

IN THE STATE COURT OF FORSYTH COUNTY

STATE OF GEORGIA

FORSYTH COUNTY, GEORGIA
FILED IN THIS OFFICE

In Re: Criminal Case Flow Management *
*

JULY 30, 2020
GREG G. ALLEN
CLERK OF SUPERIOR, STATE & JUVENILE COURT

ADMINISTRATIVE ORDER 20- 11 AMENDING ADMINISTRATIVE ORDER 17-4

AMENDED CRIMINAL CASE FLOW MANAGEMENT PLAN

This Administrative Order is issued in accordance with the Uniform Superior Court Rules and amends Administrative Order 17-4 by deleting Section II of the Order and replacing Section II as set forth below:

II. BONDED ARRAIGNMENT – EXCEPT DUI CHARGES

A. Waiver of Arraignment

1. **Beginning July 31, 2020 defendants who arrested and released on bond will not be given a specific court date for arraignment. However, jail personnel shall obtain from the defendant at or before the time of release the defendant’s current physical and mailing address (if different from physical address), a valid email address, a valid cell phone number capable of receiving text messages from the Court and consent from the Defendant to receive notice of court dates via email and/or text messages. Every effort should be made to obtain this information, but the Defendant’s failure or refusal to provide an email address and/or cell number shall not prevent the Defendant from being released under bond.**
2. The Criminal Case Coordinator will assign an bonded arraignment date after being notified by the Solicitor General’s Office or through the Odyssey case management system that the case has been formally accused.
3. In cases where a defendant is represented by an attorney, and the attorney files a Waiver or Arraignment prior to the arraignment date, the Clerk of Court shall enter Waiver of Arraignment as a separate event in Odyssey, even if the Waiver is contained in the initial motions package filed by the Attorney for the Defendant.
4. For all cases in which a Waiver of Arraignment has been filed prior to the arraignment date, the Case Coordinator will cancel the arraignment hearing and:
 - a. Create new hearing dates in Odyssey and generate Court Date Notices for one or more of the following as directed by the assigned judge:
 - 1) Pre-trial Conference and/or Motions Hearing;

- 2) Jury Trial Calendar Call;
 - 3) Priority Calendar Call (usually the week before trial week);
 - 4) Jury Trial Week(s).
- b. Send Court Date Notices to the Prosecutor, Defense Attorney, Defendant, and Bond Surety.

B. Arraignment

1. Reset Cases: If arraignment is reset for any reason, and the Defendant does not enter a formal plea, the Case Coordinator will be responsible for issuing a new Court Date Notice resetting arraignment as directed by the Court.
2. Guilty/Nolo Contendere Plea: If Defendant pleads guilty or nolo contendere (or pays fine), the case will be disposed of by the Clerk of Court.
3. Not Guilty Plea: Pro Se: If the Defendant announces that he/she wishes to plead not guilty and is not represented by an attorney, the Court will conduct an inquiry on the record to determine whether the Defendant wishes to hire an attorney, request an appointed attorney or proceed without an attorney, and whether the Defendant wishes to have a jury trial or bench trial. Following this inquiry and after hearing from the State and the Defendant, the Court will determine whether to arraign the Defendant or reset the arraignment to a later date, including a Final Plea and Arraignment Date. If the case is reset for arraignment, the Case Coordinator will generate a Court Date Notice and serve it on the Defendant in Court.

If the Defendant pleads NOT GUILTY and requests a trial, then the Defendant will be asked to complete a Waiver of Formal Arraignment/Acknowledgement of Court Date Notice form in which the Defendant:

- i. Waives formal arraignment and pleads not guilty;
- ii. Acknowledges that he/she understands his/her constitutional rights to counsel and to a jury trial, including the rights associated therewith;
- iii. Advises the Court in writing that he/she is asserting or waiving his/her right to counsel;
- iv. Advises the Court that he/she is asserting or waiving his/her right to a trial by jury; and.
- v. Acknowledges receipt of any Court Date Notices pertaining to the case.

The Case Coordinator will be responsible for generating Court Date Notices and serving them on the Defendant in Court, as follows:

1. If a jury trial is demanded or not waived, the Case Coordinator will create new hearing dates in Odyssey and generate Court Date Notices for:

- a. Attorney Status Hearing;
 - b. Jury Trial Calendar Call;
 - c. Priority Calendar Call (usually held the week before trial week);
 - d. Jury Trial Week(s).
2. If the Court determines that the Defendant has waived his/her right to jury trial and the right to be represented by an attorney, the Case Coordinator will:
- a. Set the case for a Non-Jury trial on the next available Criminal Non-Jury session;
 - b. Serve a written Court Date Notice of the trial date on the Defendant before the Defendant is released from Court;
 - c. Mail or email Court Date Notice to Bond Surety if the Defendant posted bond.
4. Not Guilty Plea: Represented: If a Defendant enters a plea of not guilty, is represented by Counsel, and jury trial is demanded or not waived, the Case Coordinator will:
- a. Create new hearing dates in Odyssey and generate Court Date Notices for one or more of the following as directed by the assigned judge:
 - 1) Pre-trial Conference and/or Motions Hearing;
 - 2) Jury Trial Calendar Call;
 - 3) Priority Calendar Call (usually held the week before trial week);
 - 4) Jury Trial Week(s).
 - b. Send or hand deliver in court, above Court Date Notices to Prosecutor, Defense Attorney, Defendant, and Bond Surety.

All other provisions of Administrative Order 17-4 remain in full force and effect

IT IS SO ORDERED, this 30th day of July, 2020.



T. Russell McClelland III, Chief Judge
Forsyth County State Court
Bell-Forsyth Judicial Circuit