

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:
Criminal Case Assignment

Administration and Procedure

ORDER AMENDING ASSIGNMENT OF CRIMINAL CASES

By that *Revised Order* filed in the Minute Book 201, Page 1879 on January 2, 2019, the current judges of the Superior Court, Blue Ridge Judicial Circuit, established, among other things, the method for assignment of new criminal cases and probation revocations.

Pursuant to Uniform Superior Court Rule 3.1, the Court modifies the *Revised Order* as to criminal cases and probation revocations, substituting the following paragraphs for those in the current Order, as follows.

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 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

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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.

When practical, companion and related actions (except probation revocations, as otherwise ordered herein) 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.

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

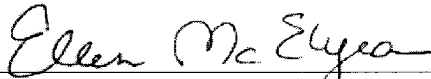
Petitions for probation revocation shall be heard by the sentencing judge, except as described herein. If multiple petitions for probation revocation are pending, all petitions shall be assigned to the most recent sentencing judge. In the interest of judicial economy and except as provided in the paragraph regarding Accountability Courts, petitions for probation revocation brought based on new charges shall be assigned to the judge assigned to the new case by random case assignment.

The procedures described herein shall commence with the filing of this Order with the

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Clerk of Court, and shall continue without interruption until further Order of the Court. The remainder of the *Revised Order* of January 2, 2019, shall remain in full force and effect.

SO ORDERED, this 20th day of August, 2020.

A handwritten signature in cursive script, reading "Ellen McElyea", written over a horizontal line.

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