

IN THE STATE COURT OF FORSYTH COUNTY

STATE OF GEORGIA

In Re: Criminal Case Flow Management *

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FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

FEB 03 2023

[Signature]
CLERK SUPERIOR COURT

ADMINISTRATIVE ORDER 23- 6
(AMENDS AND SUPERSEDES ADMINISTRATIVE ORDERS 14-14, 17-4, 20-12 and 21-11)

CRIMINAL CASE FLOW MANAGEMENT PLAN

This Administrative Order is issued in accordance with the Uniform Superior Court Rules and supersedes Administrative Orders 21-11, 20-12, 17-4 and 14-14.

PURPOSE

This Criminal Administrative Order of the State Court is adopted to promote the just, speedy and efficient determination of criminal actions in the State Court of Forsyth County.

GOALS

The Court adopts the following Criminal Case Flow Management Plan to:

1. Expedite the disposition of all criminal cases in a manner consistent with fairness to all parties,
2. Minimize the uncertainties associated with processing cases,
3. Assure equal access to the adjudicative process for all litigants,
4. Ensure that the resolution of matters is guided by what is permissible under law by defined standards of service and by balancing the needs of the individual and society, and
5. Enhance the quality of litigation.

SCHEDULING POLICY FOR CRIMINAL CASES

The Court adopts a scheduling policy whereby all criminal cases will be set in a manner that minimizes delay for the parties and that reduces the possibility of continuance of set times. This includes early and continuous control of all cases from case initiation through post-disposition proceedings by the use of:

1. Appropriate case screening,
2. Scheduling orders and conferences for the purpose of achieving date certainty,
3. Management of discovery and motions practice,
4. Realistic setting of trial dates and time limits, and
5. Court control of continuances in compliance with Uniform Superior Court Rules for the purpose of achieving date certainty.

Criminal cases will be reviewed to ensure that each case has a pending court date.

TYPICAL CASE FLOW FOR CASES IN WHICH A JURY TRIAL IS REQUESTED

Below is the typical case flow for cases in which a jury trial is requested:

- 1. Arraignment (Traffic or Bonded)**
- 2. Attorney Status Hearing (if Defendant not represented at Arraignment)**
- 3. Pre-Trial Conference**
- 4. Motions Hearing**
- 5. Jury Trial Calendar Call**
- 6. Priority Calendar Call (may be combined with Jury Trial Calendar Call)**
- 7. Jury Trial**

TYPICAL CASE FLOW FOR CASES IN WHICH A NON-JURY TRIAL IS REQUESTED

Below is the typical case flow for cases in which a non-jury trial is requested:

- 1. Arraignment (Traffic or Bonded)**
- 2. Attorney Status Hearing (Defendant not represented at Arraignment)**
- 3. Non-jury Trial**

**I. TRAFFIC VIOLATIONS BUREAU (TVB) CASES - TRAFFIC ARRAIGNMENT/NON-JURY
(Revised and Updated October 2021)**

A. The Traffic Violations Bureau (TVB) is under the supervision of and attached to the Clerk of State Court pursuant to Administrative Order 18-4 and O.C.G.A. § 40-13-50. All defendants cited only for offenses designated as “payable” TVB offenses shall be given an appearance date by the citing officer using dates provided by the Criminal Case Coordinators or the Clerk of Court after the Master Calendar is published.

B. **Non-TV B Cases Only: Defendants charged with arrestable offenses requiring processing (e.g., Driving Without License, Driving While License Suspended, Possession of Marijuana (Less than One Ounce), Theft by Shoplifting, etc.) who were issued citations to appear on the Traffic Arraignment Calendar are not within the jurisdiction of the TVB.**

However, these defendants or their attorney will have the opportunity to discuss the case with the Solicitor General’s Office at the Traffic Arraignment Calendar. If the defendant wishes to plead guilty or nolo contendere at the Traffic Arraignment Calendar, in the discretion of the Solicitor General and in consultation with the assigned judge’s Criminal Case Coordinator, the defendant may be: (a) directed to appear in the assigned judge’s courtroom to enter his/her plea and asked to complete the necessary plea paperwork subject to the assigned judge’s availability; or (b) directed to complete a Change of Address Form and instructed that a plea date will be scheduled by the assigned judge’s Criminal Case Coordinator.

