day of trial the following FIVE ITEMS* (if the case is called to trial with less than one business day notice, these submissions are due by the time the parties are ordered to appear in Court):
 - a. A list of proposed voir dire questions. See below Voir Dire Procedure utilized by Judge Eaton. This shall be filed with the Clerk of Court. A courtesy copy shall be provided in Word format to the Court.
 - b. Witness list. This witness list is for the Court's use during voir dire and need not list anything more than the witnesses' name and any applicable title or position. This list is separate from all pre-trial discovery requirements concerning witnesses, including the disclosure of all requisite identifying information and the content of expert opinions, if any.
 - c. All motions in limine. Each such motion shall be a separate document and attachment to the email to opposing counsel and to Ms. Marum. Such motions should be limited to discrete evidentiary or procedural matters, such as the admissibility of a specific piece of evidence. As mentioned above, it is not proper to attempt to raise, as a motion *in limine*, matters that should have been resolved during the pre-trial motions phase of proceedings, such as the submission of identification evidence or a confession or a motion to sever, etc. Such a motion cast as a motion *in limine* will be denied as untimely absent good cause shown.

- d. Proposed Jury Charges. The parties must submit all proposed requests to charge which, for the State, includes charges of the particular offense(s) alleged in the indictment. For pattern charges, each party is to submit ONLY the pattern charge NUMBER and not the text of the charge itself. For all non-pattern or modified pattern charges, the parties are required to submit the full text and cite the case law, statutory or other authority supporting such requested charge.
- e. Proposed Verdict Form.

Courtesy copies of pre-trial submissions should be submitted to the Court via e-mail to Elizabeth Marum, Staff Attorney, at elizabeth.marum@fultoncountyga.gov.

VOIR DIRE PROCEDURE

Counsel shall submit to the Court all proposed voir dire questions as directed above. The statutory and other general questions will be propounded by the Court. Prior to the commencement of voir dire, the Court will discuss with the parties which of their proposed questions will be permitted and which will be disallowed.

1. General and Statutory Questions. The Court will propound all general questions to the entire panel, including the statutory questions, as well as those questions submitted by the parties, which the Court indicated pre-trial it would ask. Prospective jurors will be seated in the gallery in numerical order; each prospective Juror will have a card with his or her juror number on it. Prospective jurors will respond to the Court's questions by raising their cards. Any co-counsel who may be assisting lead counsel during voir dire should track affirmative responses to general questions asked by the Court in order to proceed expeditiously with the individual voir dire.
2. Individual Questions. At the completion of general questioning, prospective jurors will be made available for follow-up questioning. Prior to any individual questioning, each of the prospective jurors will respond with their name, general area of the county in which they reside, marital status, current or most recent occupation for themselves and their spouse, if applicable, and the number of children they have. Counsel will then be permitted to conduct the follow-up questioning, panelist by panelist, provided that counsel are efficient in their use of the panelists' time. The court will not permit the parties to ask repetitive questions during examination of potential jurors. Counsel will restrict their voir dire examination to such matters as are permissible by law and shall not engage in arguing their case or in placing inadmissible matters before the jury panel. Counsel shall not lead jurors and instead are directed to ask open-ended, non-leading questions. If counsel are repeating inquiries or exploring areas outside the scope of the general questions, the Court may resume the role of questioner. This process will be repeated until the Court determines that enough jurors have been qualified to permit peremptory striking to begin. For efficiency and effective use of notes, counsel may individually voir dire panelists from counsel table.
3. Motions to Strike for Cause. The Court will hear motions for striking potential jurors for cause immediately after concluding with the individual questions for each panel, prior to excusing each such group and prior to the peremptory strike process.

4. Jury selection. Peremptory strikes will be by silent strike sheet. The parties shall consider each juror in order starting with the State and then Defendant(s) accepting or striking Panel Member Number 1, then Panel Member Number 2, etc. "A" indicates the panelist is accepted by that party; "S 1" through "S9" are used by the State to indicate its first nine strikes (and higher if more strikes are awarded); "D 1" through "D9" are used by the Defendant to indicate his/her first nine strikes(and higher if more strikes are awarded the Defendant); "SA1 ", etc. is used by the State to indicate its alternate strikes and "DA 1 ", etc. is used by the Defendant to indicate his alternate strikes. Once a jury of twelve has been selected, the same process will then be applied to the very next Panel Member with the parties using their alternate strikes until the alternate jurors are selected. Before striking begins, the Court will inform the parties of the universe of panelists from which they are to strike (e.g., from Panelist No. 1 through No. 36).

