

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

CHÉ ALEXANDER
Clerk of Superior Court

Fulton County, Georgia



IN RE: PROCEDURE FOR ALL)
CRIMINAL CASES ASSIGNED) JUDGE THOMAS A. COX, JR.
TO JUDGE COX'S DIVISION)
)
)

**STANDING CASE MANAGEMENT ORDER FOR
CRIMINAL CASES IN JUDGE THOMAS A. COX, JR.'S DIVISION**

For all criminal cases assigned to this division in which the Defendant has entered a plea of not guilty and requested that the case be further noticed to a trial calendar, 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. The specific deadlines for discovery and motions, in any case, are provided pursuant to a separate Case-Specific Scheduling Order entered in each Defendant's case ("CSSO") at Plea and Arraignment ("P&A"). Re-indicted cases are bound by the CSSO dates, notices, and published calendars for the originally indicted case absent good cause shown and further order of this Court. This Order shall act to modify, revise, rescind and supersede all conflicting provisions in all previously issued Standing Orders regarding case management issued by this Court.

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 Litigation Manager Matthew Cormier (Matthew.cormier@fultoncountyga.gov) with copies of such communication also provided to all counsel of record unless the matter is a proper ex parte filing. [Contact with the Court as an initial option, should be limited to matters confirming scheduling and other administrative matters only.]

2. As a general point of reference, counsel are also discouraged from reaching the Court regarding questions on Court preferences. The Court does not practice through emails or telephone calls and does not respond to these types of questions.
3. Attorneys are reminded that the proper method to place a matter before the Court is through the filing of an appropriate motion and/or otherwise following the applicable legal procedure pursuant to Georgia law. That is in essence, the preference of the Court.
4. Legal professionals other than attorneys are discouraged from engaging in direct contact with the Court, given the potential for a violation of these guidelines by a person that is not an officer of the Court, as well as to eliminate the potential for the unauthorized practice of law.
5. Email. The Court, via the Litigation Manager, communicates with counsel via email if necessary. At the entry of appearance of counsel, the attorneys are required to provide their email addresses to Litigation Manager Matthew Cormier by emailing the same to him. All counsel must also register with the electronic filing system utilized in the Superior Court of Fulton County. 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. To prevent miscommunications and inappropriate ex parte communications, avoid telephoning Chambers except in exceptional circumstances.
6. **In no instance, should counsel directly email the Judge or copy the judge on correspondence.**

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 CSSO entered in each Defendant's case. An example of a scheduling order, is attached hereto, marked as **Exhibit "A"**. Any supplemental discovery must be supplemented as soon as practicable, but in any event no later than seven (7) 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 prior to the Discovery Date deadline. Such motions must provide a detailed, fact-based explanation of the need for the extension including the amount of the actual 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 Cox's Chambers via email to Matthew Cormier at Matthew.cormier@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 before the Discovery Deadline to prevent delays in the trial and 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 Motions Due Date which is identified in the separate CSSO 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.

5. Case Management. This division utilizes a Case Management Hearing for all cases. At the Case Management Hearing, it is determined whether discovery is complete and if not, deadlines are established for complete discovery through the entry of an administrative order. All motions must be filed, with limited exception to motions that a superior court must hear as a matter of law, within ten (10) days of the Case Management hearing for all cases. The Court also determines what motions have been filed. If motions have been filed, a motions hearing will be scheduled. If the not guilty plea remains intact, the case is then progressed to a final plea calendar, a calendar call, and a trial calendar. A list of the items to be discussed at the Case Management Hearing is attached as **Exhibit "B."**

MOTIONS

1. General. The due date for all motions is the specific Motions Due Date deadline as set forth in the separate CSSO 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); USCR 31.1. All motions, proposed orders, and other submissions to the Court shall be in Microsoft WORD format and Times New Roman 14 cpi font size.
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 (d) Defendant's notice of intent to introduce evidence of specific acts of violence by a 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. Untimely motions improperly cast as motions *in limine* however, that are not true *in limine* motions, will not be permitted after the Motions Due Date deadline absent a showing of just cause.

3. Filing, Courtesy and Service Copies. All motions must be filed with the Office of the Clerk of the Superior Court. The Court will not consider any motions that have not been previously filed with the Clerk. Unfiled motions need not be presented to the Court, since they are not before the Court. Parties filing motions are required to deliver a courtesy copy to Judge Cox's Chambers via email to Litigation Manager Matthew Cormier at Matthew.cormier@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 may be served on opposing counsel via email.
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, supported by citations to applicable persuasive legal authority.
5. Published Motions Hearing Calendar. The court will publish a calendar for the Motions Hearing Date identified in the separate CSSO entered in

each Defendant's case. 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 and, instead will proceed to a Final Plea 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.