If the defendant does not wish to enter a plea of guilty or nolo contendere at the Traffic Arraignment Calendar, the Clerk will direct the defendant to complete the Change of Address Form or Request for Continuance Form and the defendant will be thereafter excused. The completed Change of Address Form shall be filed in Odyssey.

The Case Coordinator will be responsible for setting the case on a Bonded Arraignment Calendar or Plea Calendar pursuant to the assigned judge’s instructions.

C. **Reset Cases (TVB Cases Only): If the traffic arraignment date is reset for any reason, including to a “Pay or Appear”: date, and the Defendant does not enter a formal plea, the Clerk of Court will be responsible for issuing a new Court Date Notice resetting arraignment.**

The Clerk of Court shall also require the Defendant to complete a Request for Continuance Form or a Change of Address Form which provides the Defendant’s current mailing address, a valid email address and a valid cell phone number (if

available) and consent from the Defendant to receive email and text message notifications from the Court regarding the case.

- D. Guilty/Nolo Contendere Plea (TVB Cases Only): If the Defendant pleads guilty or nolo contendere (or pays the fine), the case will be closed by the Clerk of Court in a timely manner.

Not Guilty Plea: Pro Se (TVB Cases Only): If the Defendant announces that he/she wishes to plead not guilty, is not represented by an attorney, and requests a trial, the Defendant will be instructed by the Clerk of Court to complete a Waiver of Arraignment Form in which the Defendant:

- a. Waives formal arraignment and pleads not guilty;
- b. Acknowledges that he/she understands his/her constitutional rights to counsel and to a jury trial, including the rights associated therewith;
- c. Advises the Court in writing that he/she is asserting or waiving his/her right to counsel; and,
- d. Advises the Court that he/she is asserting or waiving his/her right to a trial by jury.

Upon completion of the Waiver of Arraignment Form, the defendant will be excused. The Case Coordinator will be responsible for generating Court Date Notices and mailing or emailing the Court Date Notice to the Defendant, 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 one or more of the following as directed by the assigned judge:
 - a. Attorney Status Hearing;
 - b. Jury Trial Calendar Call;
 - c. Priority Calendar Call (if scheduled by the assigned judge);
 - 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 as directed by the presiding judge;
 - b. Serve a written Court Date Notice of the trial date on the Defendant before the Defendant is released from Court, or by mailing or emailing the Court Date Notice to the Defendant;
 - c. Mail or email Court Date Notice to Bond Surety if the Defendant posted bond.

- E. Not Guilty Plea: Represented: If a Defendant enters a plea of not guilty, and is represented by Counsel, the Case Coordinator will:
1. If a jury trial is demanded or not waived, create new hearing dates in Odyssey and generate Court Date Notices for one or more of the following as directed by the assigned judge:
 - a. Pretrial Conference and/or Motions Hearing;
 - b. Jury Trial Calendar Call;
 - c. Priority Calendar Call (if scheduled by the assigned judge);
 - d. Jury Trial Week(s).
 2. If a jury trial is waived, create new hearing date in Odyssey and generate a Court Date Notice for a Non-Jury Trial on the next available Non-Jury Traffic session.
 3. Send (via regular mail or email), the above Court Date Notices to the Prosecutor, Defense Attorney, Defendant, and Bond Surety.

II. BONDED ARRAIGNMENT – EXCEPT DUI CHARGES (Revised and Updated October 2021)

A. Waiver of Arraignment

1. Defendants who are 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 a bonded arraignment date after the case has been formally accused by the Solicitor General and issue appropriate court date notices in the case.
3. In cases where a defendant is represented by an attorney, and the attorney files a Waiver of Arraignment prior to the arraignment date, the Clerk of Court shall enter the 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 (if scheduled by the assigned judge);
 - 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 closed by the Clerk of Court in a timely manner.
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 or by mailing or emailing the Court Date Notice to the Defendant.

