

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

**STANDING SCHEDULING CRIMINAL CASE ORDER  
JUDGE DUNAWAY**

The following rules and procedures will govern criminal cases in this Division. Absent express permission from the Court, no exceptions or waivers to the requirements set forth herein are allowed.

**CALENDARS AND HEARINGS**

Criminal cases assigned to this division will generally appear on the following calendars: Arraignment, Case Management, Motions and Final Plea/Trial. Arraignment may be waived. Waivers must be filed with the Clerk of Court and emailed to the Court's Litigation Manager Tammy Gorman [tammy.gorman@fultoncountyga.gov](mailto:tammy.gorman@fultoncountyga.gov) at least 24 hours before the arraignment calendar.

Bond Hearings. Bond Hearings will generally not be heard at the arraignment calendars. Motions for Bond must be filed with the Clerk of Court, served on the State and emailed to Litigation Manager Tammy Gorman. A hearing will be scheduled at the first available court date.

Probation Revocations. Probation Revocations will be set for an initial non-evidentiary hearing. At this hearing, the probationer may enter a negotiated revocation or non-negotiated revocation with the right to withdraw the admission after hearing from the Court as to possible sanctions. The initial hearing is the only date to enter a negotiated or non-negotiated revocation with the opportunity to withdraw. A probationer may forgo this initial hearing by contacting Litigation Manager Gorman and the State by email to have the case set for a final evidentiary hearing.

## **DISCOVERY**

The defendant, no later than 10 DAYS after arraignment, shall provide written notice to the prosecuting attorney of defendant's election to have O.C.G.A. § 17-16-1 apply to the defendant's case. The parties shall promptly and completely comply with the requirements of O.C.G.A. § 17-16-4. **All discovery, including reciprocal discovery, shall be completed prior to a Case Management Conference.** Motions for an extension of that deadline shall be submitted in writing to the Court; such motions must provide a detailed, fact-based explanation of the need for the extension. If a party discovers additional evidence or material which is subject to discovery or inspection, such party shall promptly notify the Court and other party of the existence of the additional evidence or material and make this additional evidence or material available.

Any party seeking to rely on **Expert** testimony at trial (or any evidentiary hearing) must provide written notice to the opposing party at least ten days before trial and five days before any evidentiary hearing. This notice must include a meaningful summary of the expert's expected testimony as well as her qualifications to serve as an expert witness.

## **CASE MANAGEMENT CONFERENCE**

The Court will schedule Case Management Conference at arraignment. **All discovery and reciprocal discovery shall be completed prior to the Case Management Conference.** During the CMC parties need to be prepared to discuss any discovery deficiency. In the event of discovery deficiency, the Court will enter a Case Specific Discovery Order (See attachment). If the Case Specific Discovery Order is violated, either party may file a motion regarding discovery deficiency. Such motion should be filed at least 10 DAYS before trial. The filing party may serve the opposing party via e-mail, but

copies must also be filed with the Clerk of Court and sent to Litigation Manager Tammy Gorman. Should a party need to file a discovery deficiency motion, 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. The Parties are directed not to file motions compelling the generalized disclosure of otherwise discoverable materials. During the CMC parties need to be prepared to discuss potential motions to be filed, out of state witnesses, need for a translator and any other issues where the Court's assistance is needed. Cases which are ready for trial and not in need of a CMC should email Litigation Manager Gorman to be removed from this calendar.

## **MOTIONS**

All motions (other than motions in limine) shall be filed and particularized within 10 days of the CMC. Motions filed/particularized after that date are untimely and generally will not be considered, absent a showing of just cause for the late filing. *Copeland v. State*, 272 Ga. 816, 817 (2000); *Van Huynh v. State*, 258 Ga. 663 (1988); USCR 31.1. Any requests for extensions shall be submitted in writing to the Court before the deadline with a detailed, fact-based explanation of the need for the extension, along with a proposed order.

This deadline applies as well to (1) demurrers, (2) "immunity" motions pursuant to O.C.G.A. § 16-3-24.2, (3) other pleas in bar, (4) Defendant's notice of intent to raise issues of insanity or mental illness, and (5) Motions to suppress, sever, dismiss, etc.

Generalized motions and omnibus motions are not to be filed; they will be denied as vague and dilatory. Each motion shall be limited to a single issue (*e.g.*, suppression of statement, suppression of fruits of search warrant, etc.); multi-issue motions seeking to suppress, for example, both physical evidence *and* statements are not proper. In this

vein, motions must specify, *with particularity*, the item(s) or statement(s) or event(s) at issue. Thus, a motion seeking to suppress “any and all statements” is insufficient; the motion must identify the specific statement(s) the movant is seeking to suppress, as well as provide a theory of suppression.

Exception. Motions in limine seeking the Court’s ruling in advance of trial on minor, discrete evidentiary issues (*e.g.*, the (in)admissibility of a particular record or fact) must be filed before the trial begins. These are typically matters whose significance is not readily apparent prior to focused trial preparation. Such motions will seldom require the presentation of witness testimony and typically can be ruled upon orally immediately before trial. Motions to suppress, sever, dismiss, etc., are not properly cast as motions in limine and will not be permitted after the filing deadline -- absent a showing of just cause.

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 Litigation Manager Gorman via e-mail. 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 PLEA and TRIAL CALENDAR**

Final Plea. A defendant’s final plea hearing will be concurrent with the first trial calendar. The Final Plea date is the last opportunity to present a negotiated plea and a non-negotiated plea which can then be withdrawn at the option of the Defendant at the time of sentence pronouncement. Reductions in charges will be handled by the Court on a case-by-case basis and may either be allowed or disallowed. Negotiated pleas will **NOT** be accepted after the Final Plea Date 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.

Trial Calendar. Cases not disposed of at Final Plea are subject to being called in for trial upon two-hour notice. Notice will be provided by email to counsel of record. Trial Calendars run for as many weeks as necessary to reach all cases. 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 and submit by email to Litigation Manager Gorman, by 4 p.m. the business day before the first day of trial: voir dire questions, motions in limine and proposed jury charges. Clothing for incarcerated clients should be delivered to Courtroom 4F by 4 p.m. the business day before the first day of trial. Attorney should contact Judicial Assistant Betty Daniels at 404-612-2812 to arrange delivery of client clothing.

SO ORDERED, this 19<sup>th</sup> day of September, 2019.



Eric K. Dunaway, Judge  
Fulton County Superior Court  
Atlanta Judicial Circuit