FINAL PLEA DATE, NEGOTIATED and NON-NEGOTIATED PLEAS

1. General. A Final Plea and Trial Calendar call will be held on the date as set forth in the separate CSSO entered in each Defendant's case. The Final Plea Date is the last opportunity to present a negotiated plea *which can then be withdrawn* prior to the pronouncement of the sentence. After sentencing, a defendant may only withdraw his guilty plea to correct a manifest injustice.¹ 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. 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.
2. Order to Confer in Advance. The Court hereby orders the parties to confer before the Final Plea Date to determine the State's offer and whether the Defendant will enter a plea of guilty or move forward to trial.
3. Scheduling Pleas in Advance. Negotiated or non-negotiated pleas may be

¹ See, O.C.G.A. 17-7-93(b); Dos Santos v. State 307 Ga. 151, footnote 1 (2019), quoting McGuyton v. State, 298 Ga. 351, 353, 782 S.E.2d 21 (2016).

entered at any time before the Final Plea Date. The parties are directed to contact Matthew Cormier, Litigation Manager for Judge Thomas A. Cox, Jr., at (404) 612-4604 or Matthew.cormier@fultoncountyga.gov to schedule a date for entry of a plea prior to the Final Plea Hearing. The final plea date is the last opportunity to present a negotiated plea which can be withdrawn at any time before the sentence is pronounced by the Court. After sentencing, a defendant may only withdraw his guilty plea to correct a manifest injustice. The Court will only consider motions to withdraw guilty pleas that are timely filed.

4. Continuance/Request for Status Conference - In the event a party intends to seek a continuance or has any other problem with going forward with a trial on the assigned Final Plea and Trial Date due to incomplete production of discovery, incomplete witness information, client difficulties, a request for a psychological evaluation or otherwise, that party must notify the court by written request for a continuance and/or a status conference at least 60 days before the Final Plea and Trial Date absent good cause shown. The written request must specifically identify the grounds for the continuance, conference, or other problems with going forward with the trial.

TRIAL DATE AND PRE-TRIAL PROCEDURE

1. General. The Court may call any case appearing on the Trial Calendar to trial in any order, upon two-hour notice and not necessarily in the order in which the case appears on the published Trial Calendar.
2. 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 Thomas A. Cox, Jr., at 185 Central Avenue, Atlanta, Georgia 30303, Courtroom 7-F for the Trial Calendar call on the Final Plea and Trial Date as set forth in the separate CSSO entered in each

Defendant's case.

3. Calendar Call. Trials will normally begin the next week following the Trial Calendar call and in the order as decided by the Court, which is not necessarily the order in which the cases appear on the published Trial Calendar. After the Final Plea/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.

4. Pre-Trial Submissions are due 4 p.m., one week 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 the Litigation Manager Matthew Cormier at Matthew.cormier@fultoncountyga.gov, **by 4 p.m. one week before the first day of trial**, the following **FIVE ITEMS**:
 - a. A list of potential voir dire questions. See below: Voir Dire Procedure utilized by Judge Cox.

 - b. A list of all potential witnesses. 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. Cormier. 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. Pattern charges are strongly encouraged. For all non-pattern or modified pattern charges, the parties are required to submit the full text and cite the case law, statute, or other authority supporting such requested charge. Counsel may not submit proposed charges without citations to applicable legal authority. Please email a copy of the Proposed Jury Charges to **Senior Staff Attorney, Erik Smith**, at erik.smith@fultoncountyga.gov.

- e. A proposed verdict form. A proposed verdict form agreed to by both parties, shall be submitted to the Court on the first day of trial. The Court will request that lead counsel of record, for both the State and the Defendant, initial the back of the reverse side of the verdict form. The initialing signifies that this form will be the actual verdict form that will go with the jury.

CONDUCT DURING HEARINGS AND TRIAL

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 by these requirements:

1. Timeliness. Counsel and parties will timely appear before the Court at each setting and following each recess.
2. Voir Dire Procedure. Counsel shall submit to the Court all proposed voir dire questions as directed above. The statutory and other general questions the Court propounds of all criminal jury panels are attached hereto as

Exhibit “C.” 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. The Court will propound all general questions to the entire panel, including the ones on Exhibit “C” 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 to proceed expeditiously with the individual voir dire.