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, or by mailing or emailing the Court Date Notice to the Defendant, 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. Pre-trial Conference Calendar;
 - c. Jury Trial Calendar Call;
 - d. Priority Calendar Call (if scheduled by the assigned judge);
 - e. 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 as directed by the presiding judge;
 - b. Serve a written Court Date Notice of the trial date on the Defendant before the Defendant is released from Court, or by mailing or emailing the Court Date Notice to the Defendant;
 - 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 (if scheduled by the assigned judge);
 - 4) Jury Trial Week(s).
 - b. Send (via regular mail or email) or hand deliver in court, above Court Date Notices to Prosecutor, Defense Attorney, Defendant, and Bond Surety.

III. BONDED ARRAIGNMENT FOR DUI CASES (Revised and Updated October 2021)

The following shall apply to all DUI cases bondable to State Court:

- A. Notice of DUI Review Hearing Date.** For all defendants charged with a DUI offense, jail personnel shall provide a **DUI Review Hearing Date** as the returnable date on the bond using the date ranges provided by the Chief Judge of the State Court or his designee. **The Sheriff's Office will modify the bond sheet form or create a separate form for DUI cases to show that the returnable date is for a DUI Review Hearing and not an arraignment date and that the Defendant's presence in court is required.** 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.
- B. Original Jail/Incident Records; Defendants Unable to Post Bond.** The Sheriff's Office has agreed to give priority to transmitting the original citations, warrants, incident report, arrest, booking and bond paperwork and associated records of defendants charged with DUI offenses to the Solicitor-General's Office as soon as possible after arrest. Any Defendant charged with a DUI offense who remains in custody 48 hours or more after his or her arrest shall be brought before a State Court Judge at the next available State Court Calendar or DUI Review Hearing Calendar, whichever occurs sooner, for the Court to address the issue of bond or other pre-trial release, indigent status, attorney representation, Defendant's eligibility and referral to DUI Court and other matters appropriate to the case.
- C. Solicitor-General Review.** Prior to each DUI Review Hearing date, the Solicitor-General, or his designee, shall review the jail records of the cases scheduled for the upcoming date to determine which Defendants are eligible for the DUI Court program and to determine whether eligible Defendants will be referred to the Forsyth County DUI Court.
- D. DUI Review Hearing Date.**
- 1. Appearance at DUI Review Hearing.** All Defendants must appear in person at the DUI Review Hearing Date unless excused by the Solicitor General as provided in Paragraph 4 below.

Unless otherwise instructed by the Chief Judge, the Solicitor's Office, the Clerk's Office and Court Security will see that all Defendants not being referred to DUI Court report to the Jury Assembly Room and that all Defendants referred to DUI Court report to Courtroom 401 on DUI Review Hearing dates.

2. **Defendants Not Referred to DUI Court Program.** For those Defendants who are not referred to DUI Court by the State, the Clerk's Office will obtain an updated physical address, email address and cell phone number from each Defendant, using the Change of Address Form. The completed Change of Address Form shall be filed in Odyssey.
3. **Defendants Referred to DUI Court Program.** For those Defendants who are referred to DUI Court by the State:
 - a. The Solicitor-General will provide the Defendant and the Defendant's attorney, if the Defendant is represented, a "DUI Court Offer."
 - b. If the Defendant expresses an interest in the DUI Court program, the Defendant and/or the Defendant's attorney will be given a DUI Court Application Packet and a notice of the Defendant's clinical assessment appointment with the DUI Court staff.
 - c. The Solicitor General's Office and the DUI Court Defense Attorney, with input from the DUI Court Team, will develop and maintain a "tracking system" for those Defendants referred to DUI Court. The Solicitor General's Office will be responsible for resetting DUI Review Hearing dates for Defendants as necessary, including referred "Under Investigation" cases if an accusation is subsequently filed, and for scheduling and re-scheduling DUI Court pleas in Odyssey using the sessions for these hearing types created by the Criminal Case Coordinator.
 - d. If the Defendant has not hired an attorney, the Defendant will speak with the DUI Court Defense Attorney about the DUI Court Program and the options available to the Defendant. If the Defendant decides to pursue the DUI Court Program without an attorney, the DUI Court Defense Attorney will advise the Defendant in completing the Entry Packet and of the entry process, including representing the Defendant during the entry of his/her guilty plea. If at any time during the entry process the Defendant decides not to enter the DUI Court Program, the DUI Court Defense Attorney's involvement in the Defendant's case will end, and the Defendant's case will be placed on the regular trial track of the judge to whom the case was originally assigned. The Defendant may also be referred to the Indigent Defense Office if the Defendant requests appointed counsel.
 - e. **Future Court Date Notices.** The Case Coordinator will issue a Notice of Arraignment for the Defendant to appear before the Defendant's originally assigned judge.
 - 1) Until the Defendant is accepted into DUI Court, the Defendant shall

