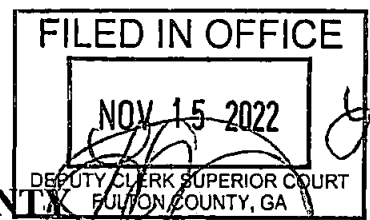


2022-EX-001640



IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: PROCEDURES FOR ALL
CRIMINAL CASES ASSIGNED
TO JUDGE KRAUSE'S DIVISION

JUDGE RACHEL KRAUSE

**STANDING CASE MANAGEMENT ORDER FOR
CRIMINAL CASES IN JUDGE RACHEL KRAUSE'S DIVISION**

The following deadlines, policies, and procedures shall govern all criminal cases assigned to this division. Absent express permission from the Court, no exceptions, extensions or waivers to the requirements set forth in this order will be allowed.

I. COMMUNICATING WITH THE COURT

A. 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 Caretha German (Caretha.German@fultoncountyga.gov) with copies of such communication also provided to all counsel of record unless the matter is a proper *ex parte* filing.

B. Email. The Court, via the Litigation Manager, communicates with counsel via email whenever possible. At the entry of appearance of counsel, the attorneys are required to provide their email addresses to Litigation Manager Caretha German by emailing same to her. 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. Appropriate *ex parte* communications are excepted from this rule. To prevent miscommunications and inappropriate *ex parte* communications, avoid telephoning chambers except in exceptional circumstances.

PLEA & ARRAIGNMENT

A. Appearance and Waiver. Each new case assigned to Judge Krause's division will be set for a Plea and Arraignment hearing date. Prior to the hearing date, counsel may file a Waiver of Arraignment, indicating that the Defendant is entering a plea of Not Guilty and waiving formal arraignment.

B. Scheduling Order. At the time of arraignment and entry of a not guilty plea (whether by waiver or by announcement at the hearing), the Court will enter a Scheduling Order setting specific deadlines for discovery and motions in any case and advising of the expected month for Final Plea and Trial in each case. Re-indicted cases are bound by the Scheduling Order, notices, and published calendars for the originally indicted case.

II. DISCOVERY

A. 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 Scheduling Order entered in each Defendant's case. Any supplemental discovery must be supplemented as soon as practicable, but in any event no later than 5 business days after receipt of any additional information, documents, reports or other matters which are subject to disclosure pursuant to applicable criminal discovery statutes.

B. Extensions. Any request for an extension of the Discovery Date deadline shall be submitted by written motion to the Court by the Discovery Date deadline. Such motions must provide a detailed, fact-based explanation of the need for the extension, along with a proposed order for the Court's consideration. As with all motions, a courtesy copy shall be provided to Judge Krause's Chambers via email to Caretha German at Caretha.German@fultoncountyga.gov.

C. Sufficiency of and Compelling Discovery. The parties are directed to comply with all discovery obligations. This obligation includes timely reviewing the discovery materials to determine if they are complete and include all materials referenced. This obligation applies to both the State and the defense. If discovery materials are received that are incomplete, the parties are encouraged to bring the issue to the Court's attention, through a Notice of Discovery Deficiency or a Motion to Compel. The Court will not consider complaints about late discovery as

a basis for delays of pre-trial and trial dates if the issue has not previously been raised with the Court. Any notice or motion alleging a deficiency in discovery shall itemize the specific alleged deficiencies and the specific discovery to be produced. Such notice or motion may be filed any time after the discovery deadline has passed and no later than the motions deadline, identified in the separate Scheduling Order entered in each Defendant's case.

III. MOTIONS

A. General. The due date for all motions is the Motions deadline set forth in the separate Scheduling Order 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 WORD format.

B. Application. The motion filing requirements and deadlines apply to all motions (except motions in limine) and notices; including but not limited to: 1) O.C.G.A. § 26-3-24 immunity motions, 2) demurrers, 3) pleas in bar or abatement, 4) State's notice of O.C.G.A. §§ 24-4-404(b), 24-4-413 and 24-4-414 evidence, 5) State's notice of intention to use child hearsay, 6) Defendant's notice of intent to raise issues of incompetency, insanity, or mental illness, 7) Defendant's notice of intent to raise alibi defense, 8) Defendant's notice of intent to introduce evidence of specific acts of violence by victim against third parties.

