

JAN 27 2025

IN THE SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

CHÉ ALEXANDER
Clerk of Superior Court
Fulton County, Georgia 

**STANDING TRIAL
MANAGEMENT ORDER FOR
CRIMINAL CASES IN JUDGE
M^cBURNEY'S DIVISION**

25EX 000380

(REVISED 27 January 2025 -- supersedes all previous versions)

*THESE DEADLINES ARE SPRINKLED THROUGHOUT THE ORDER BUT
ARE CONSOLIDATED HERE FOR YOUR CONVENIENCE:*

<u>ITEM</u>	<u>DUE DATE</u>
Conflict letter	Two weeks before trial
Motions <i>in limine</i>	Three business days before trial
Proposed <i>voir dire</i>	Two business days before trial
Exhibit list	Before jury selection
Witness list	Before jury selection
Proposed jury charges	Before jury selection

The following provisions govern the parties and their preparation for and presentation of the trial of their criminal matter.

1. Contacting the Court

Deedra Nelson, Litigation Manager, is your principal contact for all trial matters. She can be reached at deedra.nelson@fultoncountyga.gov and 404-612-6915.

2. Conflicts/Continuances

All conflicts must be submitted at least two weeks before the trial calendar begins and must follow Uniform Superior Court Rule 17.1 in proposing a resolution of the apparent scheduling conflicts. The mere act of filing a conflict letter does not release you from appearing at trial nor does it automatically result in a continuance. Should a matter that takes Rule 17.1 precedence over your trial in this Division resolve before or during the trial calendar in this Division, your case in this Division is subject to being called to trial unless a continuance has been granted.

Continuances will be granted sparingly and only on the basis of clearly articulated exceptional (and non-recurring) circumstances. Requests for continuances should be e-filed with a courtesy copy e-mailed to Ms. Nelson. All requests should state the time needed to address the reason for the continuance so that the case is not re-scheduled prematurely. Thus, a continuance to allow for a key witness to be available may be a one-calendar extension whereas a continuance for the State to obtain forensic ballistics results may require a multi-calendar postponement. Be clear on your need, as you likely will not get a second continuance for the same reason.

3. Courtroom technology

Courtroom 8-D is equipped with mildly outdated evidence presentation technology, based on a somewhat reliable Zoom connection between your device and the Court's devices. More specifically, there are average sized computer monitors at both counsel tables, the witness stand, the podium, and the bench, along with two larger screens for the jury. The witness stand monitor is a touch screen that witnesses can use to annotate digital exhibits. There is also an overhead projector that ties into the Zoom

session for paper exhibits, although it can be a bit balky, especially for novice users. You may use any device with a wireless connection to link to the Zoom session that will be running during trial; you will share your digital exhibits through Zoom's Share Screen function.

It is each lawyer's duty to ascertain whether that equipment will meet her needs. While the Court's staff will, if asked nicely, assist in demonstrating the equipment, neither the Court nor its staff are certified experts in its operation. The parties are advised to familiarize themselves with this equipment before trial to avoid embarrassment and delay. Parties are also free to bring their own equipment, although this will require an order pursuant to Uniform Superior Court Rule 22 if you are not the prosecutor. Any party seeking such an order must provide a proposed order to Ms. Nelson at least one day before trial.

4. Motions in limine

Motions *in limine* must be e-filed no later than **three business days before the start of trial**. Courtesy copies of those motions should be sent via e-mail to Ms. Nelson. If a party filing a motion *in limine* believes that the motion will require a hearing lasting more than an hour, that party must alert the Court so that the prospective jurors' schedule can be properly managed.

All motions *in limine* shall state clearly the relief sought and the legal basis therefor. Such motions should be limited to discrete evidentiary or procedural matters, such as the admissibility of a medical examiner's photos or the propriety of using a defendant's purported moniker of "Killer B." It is not proper to raise, via motions *in limine*, matters that should have been resolved during the pre-trial motions phase of proceedings, such as the admissibility of identification evidence or a confession. Absent compelling

justification, such substantive motions masquerading as motions *in limine* will be denied as untimely.

5. Voir dire

The parties shall submit to Ms. Nelson via e-mail all proposed *voir dire* questions **at least two business days before the beginning of trial**. Prior to the commencement of *voir dire*, the Court will discuss with the parties which questions will be permitted and which will be disallowed.