remain on that judge's current calendars and the application for DUI Court shall not delay any scheduled hearings or the trial of the case except upon approval of the assigned judge.

- 2) If the Defendant is accepted into DUI Court, the Defendant shall be scheduled for a plea hearing before Judge McClelland as provided in Section 3.(c) above . If the Defendant's case was originally assigned to Judge Dunn, the Clerk shall administratively reassign the case to Judge McClelland when the plea is accepted and the sentence is entered without the need for an order transferring the case.

4. **Excusal of Appearance of Defendant and Counsel at DUI Review Hearing**

a. **Represented Defendants Referred to DUI Court.** The Solicitor-General may excuse a Defendant who is being referred to DUI Court, and his or her attorney, from appearing at the DUI Review Hearing Date if and only if:

- 1) The Defendant's attorney has completed and filed the Acknowledgement of DUI Court Assessment form specifying that the Defendant is **DECLINING** DUI Court; OR,
- 2) The Solicitor-General notified the Case Coordinator and the Court prior to the date of the DUI Review Hearing by entering an Administrative Note in the Odyssey Case Management System that the Defendant has declined DUI Court and that the Defendant and the attorney have been excused from appearing at the DUI Review Hearing.

b. **Represented Defendants Not Referred to DUI Court.** The Solicitor-General may excuse a Defendant and his or her attorney from appearing on the DUI Review Hearing Date if and only if:

- 1) The Solicitor-General has communicated to the Defendant's attorney and the DUI Court Office, that the Defendant is not eligible for DUI Court or is not being referred to DUI Court;

The Solicitor-General has verified the Defendant's and the Defendant's attorney's current physical and mailing address (if different from physical address), valid email address, valid cell phone number capable of receiving text messages from the Court and obtained consent from the Defendant and the Defendant's attorney to receive notice of court dates via email and/or text messages.

- 2) The Solicitor-General notified the Case Coordinator and the Court prior to the date of the DUI Review Hearing by entering an Administrative Note in the Odyssey Case Management System that the Defendant has not been referred to DUI Court and that the Defendant has been excused from appearing at the DUI Review Hearing.
- 3) The Defendant's attorney has filed a Waiver of Arraignment with the Clerk of State Court, or has completed an "Under Investigation" form with Solicitor-General's Office; and,
- 4) The Solicitor-General has notified the Case Coordinator that the Defendant and his or her attorney are excused from appearing at the DUI Review Hearing.

c. **Unrepresented Defendants Not Referred to DUI Court.** The Solicitor-General may excuse an unrepresented Defendant from appearing the DUI Review Hearing Date if and only if:

- 1) The Solicitor-General has communicated to the Defendant and the DUI Court Office, that the Defendant is not eligible for DUI Court or is not being referred to DUI Court;
- 2) The Solicitor-General has verified the Defendant's current physical and mailing address (if different from physical address), valid email address, valid cell phone number capable of receiving text messages from the Court and obtained consent from the Defendant to receive notice of court dates via email and/or text messages.
- 3) The Solicitor-General notified the Case Coordinator and the Court prior to the date of the DUI Review Hearing by entering an Administrative Note in the Odyssey Case Management System that the Defendant has not been referred to DUI Court and that the Defendant has been excused from appearing at the DUI Review Hearing.