C. Filing, Courtesy and Service Copies. All motions must be filed with the Office of the Clerk of the Superior Court. Parties filing motions are required to deliver a courtesy copy to opposing counsel and to Judge Krause's Chambers to Litigation Manager Caretha German via hand delivery or email to Caretha.German@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.

D. 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. Rather, a motion to suppress must identify the specific statement or evidence that the movant is seeking to suppress, as well as a factual basis for suppression.

E. Motions Hearings. Motions filed requiring a hearing will be noticed for a Motions calendar, which will be held prior to the time set for Final Plea in the separate Scheduling Order entered in each Defendant's case. If no motions requiring a hearing are timely filed, the case will not appear on a Motions Calendar.

F. Order to Confer in Advance. The parties SHALL confer before the Motions calendar date to determine whether any of the outstanding motions can be narrowed or resolved by agreement.

IV. FINAL PLEA

A. General. A Final Plea calendar will be held in the month set forth in the separate Scheduling Order entered in each Defendant's case. Absent an appropriate and timely filed leave of absence and/or conflict letter or express permission from the Court, 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.

B. Withdrawal/Negotiated & Non-Negotiated Pleas. At or before Final Plea, Defendant will be given the opportunity to withdraw from a non-negotiated plea at the time of sentence pronouncement, if he or she so chooses. After Final Plea, all pleas will be non-negotiated and no withdrawal will be permitted. After Final Plea, the State may not place the case in Judicial Hold or re-indict the case absent good cause shown and further order of this Court. Reductions in charges, for purposes of a plea, will be handled by the Court on a case-by-case basis and may either be allowed or disallowed.

C. Plea Offer in Writing and Order to Confer in Advance. Not later than ten (10) days before the Final Plea calendar, the State shall provide to Defendant, in writing, the State's Offer to plead guilty, including the offered sentence and any reduction in charges. Prior to the Final Plea calendar, the State and defense counsel shall confer regarding the State's plea offer and whether the Defendant will enter a plea of guilty or move forward to trial.

D. Scheduling Pleas in Advance. Pleas may be entered at any time prior to the Final Plea calendar. Contact the Court's Litigation Manager Caretha German at (404) 613-4181 or Caretha.German@fultoncountyga.gov to schedule a date for entry of a plea prior to the Final Plea calendar.

V. TRIAL AND PRE-TRIAL PROCEDURE

A. General. After the Final Plea calendar, if the case does not resolve, it will be noticed for a Trial calendar. Typically, the Court will call the cases appearing on the Trial calendar in the order they appear on the calendar, but reserves the right to call them in any order, upon two-hour notice. Trial Calendars run for as many weeks as necessary.

B. Called in for Trial. After Trial Calendar call, the parties will be provided notice when to appear for the start of trial, in open court and/or by email to counsel of record.

C. Pre-Trial Submissions due 4 p.m. the day before trial. Once the parties are notified of the specific date for the start of the trial, the parties shall file with the Clerk of Court, serve on opposing counsel by email and submit by email to Litigation Manager Caretha German at Caretha.German@fultoncountyga.gov, no later than 4 p.m. the business day before the first day of trial, the following:

1. A list of potential voir dire questions. See below Voir Dire Procedure utilized by Judge Krause.

2. 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 pre-trial discovery requirements concerning witnesses, including the disclosure of all requisite identifying information and the content of expert opinions, if any.

3. All motions in limine. Such motions should be limited to discrete evidentiary or procedural matters, such as the admissibility of a specific piece of evidence.

4. Proposed Jury Charges. The parties must submit all proposed requests to charge, including for the State charges of the particular offense(s) alleged in the indictment. For pattern charges, each party is to submit the pattern charge number and not the text of the charge itself. For non-pattern or modified pattern charges, the parties are required to submit the full text in Word format and cite the case law, statute or other authority supporting such requested charge.

5. A proposed verdict form.

VI. VOIR DIRE PROCEDURE

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. 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 in order to proceed expeditiously with the individual voir dire.

B. Individual Questions. At the completion of general questioning, prospective jurors will be brought, fourteen at a time, into the jury box for follow-up questioning. Prior to any individual questioning, each of the fourteen panelists will respond with their name, general area of the county in which they reside and current or most recent occupation. Counsel will then be permitted to conduct the follow-up questioning, panelist by panelist, provided that counsel are 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 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,

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 counsel 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 may not copy the information sheets and should be cautioned to avoid taking important notes on the information sheets as they will be collected by the Court 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 of fourteen, prior to excusing each such group and prior to the peremptory strike process.