- b. Individual Questions. At the completion of general questioning, prospective jurors will be brought, twelve to fourteen at a time, into the jury box, or the gallery, for follow-up questioning. Prior to any individual questioning, each of the panelists will respond by answering each question listed on the reverse side of their juror card. Counsel will then be permitted to conduct the follow-up questioning, panelist by panelist, provided that counsel are collectively efficient in their use of the panelists’ time. The Court will not permit the parties to ask repetitive questions or an unlimited number of questions during the 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 to fourteen panelists at a time, 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 a seated position at the counsel's table.

- 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. 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. At the conclusion of the questioning, each of the panelists will leave the Courtroom. The Court will ask the attorneys for their reasons for excusing members of each such panel. At that time, the Court will solicit motions to strike for cause any member of that panel, will hear argument on same and will rule at that time.
- e. 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. "A" indicates the panelist is accepted by that party; "S1" through "S9" are used by the State to indicate its first nine strikes (and higher if more strikes are awarded); "D1" through "D9" (an higher if more strikes are awarded the Defendant) are used by the Defendant to indicate his/her first nine strikes; "SA1", etc. is used by the State to indicate its alternate strikes and "DA1", 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).

3. Witnesses on Hand. Be certain to have enough witnesses on hand for each day's proceedings. Additionally, please have your witnesses "at the ready" to be called to the witness stand. Neither the Court, Court personnel or the Deputy sheriffs will gather your witnesses and make sure that they get to the witness stand. This is the responsibility of counsel.
4. 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 examine the witness. Only one attorney for each party may argue a motion.
5. Avoid Addressing Attorneys. Counsel are prohibited from addressing comments or questions to each other, or anyone else, while on the record. All arguments, objections, and motions must be addressed to the Court.
6. Exhibits. Exhibits should be marked before trial. Any party that intends to introduce exhibits during trial shall provide two hard copies of an exhibit list to the Court and one copy to each opposing party prior to jury selection. All demonstrative exhibits must be shared with opposing counsel and the Court before the trial begins. 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. Counsel shall obtain approval from the Court before publishing any evidence/exhibits to the jury.

All firearms or guns that are to be used during the trial must be fitted with an external locking mechanism that is locked before they arrive in the courtroom. Counsel shall also affirm in open court that the firearm or gun has been checked to ensure that no ammunition is in the gun or firearm. Counsel is also to confirm that the locking device has been activated and

that the keys to the locking device have been secured. These steps must be implemented before a firearm or gun is brought into the courtroom. Confirming that the gun or firearm has been locked with the locking device and contains no ammunition is a matter of first importance. Counsel shall announce compliance with this very important rule for each gun or firearm used during a trial. Finally, no witness or jurors shall be presented with both a gun or firearm and ammunition at any one time. The Court must approve compliance prior to the firearm being presented in court.

7. Digital Submission of Exhibits. Pursuant to the Judicial Council of Georgia rules, all transcripts, and accompanying exhibits must 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, such as 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 (such as a gun, poster board, etc.) will be inserted by the court reporter in its place as the exhibit attached to the transcript. Regarding DVDs/CDs and the like, provide the court reporter with the original and one copy. They must be contained in a hard case (such as a jewel case). Cheryl Gilliam is the Court's assigned court reporter and her email address is Cheryl.Gilliam@fultoncountyga.gov
8. Objections. Counsel shall state all objections to the Court, shall briefly state the legal grounds for any objection and shall not engage in arguments before the jury. Generally, the legal grounds for objections can and shall be made in three words (e.g. "objection-lack of foundation", "objection-calls for speculation," "objection-asked and answered"). The Court will not entertain argument on the objections within the hearing of the jury. Therefore, what is commonly known as "speaking objections" will not be permitted. If counsel wishes to present argument concerning an objection being made or opposed, counsel shall ask to approach the bench for a discussion at a sidebar with the judge and opposing counsel.
9. Stipulations. The use of stipulations is encouraged. 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.

