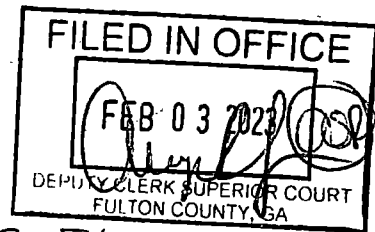


IN THE SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT
STATE OF GEORGIA



IN RE:
CRIMINAL CASE MANAGEMENT)
)
)

JUDGE JANE C. BARWICK

2023-EX-000070

AMENDED STANDING CASE MANAGEMENT ORDER FOR CRIMINAL
CASES IN
JUDGE JANE C. BARWICK'S DIVISION

For all criminal cases assigned to this division in which the Defendant has entered a plea of not guilty, the Court **HEREBY ORDERS** that the following deadlines, policies and procedures govern. Absent express permission from the Court, no exceptions, extensions or waivers to the requirements set forth herein are allowed. Specific deadlines for discovery and motions in any case may be provided pursuant to a separate Case Management Order entered in Defendant's case ("CMO"). However, the following provisions apply in all cases unless otherwise modified by a CMO.

DISCOVERY

1. General. The parties shall promptly and completely comply with the requirements of O.C.G.A. § 17-16-4 and the deadlines and provisions therein. The separate CMO, if entered, may also shorten such deadlines, and any deadlines in the CMO must be met. 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 *before* the Discovery Date deadline. Such motions must provide a detailed, fact-based explanation of the need for the extension, 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 Barwick's Chambers via hand delivery or by email to Katherine Weitzel at katherine.weitzel@fultoncountyga.gov.

3. Compelling Discovery. The parties are directed to comply with all discovery obligations. The parties are directed not to file "form" motions seeking an order compelling the generalized disclosure of discoverable materials or the general exclusion of evidence. 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 Motions Due Date which is set forth below and which may be identified in the separate CMO entered in the Defendant's case.

With regard to the obligations of the State to provide discovery, the Court will not condone late discovery without a prior extension being granted or without an articulable reason given for such discovery being late. The Court will use all remedies available to ensure prompt and timely discovery compliance.

All parties are ordered to confer prior to the hearing on any Motion to Compel to determine whether the matter can be resolved prior to the hearing and/or without a hearing. Counsel will be required to show evidence at any hearing on a Motion to Compel of satisfaction of this requirement either by showing to the Court specific emails, letters or stating in each counsel's place that a conversation among counsel has occurred prior to the hearing.

4. Experts. Any party seeking to rely on expert testimony at trial (or an evidentiary hearing) must provide written notice to the opposing party. This notice must include a meaningful summary of the expert's expected testimony, as well as his/her qualifications to serve as an expert witness. The State's notice must be provided at least thirty (30) days before trial and seven (7) days before any evidentiary hearing. Defendant's notice must be provided at least twenty (20) days before trial and three (3) business days before any evidentiary hearing.

CALENDAR EVENTS

1. Unless otherwise provided by the CMO, all cases will appear on a Plea and Arraignment calendar, a motions calendar (if applicable), and a Final Plea/Trial Calendar. Other calendars, such as status calendars, case management calendars, and final plea calendars may be scheduled.

2. If counsel are not prepared to go forward on a particular calendar and wish to be reset to the same type of calendar, it will be necessary to file a written request for a reset in writing (email is sufficient—copying all counsel) at least five (5) days prior to the calendar. This rule does not apply to trial calendars, which circumstances are set for below. If counsel are unprepared to go forward on any given calendar (except trial calendars) without having properly requested a reset, an appropriate ruling will be made, including but not limited to, ruling on the motion.
3. Newly indicted and assigned cases will be placed on a plea and arraignment calendar to be published as soon as practicable after assignment of indicted cases to this division. Counsel for defendants should file motions/demurrers or other pleadings challenging the indictment, and bond motions in sufficient time to be heard at the Plea and Arraignment Calendar if possible, but no less than ten (10) days prior to the Plea and Arraignment Calendar. The State shall notify all persons entitled to notice as required by law of any bond proceedings.

MOTIONS

1. General. The due date for motions is the specific Motions Due Date deadline as set forth in the separate CMO entered in each Defendant's case. If for any reason there is not a CMO entered, then the due date for all motions, except those set forth in subparagraph 7 below, are due **no later than 30 days before the date set for trial**. Motions filed after the date set forth in this subparagraph are untimely and will NOT be considered, absent a showing of just cause for the late filing. Copeland v. State, 272 Ga. 816, 817; USCR 31.1.
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; and (e) Defendant's notice of intent to introduce evidence of specific acts of violence by victim against third parties.
3. Filing, Courtesy and Service Copies. All motions must be filed with the Office of the Clerk of the Superior Court. Parties filing motions are required to deliver a courtesy copy to Judge Barwick's Chambers via

hand delivery or by email to Litigation Manager Katherine Weitzel at Katherine.weitzel@fultoncountyga.gov. The courtesy copies of motions must be received in Chambers the same day that the motions are filed in the Clerk's office. Copies shall be served on opposing counsel as required by law.