E. Jury selection. 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). 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" (and higher if more strikes are awarded the Defendant) are used by the Defendant to indicate his/her first nine 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. "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.

VII. CONDUCT DURING HEARINGS AND TRIAL

In order to assure proper hearings and a proper trial, counsel shall conform his or her conduct in accordance with these requirements:

A. Timeliness. Counsel and parties will timely appear before the Court at each setting and following each recess.

B. Witnesses on Hand. Be certain to have enough witnesses on hand for each day's proceedings.

C. 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 conduct the examination of the witness. Only one attorney for each party may argue a motion.

D. Avoid Addressing Attorneys. Counsel are prohibited from addressing comments or questions to each other while on the record. All arguments, objections and motions must be addressed to the Court.

E. 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. 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.

F. Publication of Exhibits. Counsel shall obtain approval from the Court before publishing any evidence/exhibits to the jury. Once permission is granted, counsel may publish the exhibit for a reasonable period of time to question the witness about that exhibits or matters specifically related to that exhibit.

G. 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 gun, poster board, etc.) will be inserted by the court reporter in its place as the exhibit attached to the transcript. Ionie Taylor is the Court's assigned court reporter and her email address is Ionie.Taylor@fultoncountyga.gov.

H. 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 a few words (e.g. "objection-lack of foundation", "objection-calls for speculation", "objection-asked and answered") and "speaking objections" are not

permitted. If counsel wishes to present argument with respect to an objection being made or opposed, counsel shall ask to approach the bench for a discussion at sidebar with the judge and opposing counsel.

I. 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.

J. In-Court Presentation of Documents to Judge. Counsel shall deliver to the bailiff any documents to be presented to the judge or ask permission to approach the bench to deliver documents to the judge.

K. Preparation of Orders. Counsel shall promptly prepare orders or judgments to be presented to the Court and email them in Word format to Litigation Manager Caretha German at Caretha.German@fultoncountyga.gov and opposing counsel simultaneously and within three business days of the entry of that order or judgment, unless directed otherwise by the Court.

VIII. REQUESTS FOR COURT SERVICES

A. Court Translator. Upon request, the Court will provide a translator for any non-English speaking Defendant. The request for a translator must be submitted in writing via email to Litigation Manager Caretha German at Caretha.German@fultoncountyga.gov no later than 5 business days prior to the hearing date.

B. Court Production Order. At the request of counsel, the Court will order 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 to Litigation Manager Caretha German at Caretha.German@fultoncountyga.gov no later than 30 business days before the scheduled court appearance.

C. Courtroom Evidence Presentation. The parties shall familiarize themselves with the evidence presentation technology in Courtroom 4B prior to its use during a proceeding. Counsel are encouraged to request access to and/or training on the equipment prior to a scheduled hearing by emailing the Court's Judicial Assistant Chiquita Johnson at Chiquita.Johnson@fultoncountyga.gov.

IX. APPEARANCE AT CALENDARS AND HEARINGS

A. 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).

B. 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.

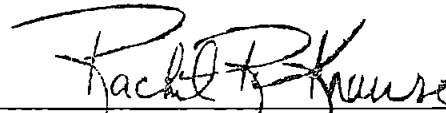
C. Virtual Appearance. All calendars issued by the Court will specify whether the proceeding is "In-Person Only," "Zoom Only," or "Zoom and/or In-Person."

1. Counsel and Parties. Counsel and parties may appear in any manner specified by the published calendar. The Court may authorize counsel and/or the parties to appear in a manner different than specified on the calendar, but only upon a specific prior request to and authorization by the Court.

2. Witnesses. Witnesses may appear virtually for a proceeding if the parties agree AND a specific request is made to and authorized by the Court.

3. Zoom Links. Zoom links provided for the appearance of counsel, the parties, and/or witnesses at a virtual hearing shall not be shared with anyone for any reason, absent express permission from the Court. This includes anyone who will not be called upon to address the Court during that proceeding.

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



RACHEL R. KRAUSE
Fulton County Superior Court
Atlanta Judicial Circuit