5. **Bond Conditions.** At the request of the State or the Defendant, the Court may inquire into and modify the Defendant's bond conditions at the DUI Review Hearing.

IV. ATTORNEY STATUS HEARINGS, PRE-TRIAL CONFERENCES, HEARINGS ON PRE-TRIAL MOTIONS

A. Attorney Status Hearings

1. The purpose of the Attorney Status Hearing is to determine whether or not the Defendant has obtained an attorney before the case is set for trial.
2. If the Defendant has obtained an attorney by appointment through the Indigent Defense Office or by hiring an attorney prior to the Attorney Status Hearing date, **and** the attorney has filed an Entry of Appearance with the Clerk, the Defendant and the Attorney are excused from appearing at the Attorney Status Hearing calendar and the hearing may be canceled by the Case Coordinator. If an attorney has not filed an Entry of Appearance, the Defendant is required to appear at the calendar.
3. If the Defendant has not obtained an attorney, then the Defendant will be required to attend the Attorney Status Hearing in person or remotely as directed by the presiding judge. If the Defendant fails to appear at the Attorney Status Hearing, the Court may find that the Defendant has waived his right to counsel and that a further continuance of the case based on the Defendant not having an attorney will not be warranted.

B. Pre-Trial Conferences

1. A Pre-Trial Conference shall be scheduled and conducted pursuant to Uniform State Court Rule 7.4 within 45 days of the Arraignment Date as scheduled by the Case Coordinator in all cases where the Defendant is represented, and the Defendant has requested a jury trial, unless the presiding judge otherwise directs. **All parties and counsel must appear at the Pre-Trial Conference (in-person or remotely) except as provided below.**
2. At the Pre-Trial Conference, all motions, special pleas and demurrers (including discovery matters) not previously decided by the Court shall be presented to and heard by the assigned judge, except that motions requiring the presentation of evidence may be, in the discretion of the Court, scheduled for hearing at a later date during the Pre-Trial Conference. Any and all pending motions, **including motions to suppress or motions in limine that have not be particularized as required by law or Court Rule**, which are not called to the Court's attention at the Pre-Trial Conference shall be deemed to have been abandoned and waived, except as provided in Rule 7.4. Counsel are also expected to address with the Court any matters that may cause a delay of the trial as provided in Rule 7.4 (B).
3. At the Pre-Trial Conference the Court will also inquire of counsel: (1) whether a plea offer has been extended by the State and whether negotiations in the case will likely

lead to resolution of the case without a trial; and (2) whether the case is ready for trial.

4. At the conclusion of the Pre-Trial Conference, the Court will set or confirm the date for a motions hearing, if necessary, and set or confirm the trial dates for the case.

C. Pre-Trial Motions

1. **ALL motions must be filed within the time required by law, including applicable case law, or by Court Rule unless otherwise approved by the Court.**
2. Any motions that are filed more than ten (10) days after arraignment will be deemed untimely and the Case Coordinator shall not have the authority to schedule such motions for a hearing, except as instructed by the assigned judge.
3. At the time of filing, counsel shall serve a courtesy copy of all motions on the Case Coordinator for the judge assigned to the case.
4. Motions regarding bond (Motion for Bond, Motion to Modify Bond, Motion to Revoke Bond, etc.) are to be given priority and will be scheduled by the Case Coordinator at the next available hearing date in consultation with the judge assigned to the case.
5. The Case Coordinator will be responsible for scheduling all motions hearings (which may be conducted in-person or remotely) requiring the presentation of evidence in consultation with the assigned judge and serving notice on all parties. The Case Coordinator shall have the discretion to reschedule such motions hearing to accommodate the availability of witnesses and/or conflicts of counsel, **except where continuance of the motions hearing will delay the trial of case or where either party objects to the continuance.** In that event, the request for continuance must be submitted to the judge assigned to the case for a ruling on the request. Parties and counsel must comply with the applicable statutes and Court Rules for presenting this issue to the court and for the proper showing required for the granting of a continuance.
6. The Case Coordinator will have the authority to cancel any motions hearing upon receipt prior to the hearing date of a pleading filed with the Clerk of Court which specifies that counsel is withdrawing the motions set for hearing. The failure of counsel or the defendant to appear at the motions hearing without due cause will result in the motions being deemed abandoned.