CONDUCT DURING HEARINGS AND TRIAL

In order to assure proper hearings and a proper trial, the Court further orders that all counsel shall, during the trial and other court appearances before this division, conform his or her conduct in accordance with these requirements:

1. Timeliness. Counsel, and parties, will timely appear before the Court at each setting and following each recess.
2. Exhibits. Exhibits should be marked and digitized (scanned) before trial. Any party that intends to introduce exhibits during trial must provide an exhibit list to the Court and one copy to all other parties prior to jury selection. The exhibit list should include for each exhibit both the exhibit number and a brief description of what the exhibit purports to be. Counsel are under a continuing obligation to preview exhibits with opposing counsel before relevant witnesses are called to the stand. It is not an appropriate use of the jurors' time to have the parties reviewing proposed exhibits while the witness waits on the stand and the jurors sit idly in the box.
3. Digital Submission of Exhibits. Pursuant to the new rules of the Judicial Council of Georgia, all transcripts, and accompanying exhibits, are required to be e-filed. Due to the size limits of eFileGa, all exhibits must be scanned individually and emailed to the court reporter. For oversized or non-paper exhibits, i.e., guns, poster boards, etc., you may submit a digital photograph of the object marked with an exhibit sticker. If no photograph is submitted, then a piece of paper describing the exhibit, i.e., gun, posterboard, etc., will be inserted by the court reporter in its place as the exhibit attached to the transcript. Parties must provide the court reporter with five (5) copies of media exhibits (DVDs / CDs/flash drives). Scanning of trial exhibits may be accomplished post-trial upon instruction by the Court.
4. Witnesses. Be sure to have enough witnesses on hand for each day's proceedings.
5. One Attorney Rule. Only one attorney for each party may examine or cross examine a witness. Only one attorney for each party may object to the testimony of a witness being questioned by an opposing party. The objection must be made by the attorney who has conducted or is to conduct the examination of the witness. Only one attorney for each party may argue a motion.

6. Stipulations. All stipulations must be made in writing, signed by the parties and presented to the Court outside the presence of the jury. No counsel should offer to enter into a stipulation orally before the jury, unless prior permission is granted by the Court.
7. Preparation of Orders. Counsel shall promptly prepare orders or judgments to be presented to the Court and mail or email (cathy.robinson@fultoncountyga.gov) the same to the Court and opposing counsel simultaneously and within three business days of the entry of that order of judgment by the Court unless directed otherwise by the Court.

REQUEST FOR COURT SERVICES

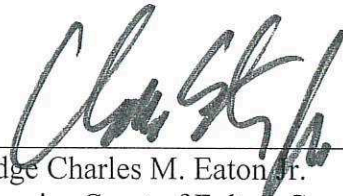
1. Court Translator. Upon request, the Court will provide a translator to provide translation services for any non-English speaking Defendant. The request for a translator must be submitted in writing to Cathy Robinson, Litigation Manager, at cathy.robinson@fultoncountyga.gov, **no later than 10 business days** prior to the hearing date.
2. Court Production Order. At the request of counsel, the Court will order production of a defendant and/or witness incarcerated in any Georgia prison or jail system or facility. For individuals located within the Georgia Department of Corrections system, the requested inmate information should coincide with the Georgia Department of Corrections information (including GDC# and name of facility). Parties must submit their request in writing to Cathy Robinson, Litigation Manager, at cathy.robinson@fultoncountyga.gov and the production request must be received no later than 14 business days before the scheduled court appearance.
3. Courtroom Evidence Presentation. The parties shall familiarize themselves with the evidence presentation technology in Courtroom 5C prior to its use during a proceeding. Counsel are encouraged to request access to and/or training on the equipment prior to a scheduled hearing by emailing the Court's Judicial Assistant Max Arrechea at Max.Arrechea@fultoncountyga.gov

APPEARANCE AT ALL CALENDARS AND HEARINGS

1. Attorneys. Attorneys are required to appear at all published calendars unless a proper Leave of Absence in accordance with USCR 16.1 or 16.2, or a proper conflict letter in accordance with USCR 17.1 is timely filed or the attorney is otherwise expressly excused by the Court. Note that any Leave of Absence not filed pursuant to USCR 16.1 or 16.2 or filed *prior to entry of appearance of counsel in the case at issue and not served upon chambers*, stands denied under USCR 16.4. Note that unless USCR 17.1 is followed in all its subsections, then the attorney shall not be deemed to have a conflict pursuant to USCR 17.1(A).
2. Defendants. Unless expressly excused by the Court, Defendants must appear at all calendar calls and hearing dates for their case even if their attorney has a properly filed conflict letter, leave of absence, or other expressly excused absence. Failure to report shall result in forfeiture of any bond which may have been set and issuance of a bench warrant for the arrest of the Defendant.
3. Virtual Appearance. All calendars issued by the Court will specify whether the proceeding is "In-Person" or "Zoom."

- a. Counsel and Parties. Counsel and parties may appear in any manner specified by the published calendar. The Court may authorize counsel and/or the parties to appear in a manner different than specified on the calendar, but only upon a specific prior request to and authorization by the Court.
- b. Witnesses. Witnesses may appear virtually for a proceeding if the parties agree AND a specific request is made to and authorized by the Court.
- c. Zoom Links. Zoom links provided for the appearance of counsel, the parties, and/or witnesses at a virtual hearing shall not be shared with anyone for any reason, absent express permission from the Court. This includes anyone who will not be called upon to address the Court during that proceeding.

SO ORDERED on this 10th day of February 2023.



Judge Charles M. Eaton Jr.
Superior Court of Fulton County
Atlanta Judicial Circuit