10. Use of lectern. Attorneys shall use the lectern and microphone positioned in the middle of the courtroom during all hearings and at all times during the trial, except as follows. Counsel may, alternatively, position themselves on the opposite side of the jury box in questioning witnesses to encourage the witness to face the jury when responding to questions. During the opening and closing statements, the attorneys can move more freely a few paces in front of the jury panel but at no time should the attorneys touch jurors or the jury box or seek to engage them in communications. When approaching a witness with an exhibit (see below direction). During voir dire, attorneys may individually question jurors with their notes from the counsel table. Counsel are to refer to all potential jurors by number only.
11. Approaching Witnesses. Counsel shall ask permission of the Court before approaching a witness with evidence. Counsel shall not remain standing over the witness, but rather shall deliver the document or other piece of evidence and retreat a few paces away from the witness. When appropriate, counsel may request that the witness step down from the witness stand for purposes of demonstrating, drawing, or otherwise illustrating a matter for the jury. Counsel may remain within the proximity of the witness during the demonstration, but should not in any way seek to intimidate or influence the witness.
12. In Court Presentation of Documents to Judge. Counsel shall deliver to the Deputy Sheriff present in the courtroom any documents to be presented to the judge or ask permission to approach the bench to deliver documents to the judge.
13. Preparation of Orders. Counsel shall promptly prepare orders or judgments to be presented to the Court and by email the same to the Court (Matthew.cormier@fultoncountygga.gov) and opposing counsel simultaneously and within three business days of the entry of that order or judgment unless directed otherwise by the Court. In no instance, should counsel directly email the Judge.

SENTENCING HEARINGS

1. Victim Impact Statements – All victim impact statements **must be in writing and on point**. They are to be no longer than three pages in length and may be read by the victim, victim’s family or representative or the prosecutor.
2. Timing – The Court anticipates proceeding with sentencing hearings immediately after any conviction in most cases. Finally, the Court reserves the authority to schedule sentencing hearings.

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 via email to the Litigation Manager Matthew Cormier at matthew.cormier@fultoncountyga.gov **no later than seven days** before the hearing date.
2. Court Production Order. At the request of counsel, the Court will order the 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. Parties must submit their request in writing to Litigation Manager Matthew Cormier at Matthew.cormier@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 7F, then that attorney is required to submit a written request for equipment training. Training can generally be accomplished in 20

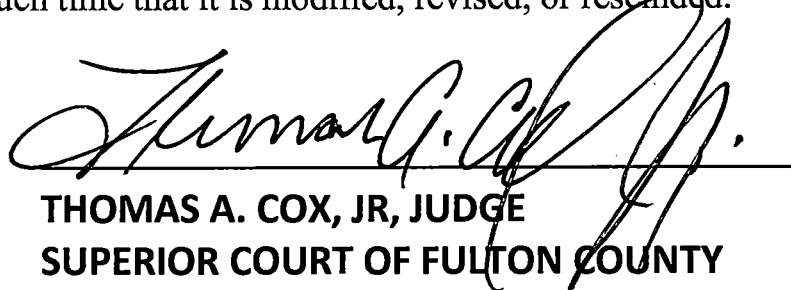
minutes. This request should be submitted in writing to Judicial Assistant Fremika Middlebrooks, **no later than seven days** before the trial date. A timely (5 business days) email notification to Ms. Middlebrooks at Fremika.middlebrooks@fultoncountyga.gov, with a courtesy copy to Matthew Cormier at Matthew.cormier@fultoncountyga.gov is sufficient. Please note – the Court does not provide audiovisual support or technical assistance and will not allow counsel's lack of familiarity and preparation with the courtroom technology to delay the trial.

APPEARANCE AT ALL CALENDARS AND HEARINGS

1. Attorneys. Attorneys are required to appear at all published calendars and properly noticed court appearances 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 or served 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 properly noticed court 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.

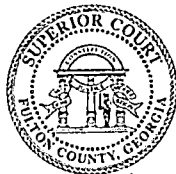
SIGNATURE PAGE TO FOLLOW

SO ORDERED, this, the 12th day of January 2024. This **ORDER** shall remain in effect until such time that it is modified, revised, or rescinded.

A handwritten signature in black ink, appearing to read "Thomas A. Cox, Jr.", is written over a horizontal line. The signature is cursive and stylized.

**THOMAS A. COX, JR, JUDGE
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT**

Exhibit "A"



IN THE SUPERIOR COURT OF FULTON COUNTY STATE OF GEORGIA

STATE OF GEORGIA

v.