4. Particularization required. Only those motions sufficiently particularized as to provide legal notice to the opposing parties will be considered by the Court. Generalized 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.
5. Published Motions Hearing Calendar. The court will publish a calendar for the Motions Hearing Date for all motions qualified to be heard under these guidelines. If no motions which require a hearing are timely filed, with courtesy copies received in Chambers, your case will not appear on the Motions Hearing Calendar.
6. 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 Date and to Trial.
7. 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, such otherwise proper motions in limine must be filed by no later than three (3) business days prior to the beginning of the trial. Any 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. **All motions filed under this subparagraph will be heard after voir dire and before Opening Statements.**

FINAL PLEA/TRIAL CALENDAR DATE and NEGOTIATED PLEAS

1. Preparation for Final Plea/Trial Calendar: All counsel are hereby ordered to confer in advance prior to the Final Plea/Trial Calendar. Counsel must announce to the Court that such conference has occurred, whether an offer has been made, whether the offer has been discussed with the Defendant and the status of the offer. Pretrial conferences on the day of the Final Plea/Trial Calendar may occur on a case-by-case basis at the discretion of the Court.
2. General. A Final Plea Calendar call *may* be held. The Final Plea Date is the last opportunity to present a non-negotiated plea *which can then be withdrawn* at the option of the Defendant until 5:00 p.m. on the Final Plea Date. Non-negotiated pleas will NOT be accepted after the Final Plea Date absent good cause shown and further order of this Court. Reductions in charges will be handled by the Court on a case-by-case basis and may either be allowed or disallowed. The State will not be allowed to place the case on the Dead Docket or re-indict after the Final Plea Calendar absent good cause shown and further order of this Court. The attorneys and defendants must appear at the Final Plea Calendar, unless the case has been previously resolved. The Final Plea Date shall not be reset absent good cause shown and express order of this Court.
3. Scheduling Negotiated Pleas in Advance. Negotiated pleas may be entered at any time prior to the Final Plea Date. The parties are directed to contact Katherine Weitzel, Litigation Manager for Judge Barwick, at Katherine.weitzel@fultoncountygga.gov to schedule a date for entry of a negotiated plea prior to the Final Plea Hearing.

TRIAL DATE AND PRE-TRIAL PROCEDURE

1. Publication of Calendar and Trial Calendar Call. The Court will publish a trial calendar with cases expected to be ready for trial. The Court will specify on the published calendar a date and time specific upon which the Court will conduct a trial calendar call. **All counsel, all self-represented parties, and all defendants who are on bond or pretrial release shall appear at the calendar call and shall be prepared to inform the Court, among other things, as to how long the case will be expected to last.** The Court may inquire if there are special issues, such as

securing the attendance of witnesses, which need to be taken up in advance.

2. General. Following the trial calendar call, and based upon the availability of juries, the Court will develop a list of cases to be ready for a specific date within the term of the calendar (the “Call-Out List”). The Court will notify counsel on the Call-Out List of the Call-Out List. The Court may place any case appearing on the Trial Calendar on the Call-Out List in any order, and not necessarily in the order in which the case appears on the published Trial Calendar. Trial Calendars run for as many weeks as necessary to reach all cases.
3. Duty of Counsel. It is the duty of counsel, and self-represented litigants, to be aware of all cases on the Call-Out List and their status. All cases on the Call-Out List shall be ready on the date specified. If a case is not reached, it will be placed on the next Call-Out List, even if the next Call-Out List has already been sent to counsel.
4. Report for Trial Calendar. For all cases in which a plea of not guilty has been entered without resolution, the Defendants and counsel are directed to report before Judge Jane C. Barwick, at 185 Central Avenue, Atlanta, Georgia 30303, Courtroom 8A for the Trial Calendar call on the Trial Date as published by the Court
5. Continuance. In the event a party intends to seek a continuance or has any other problem with going forward with trial on the assigned Trial Date, that party must fully comply with the Court’s Standing Order on Continuance Policy located at https://fultoncourt.org/judges/forms/barwick_crim_so_continuance.pdf.
6. Pre-Trial Submissions due 3 p.m. the day before trial. 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 file with the Clerk of Court, serve on opposing counsel by email and submit by email to Litigation Manager Katherine Weitzel at katherine.weitzel@fultoncountyga.gov, by **3 p.m. the business day before the first day of trial**, the following **THREE ITEMS**:
 - a. A list of potential voir dire questions. See below Voir Dire Procedure utilized by Judge Barwick.

