

Rec: \$0.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

**IN THE SUPERIOR COURT OF CHEROKEE COUNTY
BLUE RIDGE JUDICIAL CIRCUIT
STATE OF GEORGIA**

In the matter of:

Case Assignment; Calendar Preparation

Administration and Procedure

REVISED ORDER

Pursuant to the authority of the Uniform Superior Court Rules 1.2 the Judges of the Superior Court, Blue Ridge Judicial Circuit, hereby adopt the following Order.

CALENDAR CLERKS

The Clerk of Court shall be the "calendar clerk" for all civil non-jury matters. A judge may designate such other employee under that judge's supervision as calendar clerk upon notice to the Clerk of Court.

Each judge's secretary shall be the "calendar clerk" for the respective judge on all civil jury trial matters and specially set matters reserved by the judge. (U.S.C.R. 2.4).

The Judges of the Superior Court shall maintain and direct clerks through the Court Administrator, and these clerks shall be the designated "calendar clerks" for all criminal matters, jury and non-jury, subject to the Uniform Rules of Superior Court, the requirements of state law, and the directions of the Judges of Superior Court.

CASE ASSIGNMENT

CIVIL CASES

Cases shall be assigned on a random basis implemented by the Clerk of Court with approval of the Chief Judge. All requests for ex parte relief shall be filed and numbered before presentation to the assigned judge. The case number should be appended with an indication of the assignment. Generally, companion and related actions shall be assigned in accordance with U.S.C.R. 3.2. Any case assignment made prior to the entry of this order shall be unchanged, except as may be ordered herein.

CRIMINAL CASES

The Clerk of Court shall implement case assignment in criminal cases. The implementation of said system requires the Clerk of Court or designated deputy clerk(s) to

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balance the assignment of cases between the judges in an equitable fashion. As much as practical, the Clerk of Court shall use computer case management software to complete this process. The purpose of the computer-assisted case assignment method is to assign cases equally to each Superior Court Judge over the course of each calendar year.

All serious violent felony will be coded by type, and each type shall be assigned in a random rotation with the goal of a balanced caseload for each judge. All other criminal actions will be a single type that is assigned in a random rotation. For purposes of this Order, a single case shall consist of all related warrants where at least one arrest has been made, thereby including all co-defendants within the definition of a single case for both assignment and counting purposes.

Any case assignment made prior to the entry of this order shall be unchanged, except as may be ordered herein.

For criminal cases in which the defendant was arrested at or after 12:00 A.M. on January 1, 2019, the Clerk of Court or her designated deputy clerk is authorized and directed to make a prospective judicial assignment to one of the Superior Court Judges at the unindicted/unaccused warrant stage at the time a warrant is filed with the Clerk of Court. This is to be considered a prospective assignment until the filing of an indictment. If a warrant has not been filed prior to the filing of an indictment/accusation, the case will be randomly assigned to a judge at the filing of the indictment/accusation. Immediately upon the assignment of an action or matter, the Clerk of Court shall notify the District Attorney's Office. The assignment should be ascertainable on the face of the warrant by the use of an appended indication of assignment.

Generally, companion and related actions shall be assigned in accordance with U.S.C.R. 3.2. Multiple defendant cases and single defendants with multiple related cases will be assigned by using the computer generated assignment of the matter that was first assigned. The Clerk of Court shall notify the District Attorney's Office of each assignment as soon as practicable. The District Attorney shall seek case reassignment in situations of companion and related cases. Pre-indictment reassignment shall be done without judicial approval. Reassignment after indictment/accusation requires the approval of both the assigned and receiving judge.

Nothing shall prohibit a Superior Court Judge, in cases of emergency or consent, from entering an order in an action prospectively assigned to another Superior Court Judge. Specifically, consent bonds prior to indictment may be presented to any Superior Court Judge.

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When the District Attorney files a notice of intent to seek the death penalty in a case, the case will be assigned at random by the Judges of the Superior Court. A judge who has been assigned a death penalty case shall be removed from the assignment process of the next death penalty case. A judge is disqualified from receiving a death penalty case until he/she has been in office for more than one year.