Defendant

§
§
§

Indictment / Accusation No.:

SCHEDULING ORDER

The above-styled case having come before this Court on this date for arraignment and plea of not guilty having been entered in same, **IT IS HEREBY ORDERED** as follows:

A. DISCOVERY:

1. All demands, requests and motions pertaining to discovery, including whether Defendant elects to participate in the reciprocal discovery set forth at O.C.G.A. 17-16-1 et seq. shall be filed and served within 10 days of the date of this order.
2. The State and the Defendant shall serve all discovery materials upon one another on or before the Case Management Calendar.
3. Disputes related to discovery should be brought to the Court's attention promptly and in writing.

B. CASE MANAGEMENT CALENDAR:

1. This matter is set for a **CASE MANAGEMENT CALENDAR** on _____ at _____.
2. All Motions shall be filed by either party within ten (10) days of the Case Management Hearing. All motions filed after this deadline, with limited exception to those motions a superior court must hear as a matter of law, shall be deemed untimely and will not be considered absent a showing of just cause for the late filing. Copeland v. State, 272 Ga. 816, 817 (2000); USCR 31.1
3. All responsive pleadings shall be filed within 10 days of the receipt of the Motions.
4. As necessary, a **MOTIONS HEARING** will be set _____ at _____. **Absent the timely filing of motions, this hearing will NOT go forward and the case will proceed to the Final Plea hearing.**
5. All parties shall be prepared to present evidence and arguments as to all pending motions in approximately 30 days from the Case Management Calendar.
6. **Scheduling Pleas in Advance.** Negotiated or non-negotiated pleas may be entered at any time before the Final Plea Date.

The parties are directed to contact Matthew Cormier, Litigation Manager for Judge Thomas A. Cox Jr., at (404) 612-4158 or matthew.cormier@fultoncountyga.gov to schedule a date for entry of a plea prior to the Final Plea Hearing.

The Court will afford the Defendant one opportunity to enter a negotiated plea up until the Final Plea date.

C. FINAL PLEA / TRIAL CALENDAR:

1. After motions have been heard, a Final Plea is scheduled on _____ at _____. **This will be the last opportunity to present a negotiated plea or a plea to reduced charges.**
2. A Trial Calendar is scheduled on _____ at _____. Any request for additional time to prepare for trial must be made in writing and filed prior to the time this case is placed on a trial calendar.

EXTENSION OF TIME:

Any request for additional time to prepare for trial must be made in writing and filed prior to the time this case is placed on a trial calendar.

D. STANDING CASE MANAGEMENT ORDER

The Standing Case Management Order for Criminal Cases in **Judge Thomas A. Cox Jr.** Division is hereby incorporated into this Case Specific Scheduling Order ("CSSO). Counsel is directed to the Court's webpage and may access/if available and print the Standing Order (<https://www.fultoncourt.org/judge/judge-thomas-cox-jr?id=69>). Counsel will be held accountable to the terms of the Standing Case Management Order and are encouraged to read it carefully.

THE STATE, DEFENDANT AND HIS/HER COUNSEL OF RECORD (IF ANY), ARE BEING SERVED WITH A COPY OF THIS SCHEDULING ORDER ON TODAY'S DATE. NO FURTHER NOTICE SHALL BE GIVEN AND ALL PARTIES ARE EXPECTED TO BE PRESENT ON THE DATES AND TIMES SET FORTH ABOVE UNLESS PRIOR LEAVE OF THE COURT IS OBTAINED.

IT IS SO ORDERED this ____ day of _____, 20__.

Honorable THOMAS A. COX, Jr., JUDGE
Superior Court Of Fulton County
Atlanta Judicial Circuit

Exhibit “B”

CRIMINAL CASE MANAGEMENT HEARING OUTLINE

- 1. Discovery**
 - a. Police Reports**
 - b. Photos/Lineups/Phone records**
 - c. Statements of witnesses (audio/written)**
 - d. Statements of Defendant**
 - e. GBI Reports (DNA/Firearm/ etc.)**
 - i. If not received – has an expedite letter been sent**
 - f. Medical Records**
- 2. Ex Parte Issues**
 - a. Competence**
 - b. Criminal Responsibility**
 - c. Independent evaluation**
- 3. Witnesses**
 - a. Victim**
 - b. Lead enforcement**
 - c. Defense witnesses**
 - d. Expert Witness**
 - e. Out of State witnesses**
 - i. Confirm that experts have been identified to both sides**
- 4. Motions – 10 days from today – Motions Deadline!!!**
 - a. Suppress Evidence**
 - i. ID**
 - ii. Statements**
 - iii. Drugs**
 - iv. 404 (b)**
- 5. Recommendation**