D. Remote Hearings (Division A)

1. The court uses remote videoconference hearings for all pre-trial matters, motions and pleas, and may in its discretion schedule other matters for hearing via remote videoconference using Microsoft Teams or other platforms.
2. For pre-trial matters and motions, the Case Coordinator will contact each party for their time estimate. The Case Coordinator will then set the schedule of hearings assigning each case a specific time. Parties and attorneys should log into the session at least 5 minutes before their scheduled time.
3. As the sessions are open to the public, each session will be broadcast in courtroom 402 for public access. Attorneys and parties may also provide email addresses to the Case Coordinator so that she may email links to join virtually.
4. Additional instructions may be provided by the Judge or Judge's Office regarding the scheduling of and conduct of remote hearings.
5. All criminal hearings will be on the record and taken down by the Court's Official Court Reporter.
6. Unless otherwise instructed by the Court, plea paperwork must be emailed to the Solicitor-General's Office no later than forty-eight (48) hours before the court hearing.
7. All exhibits should be named in this format: Case number and a short description, e.g., "20M1234A Plea Petition and Waiver". Any documents that require the judge's signature, such as the Waiver of Rights and Petition to Enter Plea of Guilty must be submitted as a separate document.
8. All exhibits must be submitted during the hearing. A digital copy must be submitted to the court reporter via email.

E. Remote Hearings (Division B)

1. The court may in its discretion and consistent with the Uniform Rules schedule certain matters for hearing via remote videoconference using Zoom, Microsoft Teams or other platforms.
2. The guide "[How to Use Zoom for Court](#)" can be accessed at the embedded link above and will also be available for download at ForsythCourts.com and at ForsythClerk.com.
3. Additional instructions may be provided by the Judge or Judge's Office regarding the scheduling of and conduct of remote hearings.

4. All criminal hearings will be on the record and taken down by the Court's Official Court Reporter.
5. Unless otherwise instructed by the Court, exhibits and plea papers must be emailed to Courtroom401@forsythco.com no later than forty-eight (48) hours before the court hearing. The only formats that will be accepted are PDF for documents, JPG and PNG for images, and MP4 for videos. No DOC formats or "executable" files will be accepted. (Revised October 2021)
6. All exhibits should be named in this format: Case number and a short description, e.g., "20M1234B Plea Petition and Waiver". Any documents that require the judge's signature, such as the Waiver of Rights and Petition to Enter Plea of Guilty must be submitted as a separate document. Evidence not anticipated or submitted prior to the hearing may be submitted during the hearing through the Chat/File feature in Zoom if permitted by the Court.

V. JURY TRIALS

A. Jury Trial Calendar Call

1. In all cases in which a jury trial is demanded or not waived, the Case Coordinator will assign the case to the next available jury trial calendar at or before the Pre-Trial Conference, unless otherwise directed by the assigned judge, and serve notices on all parties as required by law or Court Rules.
2. All parties and counsel who will be trying the case must appear at the Jury Trial Calendar Call. If permitted by the judge assigned to the case, the Case Coordinator may provide a method for the defendant and/or counsel for the defendant to be excused from personally appearing at Calendar Call by submitting an announcement in writing to the Case Coordinator in a manner and format approved by the judge. Unless specifically approved by the assigned judge as to a particular case, any such written announcements received by the Case Coordinator within six (6) business days of the Jury Trial Calendar Call will not excuse the defendant or counsel from appearing at the Jury Trial Calendar Call.
3. All cases that announce ready will be assigned a priority number by the assigned judge
4. Failure of the defendant to appear at the Jury Trial Calendar Call without due cause, may result in a bench warrant issued by the assigned judge.
5. As provided below, attorney conflicts and/or leaves of absence for the Jury Trial Calendar Call will not automatically result in a continuance of the trial. If counsel is

available during all or part of the trial week(s), the case will remain on the trial calendar for those day(s) that counsel is available.

