



IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

2023EX 000572

ORDER RE: CASES ASSIGNED TO NON-COMPLEX DIVISION

This Order establishes the felony offenses that are subject to assignment to the Non-Complex Division of the Superior Court of Fulton County, as well as the exceptions to such assignment. This Order repeals all earlier Orders addressing this topic, including 2020EX001090 and 2020EX001091.

1. Felony offenses assigned to the Non-Complex Division

Cases in which any of the following felony offenses is charged, either as a completed offense or as an inchoate crime (*e.g.*, attempt, conspiracy, solicitation), shall be assigned to the Non-Complex Division of the Superior Court of Fulton County, subject to the exceptions set forth in Sections 2 - 6 of this Order:

Damage to and Intrusion upon Property (Chapter 7, Title 16)

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| OCGA § 16-7-20 | Possession of Tools for Commission of Crime |
| OCGA § 16-7-23 | Criminal Damage to Property in the 2 nd Degree |
| OCGA § 16-7-24 | Interference with Government Property |

Offenses Involving Theft (Chapter 8, Title 16)

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| OCGA § 16-8-2 | Theft by Taking |
| OCGA § 16-8-3 | Theft by Deception |
| OCGA § 16-8-4 | Theft by Conversion |
| OCGA § 16-8-5 | Theft of Services |
| OCGA § 16-8-5.2 | Retail Property Fencing |
| OCGA § 16-8-6 | Theft of Lost or Mislaid Property |
| OCGA § 16-8-7 | Theft by Receiving Stolen Property |
| OCGA § 16-8-8 | Theft by Receiving Property Stolen in another State |
| OCGA § 16-8-9 | Theft by Bringing Stolen Property into State |
| OCGA § 16-8-14 | Theft by Shoplifting |
| OCGA § 16-8-14.1 | Refund Fraud |

OCGA § 16-8-15	Conversion of Payments for Property Improvements
OCGA § 16-8-17	Misuse of UPC Labels
OCGA § 16-8-18	Entering Auto
OCGA § 16-8-20	Livestock Theft
OCGA § 16-8-22	Cargo Theft
OCGA § 16-8-23	Misuse of Fifth Wheel

Forgery and Fraudulent Practices (Chapter 9, Title 16)

OCGA § 16-9-1	Forgery
OCGA § 16-9-5	False Proof of Insurance
OCGA § 16-9-20	Deposit Account Fraud
OCGA § 16-9-21	Uttering Fake Checks
OCGA § 16-9-31	Financial Transaction Card Theft
OCGA § 16-9-32	Financial Transaction Card Forgery
OCGA § 16-9-33	Financial Transaction Card Fraud
OCGA § 16-9-34	Financial Transaction Card Forgery Device
OCGA § 16-9-35	Receipt of Goods Fraudulently Obtained
OCGA § 16-9-36.1	Factoring of Financial Transaction Card Records
OCGA § 16-9-37	Misuse of Financial Transaction Card
OCGA § 16-9-39	Publication of Financial Transaction Card Schemes
OCGA § 16-9-53	Damaging Property to Defraud Another
OCGA § 16-9-58	Failing to Pay for Chattels
OCGA § 16-9-61	Misrepresenting Origin of Agricultural Goods
OCGA § 16-9-70	Use of Article with Altered Identification Mark
OCGA § 16-9-121	Identity Fraud
OCGA § 16-9-121.1	Aggravated Identity Fraud

Offenses against Public Administration (Chapter 10, Title 16)

OCGA § 16-10-20	False Statements
OCGA § 16-10-20.1	Filing False Documents
OCGA § 16-10-28	Transmitting False Public Alarm
OCGA § 16-10-50	Hindering Apprehension of Criminal
OCGA § 16-10-71	False Swearing
OCGA § 16-10-94	Tampering with Evidence

Offenses against Public Safety (Chapter 11, Title 16)

OCGA § 16-11-101.1	Furnishing Handgun to Minor
OCGA § 16-11-106	Possession of Firearm during Crime
OCGA § 16-11-111	Possession of Anhydrous Ammonia
OCGA § 16-11-112	Trap Cars
OCGA § 16-11-113	Straw Purchase of Firearms
OCGA § 16-11-123	Possession of Sawed-off Rifle or Other Such Weapon

OCGA § 16-11-126	Unlawful Carrying of a Weapon
OCGA § 16-11-127.1	Carrying Weapon within School Safety Zone
OCGA § 16-11-131	Possession of Firearm by Convicted Felon
OCGA § 16-11-200	Transporting Illegal Aliens
OCGA § 16-11-201	Harboring Illegal Aliens
OCGA § 16-11-202	Inducing Illegal Alien to Enter State

Offenses against Public Health (Chapter 12, Title 16)

OCGA § 16-12-1	Contributing to Delinquency of Minor
OCGA § 16-12-22	Commercial Gambling
OCGA § 16-12-22.1	Illegal Raffles
OCGA § 16-12-25	Solicitation to Gamble with Intent to Defraud
OCGA § 16-12-28	Communicating Gambling Information
OCGA § 16-12-62	Unlicensed Bingo Operation
OCGA § 16-12-124	Removal of Baggage/Freight from Plane, Train, or Bus
OCGA § 16-12-191	Possession <i>et al.</i> of Low THC Oil
OCGA § 16-12-225	Criminal Conduct by Medical Cannabis Licensee