- a. State
 - b. Defense
 - c. Felony Adult Drug Court
 - d. Mental Health Accountability Court/Behavioral Health Treatment Court
 - e. Veterans Court
 - f. Plea Recommendation and W/D plea
6. How long will it take to try the case-State/Defense
- a. How many witnesses-State/Defense
7. Final Plea and Trial Date

Exhibit “C”

“Are any of you related by blood or marriage, great-grandparent, aunt/uncle, niece/nephew, great-grandchild or closer, to the

1. [ADD NAME OF DEFENDANT]
2. **(CO-DEF-EVEN IF NOT ON TRIAL)ⁱ**
3. **(PROSECUTOR’S PRESENT)**
4. DEFENSE COUNSEL PRESENT
5. JUDGE
6. **LE involved with case]ⁱⁱ**
7. (the *ALLEGED VICTIM(S)*).

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Are any members of the panel:ⁱⁱⁱ

ii) under the age of 18?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36

37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

iii) not a citizen of the United States?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

iv) a convicted felon whose civil rights have not been restored?^{iv}

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

v) unable to effectively communicate the English language?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36

37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Have any of you heard of or know any of these people (Witness List)?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Have you, for any reason, formed or expressed any opinion as to which party ought to prevail in this case?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Have you any wish or desire as to which party ought to succeed?

1	2	3	4	5	6	7	8	9	10	11	12
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13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Anyone ever been a witness in a civil or criminal proceeding?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Anyone know another juror on the panel?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Anyone ever served on a jury before?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Does anyone here (close friend or family member) possess a law degree or any other legal training?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Does anyone have any moral, religious, or philosophical beliefs that may prevent you from objectively listening to the evidence presented and applying the law as instructed by the Court?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36

37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

17) LEGAL EXCUSE QUESTIONS^v

**Is anyone a full-time student currently enrolled in a college or university and currently attending classes?
?**

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Anyone the primary caregiver of a child three (3) years or younger and unable to make arrangements for the care of the child(ren)?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

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Anyone over seventy (70) years of age and wish to be excused from jury service?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Anyone here the primary unpaid caregiver for a child six (6) years of age or older, who has physical or cognitive limitations, such that the child cannot be left unattended, and is unable to care for himself/herself, and is unable to make alternate arrangements for the care of the child(ren)?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

Anyone here the primary teacher in a home study program and unable to make alternative arrangements for the care of the child(ren)?

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

- a) **“Have you, for any reason, formed and expressed any opinion in regard to the guilt or innocence of the accused?”**

- b) **“Have you any prejudice or bias resting on your mind either for or against the accused?”**

- c) **“Is your mind perfectly impartial between the state and the accused?” [are there any jurors whose minds are not perfectly impartial]**

- d) **“Did you serve on the Grand Jury that indicted this case?” [refer to date on indictment and foreperson].**

e) "Are any of you currently not residents of Fulton County?"^{vi}

a. Does anyone currently work in Law Enforcement? Is anyone Post Certified? Sworn police officer with arrest powers shall be removed for cause.^{vii}

Does anyone have a hardship, physical or otherwise, that would prevent you from serving on a jury? [CONVENE HARDSHIP CONFERENCE]

1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60

ⁱ *Banfield v. State*, 221 Ga. App. 156 (1996).

ⁱⁱ *McKee v. State*, 168 Ga. App. 214 (1983). In *McKee*, the juror was the wife of the officer who questioned the defendant and

swore out the arrest warrant for the defendant. Be aware, there are several other cases in which a juror's relationship to someone in law enforcement who was not directly involved with the defendant's particular case has been held as non-disqualifying. See *Ga. Practice and Procedure* (2014-2015 ed.) ' 18-23.

iii OCGA §15-12-163.

iv A potential juror who has a pending First Offender sentence is NOT disqualified. *Humphreys v. State*, 287 Ga. 63 (2010)—or if the conviction is on direct appeal, NOT disqualified. *Turnipseed v. State*, 53 Ga. App. 194 (1936).

v O.C.G.A. §15-12-1.1(a) the Judge may excuse a potential juror if they fall into one of the 5 categories.

vi OCGA §15-12-163 [felony jury]; *State Highway Dep't v. Smith*, 117 Ga. App. 210 (1968); *Taylor v. Warren*, 175 Ga. 800, 804 (166 S.E. 225, 227) (1932).

vii *Hutcheson v. State*, 246 Ga. 13 (1980). Such officers are eligible to be on the panel but, upon motion, they shall be removed for cause.