Voir dire will be conducted in the following manner: prospective jurors will be seated in the gallery in numerical order, twelve to a row; each prospective juror will have a card with his/her juror number on it. The Court will propound general questions (distilled from the questions submitted by the parties) to the entire panel. Prospective jurors will respond to the Court's questions by raising their cards. At the completion of general questioning, prospective jurors will be brought, one row at a time, into the jury box for follow-up questioning. Prior to any individual questioning, each of the twelve panelists will answer a series of biographical questions printed on the back of the juror number card. Counsel will then be permitted to conduct follow-up questioning. This follow-up questioning is limited to answers given in response to the general questions from the Court and the biographical information the jurors provide. If counsel are repeating each other or exploring areas outside the scope of the general questions, the Court may resume the role of questioner.

The State questions the entire first panel first, followed by Defendant. (The parties alternate by panel, not by individual juror.) Defendant then goes first with the second panel, and the parties continue to rotate, panel by panel. This process will be repeated, twelve (or more) panelists at a time,

until the Court determines that enough jurors have been qualified to permit peremptory striking to begin. The Court typically entertains motions to strike for cause only after all prospective jurors have been questioned.

Parties are free to exercise peremptory strikes from anywhere in the entire panel of qualified jurors; they need not decide first on Panel Member No. 1, then Panel Member No. 2, etc. Before striking begins, the Court will inform the parties of the universe from which they are to strike (*e.g.*, from No. 1 through No. 24). The same process will then be applied to the pool of potential alternate jurors.

Please note that, in an effort to respect our potential jurors' time, jury selection will continue through the lunch hour, so counsel are encouraged to stock the necessary provisions for that day. (Worry not: the Court will break for lunch on all subsequent trial days.)

6. Exhibits

Before jury selection begins, each party shall provide the Court with two copies of the party's exhibit list. Exhibit lists should include for each exhibit both the exhibit number/letter and a brief description of what the exhibit purports to be.

All exhibits and demonstrative evidence must be marked and exchanged prior to the start of trial. The parties must confer before trial concerning any issues of authenticity. Any known disagreement about the admissibility of exhibits should be brought to the Court's attention before trial begins.

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. An idle jury is a cranky jury.

An attorney presenting an exhibit or other item to a witness is free to approach that witness without seeking leave of the Court.

See Section 3 above for information on courtroom technology.

7. Witnesses

Any party that intends to call witnesses must provide two copies of a witness list to the Court and one copy to each opposing party prior to jury selection.

8. Translators

Pursuant to Uniform Superior Court Rule 7.3, any party needing a translator for a witness (or client) must notify Ms. Nelson at least five days before trial. That notice should include the specific language skills required so that the Court can arrange for proper services.

9. Juror questions during trial

Jurors will be permitted to submit anonymous written questions for witnesses at the close of the parties' examination of each witness. The Court and counsel will review all such submissions; the Court will then pose those questions it deems proper. Counsel will be permitted to follow up with each witness, limited to the topic(s) raised by the juror question(s). *Hernandez v. State*, 299 Ga. 796, 799 (2016).

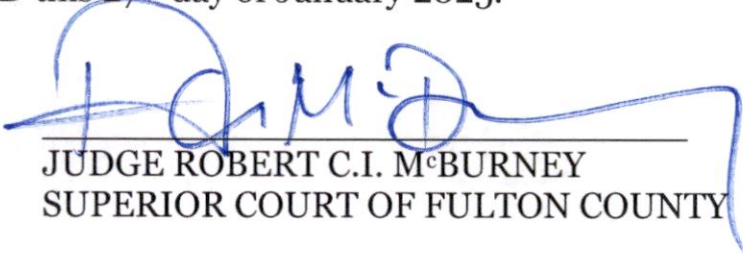
10. Jury charges

In addition to e-filing proposed jury charges, the parties must also e-mail a copy, in Microsoft Word format, to Ms. Nelson before jury selection.

If a party is seeking any pattern charges, the party need only list the pattern charge numbers and titles; the Court will supply the relevant pattern language. Non-pattern requests or modified pattern requests should be submitted in full text along with citations to authority (or acknowledgment of complete fabrication).

At the charge conference, the Court will provide a proposed draft charge and will hear argument from the parties as to what language should be added to or removed from the proposed charge. A copy of the final written charge will go out with the jury during its deliberations. The Court will also prepare a verdict form for the parties' consideration.

SO ORDERED this 27th day of January 2025.



JUDGE ROBERT C.I. M^cBURNEY
SUPERIOR COURT OF FULTON COUNTY