PROBATION REVOCATIONS

Petitions for probation revocation shall be heard by the sentencing judge, except as described herein. If multiple petitions for probation revocation are pending, all petitions may be resolved simultaneously by the most recent sentencing judge, upon the consent of the defendant that the most recent sentencing judge dispose of all pending revocations. In the interest of judicial economy and except as provided below, petitions for probation revocation brought based on new charges may be adjudicated by the judge assigned to the new case if the matters are handled simultaneously and if such adjudication is with the consent of the defendant, the sentencing judge, and the newly assigned judge.

ACCOUNTABILITY COURTS

All cases qualified by the Drug Accountability Court Team and accepted by the Drug Accountability Court Judge for entry shall be assigned to Judge David L. Cannon, Jr., prior to the entry of a sentence that includes participation in the Drug Accountability Court. Upon unsuccessful completion of the Drug Accountability Court program, a case will be remain assigned to Judge Cannon. Cases involving new charges alleged against a defendant who currently or formerly participated in the Drug Accountability Court shall be assigned to Judge Cannon by the Clerk of Court. The District Attorney shall facilitate in this assignment.

All cases qualified by the Treatment Accountability Court Team and accepted by the Treatment Accountability Court Judge for entry shall be assigned to Judge Keith Wood prior to the entry of a sentence that includes participation in the Treatment Accountability Court. Upon unsuccessful completion of the Treatment Accountability Court program, a case will be remain assigned to Judge Wood. Cases involving new charges alleged against a defendant who currently or formerly participated in the Treatment Accountability Court shall be assigned to Judge Wood by the Clerk of Court. The District Attorney shall facilitate in this assignment.

All cases qualified by the Veterans Accountability Court Team and accepted by the

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Veterans Accountability Court Judge for entry shall be assigned to Judge Dee Morris prior to the entry of a sentence that includes participation in the Veterans Accountability Court. Upon unsuccessful completion of the Veterans Accountability Court program, a case will be remain assigned to Judge Morris. Cases involving new charges alleged against a defendant who currently or formerly participated in the Veterans Accountability Court shall be assigned to Judge Morris by the Clerk of Court. The District Attorney shall facilitate in this assignment.

OTHER CASE ASSIGNMENT

All cases, civil and criminal, assigned to Judge N. Jackson Harris prior to 12:00 a.m. on January 1, 2019 will be considered assigned to his successor in office, Judge M. Anthony Baker.

All civil cases assigned to Judge M. Anthony Baker prior to 12:00 a.m. on January 1, 2019, pursuant to previous Request for Judicial Assistance orders entered between the Superior and Juvenile Courts of the Blue Ridge Judicial Circuit, shall be assigned to his successor in office, Judge Jennifer L. Davis.

The procedures described herein shall commence with the filing of this Order with the Clerk of Court, and shall continue without interruption until further special order of the Court.

This Order supersedes that Order entered July 3, 1985 and recorded in Minute Book 115, Page 66; Order entered November 18, 1991 recorded in Minute Book 133, Page 378; Order entered March 29, 1993 recorded in Minute Book 139, Page 303; Order entered September 25, 1996 recorded in Minute Book 151, Page 350; Order entered April 22, 1999 recorded in Minute Book 160, Page 471; Order entered May 21, 2002 in Minute Book 175, Page 216; Order entered November 9, 2009 recorded in Minute Book 192, Page 346; Order entered April 30, 2010, recorded in Minute Book 192, Page 2240; that Order entered January 14, 2013, recorded in Minute Book 195 Page 2813; and that Order entered May 2, 2018, recorded in Minute Book 201, Page 1682.

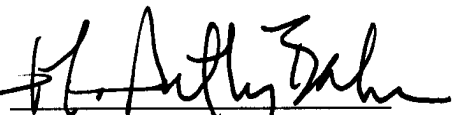
SO ORDERED this 2 day of January, 2019.



Ellen McElyea, Chief Judge
Cherokee County Superior Court
Blue Ridge Judicial Circuit



David Cannon, Jr., Judge
Cherokee County Superior Court
Blue Ridge Judicial Circuit



M. Anthony Baker, Judge
Cherokee County Superior Court
Blue Ridge Judicial Circuit