Controlled Substances (Chapter 13, Title 16)

OCGA § 16-13-1	Drug Related Objects
OCGA § 16-13-30	Possession <i>et al.</i> of Controlled Substances
OCGA § 16-13-30.1	Manufacture <i>et al.</i> of Noncontrolled Substances
OCGA § 16-13-30.3	Possession of Ephedrine
OCGA § 16-13-30.4	Possession <i>et al.</i> of Pseudoephedrine
OCGA § 16-13-30.5	Possession of Substances Used to Manufacture Drugs
OCGA § 16-13-32	Drug Related Object Transactions
OCGA § 16-13-32.1	Drug Related Object Transactions (again)
OCGA § 16-13-32.3	Use of Communication Facility to Commit Drug Crime
OCGA § 16-13-32.4	Distributing Drugs in or near School
OCGA § 16-13-32.5	Distributing Drugs in or near Park or Housing Project
OCGA § 16-13-32.6	Distributing Drugs in or near Drug-Free Comm'l Zone
OCGA § 16-13-42	Unauthorized Distribution of Drugs
OCGA § 16-13-43	Unauthorized Distribution of Drugs (again)
OCGA § 16-13-64	Failure to Submit Prescription Data to State
OCGA § 16-13-79	Distribution of Nitrous Oxide

2. Felony offenses excluded from the Non-Complex Division

Any case that charges a felony offense not listed in Section 1 above shall be assigned by random assignment (or by related case) to an elected Superior

Court Judge¹ pursuant to the Superior Court's Criminal Case Assignment Policy. If a case charges multiple felonies and some are included in Section 1 and others are not, that case shall be assigned to an elected Superior Court Judge.

3. Repeat Offenders

Pursuant to Superior Court Policy 2022-0008, all Non-Complex Division cases in which at least one defendant is a repeat offender may be transferred and assigned to an elected Superior Court Judge, regardless of the felonies charged. A repeat offender is defined, per Policy 2022-0008, as someone with (1) three or more felony convictions within the five years prior to arrest or (2) five or more felony convictions in his/her lifetime. A repeat offender case that is initially assigned to the Non-Complex Division may be transferred and assigned to an elected Superior Court Judge at any time.

4. Related Cases

For any case assigned to the Non-Complex Division in which a defendant has an open case assigned to an elected Superior Court Judge, the Non-Complex Division case may be transferred. If transferred, the Non-Complex Division case shall be assigned to the elected Superior Court Judge with the related case, regardless of the felonies charged and regardless of whether the case assigned to the Non-Complex Division is older or newer than the open case assigned to the elected Superior Court Judge.

¹ All references to elected Superior Court judges in this Order shall include Superior Court judges who have been appointed and sworn-in by the Governor to a Superior Court judgeship, but not yet publicly elected.

In the event that the case transferred from the Non-Complex Division has multiple defendants and two or more of those defendants have open cases assigned to different elected Superior Court Judges, the Non-Complex Division case shall be assigned to the division with the oldest open case.

5. Non-Complex cases involving competency evaluations

If a competency evaluation is ordered in a case assigned to the Non-Complex Division, the case shall stay in the Non-Complex Division until the competency evaluation is complete. If the evaluated defendant is found to be competent, the case shall remain assigned to the Non-Complex Division. If the evaluated defendant is found to be incompetent, the case shall be transferred and appropriately assigned to an elected Superior Court Judge, regardless of the time that has passed since the date of indictment/accusation. Once a Non-Complex case with an incompetent defendant has been transferred to an elected Superior Court Judge, that case shall remain in the newly assigned division, even if the defendant is restored to competency.

6. "Complex" Non-Complex cases

Occasionally, a case which otherwise qualifies for assignment to the Non-Complex Division is sufficiently complex that it should be transferred to an elected Superior Court Judge. Examples include cases involving thousands of pages of discovery (such that it is not reasonable for the parties to exchange and review all discovery prior to the scheduled final plea date), cases with complex legal issues that will require extensive motions practice, or cases that will require expert litigation (*e.g.*, *Daubert* hearings). There is no set measure of what

constitutes a “complex” Non-Complex case; it is a determination left to the sound discretion of the Magistrate Judge managing the Non-Complex docket. The common theme is that the case presents one or more aspects that, in the presiding judge’s opinion, are better suited for adjudication in the Complex Division of the Superior Court.

When considering transfer requests, Judges should note that none of the following factors, occurring alone, is sufficient to make a case “complex” and thereby justify a transfer:

- (1) media coverage
- (2) multiple defendants
- (3) multiple counts
- (4) the need for or pending competency evaluation.

All orders transferring cases from the Non-Complex Division to an elected Superior Court Judge because of the perceived complexity of the case shall include specific details as to why the case is too complex to be heard in the Non-Complex Division. Once a Judge orders a case transferred, no further action should be taken on that case while it remains in the Non-Complex Division.

SO ORDERED this 10th day of May 2023.

Ural Glanville

Chief Judge Ural Glanville
Superior Court of Fulton County
Atlanta Judicial Circuit