- b. 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. *Even for patterns charges, Counsel are requested to submit both the pattern number and 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. ALL JURY CHARGES ARE TO BE SUBMITTED IN WORD FORMAT.
- c. A Proposed Verdict Form.

CONDUCT DURING HEARINGS AND TRIAL

The Court, in order to assure proper hearings and a proper trial, 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. Defense counsel should ensure that adequate time is allowed to have present any clothing for Defendants in custody ahead of time so that the Defendant can be dressed and ready at the schedule Court start time.
2. Voir Dire Procedure. Counsel shall submit to the Court all proposed voir dire questions as directed above. The Court will propound the statutory and other general questions to all criminal jury panels. 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.
 - a. General and Statutory Questions. In general, and unless explained by the Court to counsel beforehand, the Court will propound its general questions to the entire panel. Counsel for each party will then be allowed those general questions submitted by the parties which the Court indicated pre-trial it could 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.
 - b. Individual Questions. At the completion of general questioning, prospective jurors will be presented, twelve at a time, for follow-up questioning. Prior to any individual questioning, each of the twelve

panelists will respond with their name, general area of the county in which they reside and current or most recent occupation, and any other information provided on each juror's card. 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, twelve panelists at a time, until the Court determines that enough jurors have been qualified to permit peremptory striking to begin.

- c. Juror Information Sheets. Jury Services provides the Court and attorneys Juror Information Sheets for all panelists as a courtesy prior to voir dire. Counsel are directed not to copy the information sheets and are cautioned to avoid taking important notes on the information sheets as they will be collected by the sheriff's deputy immediately following jury selection.
 - d. Jury selection. Peremptory strikes will be by silent strike sheet. The parties shall consider each juror in order starting with the State and then the Defendant(s) accepting or striking Panel Member Number 1, then Panel Member Number 2, etc. Once a jury of twelve has been selected, the same process will then be applied to the 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 from which they are to strike (*e.g.*, from No.1 through No. 36 [assuming two alternates]).
3. Exhibits. Exhibits should be marked *before* trial. Any party that intends to introduce exhibits during trial shall provide a copy of the exhibit list to each opposing party *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. In the event counsel use electronic means to publish exhibits, counsel must still have a paper copy to submit for the

record. Any video must also be provided via digital means for the record, all as set forth below.

4. Witnesses on Hand. Be certain to have enough witnesses on hand for each day's proceedings.
5. 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. Regarding DVDs/CDs, provide the court reporter with the original and one copy. They will need to be contained in a hard case (e.g., jewel case).
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 (Katherine.weitzel@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. In no instance, should counsel directly email the Judge, unless specifically requested by the Judge.

REQUEST FOR COURT SERVICES

1. Court Translator. Upon request, the Court will provide a translator to provide interpretation services for any non-English speaking Defendant. The request for a translator must be submitted in writing to the Litigation Manager Katherine Weitzel **no later than 5 business days** prior to the hearing date. Timely (5 business days) notification to Ms. Weitzel is sufficient notice.


2. Court Production Order. At the request of counsel, the Court will order production of a Defendant and/or witness incarcerated in any 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. Parties must submit their request in writing to Litigation Manager Katherine Weitzel at Katherine.weitzel@fultoncountyga.gov and the production request must be received **no later than 30 business days** before the scheduled court appearance.
3. Courtroom Evidence Presentation. In the event any party intends to utilize exhibits during any hearing, trial or other proceeding and the counsel is unfamiliar with the evidence presentation technology in Courtroom 8A, then that attorney is required to submit a written request for equipment training. Training can generally be accomplished in 15 minutes. This request should be submitted in writing to Litigation Manager Katherine Weitzel, **no later than 5 business days** before trial date. Timely (5 business days) email notification to Ms. Weitzel at Katherine.weitzel@fultoncountyga.gov is sufficient. While courtroom technology might not always work as precisely as it should, it is Counsel's obligation to know how to use it ahead of time and to not waste court and jury time setting up electronic materials at the podium at the time of first use.

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 his or her case even if his or her 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.

SO ORDERED, this the 3rd day of February, 2023.

A handwritten signature in black ink, appearing to read "Jane C. Barwick". The signature is written in a cursive style with a large initial "J" and "C".

Honorable Jane C. Barwick
Judge, Superior Court of Fulton County
Atlanta Judicial Circuit