B. Priority Calendar Call (when scheduled by the assigned judge)

1. All parties and counsel who will be trying the case must appear at Priority Calendar Call to update or confirm their announcement of ready. All cases that remain ready for trial will be tried in the order established and on trial dates set by the assigned judge at the Priority Calendar Call.
2. Unless provided otherwise by the assigned judge, all negotiated pleas must be entered on or before the Priority Calendar Call date. Unless provided otherwise by the assigned judge, entering a jury trial waiver will not remove the case from the trial calendar. If the jury trial waiver is being entered in order to allow for the entry of a plea at a later date, the Case Coordinator, shall whenever possible, schedule the guilty plea hearing for a date within 30 days of the last day of the scheduled jury trial week(s).
3. Following the Priority Calendar Call, the Case Coordinator, will notify all affected counsel and defendants without counsel of any changes to the priority order and/or the trial dates in a manner prescribed by the assigned judge, including notification via email and/or telephone. All defendants proceeding to trial without an attorney must provide a valid email address and/or telephone number to the Case Coordinator before being excused from the Priority Calendar Call.
4. Unless otherwise set by the assigned judge, all cases not reached on the first day of trials will be subject to "overnight call" for the balance of the trial week(s).
5. As provided below, attorney conflicts and/or leaves of absence for the Priority Calendar Call will not automatically result in a continuance of the trial. If counsel is available during all or part of the trial week(s), the case will remain on the trial calendar for those day(s) that counsel is available.


VI. ENTERING CASE INFORMATION IN ODYSSEY CASE MANAGEMENT SYSTEM

- A. Unless provided otherwise in this Order or unless otherwise instructed by the assigned judge, all court sessions will be created, modified or deleted by the Case Coordinator for the assigned judge.
- B. The initial appearance dates provided to defendants released on bond, including DUI Review Hearing dates, will be entered into the respective Odyssey Court session by the Solicitor General's Office or the Clerk of Court when the case is opened.
- C. For all other matters i.e., reset arraignment dates, "jail" calendars, motions, pleas, jury trials, non-jury trials, the Case Coordinator will be responsible for entering the hearings into the Odyssey session for any upcoming court dates.


VII. ATTORNEY LEAVES OF ABSENCE AND CONFLICTS

- A. Attorneys must comply with Rules 16 and 17 of the Uniform Rules of Superior Court.
- B. Rule 16 – Leaves of Absence.
1. A copy of all notices of leaves of absence shall be sent to the Case Coordinator.
 2. If a notice is properly filed in accordance with the rules, or the leave has been granted by the Court, the Case Coordinator will not set any protected matters on dates covered by the period of absence and is authorized to continue any hearings or trials that were set down after a leave was noticed or granted. Leaves of Absence will not be recognized for periods of more than 30 days, or for cases appearing on a noticed calendar when the notice of leave of absence is filed. In such cases, attorneys must seek an order from the Court granting the leave of absence.
 3. With respect to Jury Trial Calendars:
 - a. If an attorney is available for the week(s) of trial, the attorney's case(s) will remain on the calendar regardless of the attorney's availability for calendar calls;
 - b. If an attorney has a leave of absence for a portion of a trial week or weeks, but not the entire trial week or weeks, the attorney's cases will be subject to being called for trial on the day(s) not affected by the leave of absence, unless the Court otherwise directs.
- C. Rule 17 – Notices of Conflict:
1. A copy of all notices of conflict required by Rule 17 shall be sent to the Case Coordinator.
 2. If counsel for the State and the defendant agree that the case should be reset based upon the attorney's conflict, such agreement to reset the case shall be communicated to the Case Coordinator. The Case Coordinator shall be authorized to reset the case. Otherwise, the case(s) shall remain on the calendar and the conflict(s) noted for the Court.
 3. Remote videoconference hearings and in-person hearings have the same priority with respect to conflicts and neither takes priority over the other.

IT IS SO ORDERED, this 3rd day of February, 2023.



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



James A. Dunn, Judge
Forsyth County State Court
Bell-Forsyth Judicial Circuit