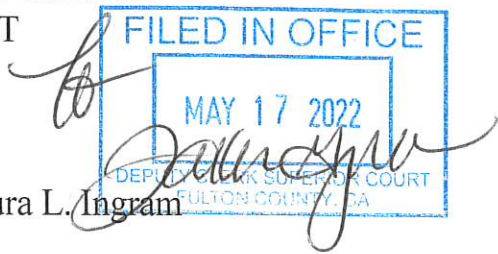


2022 EA 00528

IN THE SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT
STATE OF GEORGIA



In Re:
Criminal Case Management

*
*
*
*

Judge Shukura L. Ingram

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

(Revised – May 2022 – supersedes all previous versions)

The following rules and procedures will govern criminal cases in this Division. Absent express permission from the Court, no exceptions or waivers to the requirements set forth herein are allowed. Discovery and motions deadlines for each case will be provided under separate order.

DISCOVERY

1. General. The parties shall promptly and completely comply with the requirements of O.C.G.A. § 17-16-4. A specific deadline for completing non-expert discovery will be provided in a separate order issued after arraignment (or waiver thereof). Any supplemental discovery must be supplemented as soon as practicable, but in any event no later than five (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.

2. Extensions. Motions for an extension of that deadline shall be submitted in writing to the Court; 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 of any motion for extension must be provided to Judge Ingram's Chamber by email to Adora Drew, Litigation Manager, at adora.drew@fultoncountyga.gov.

3. Deficiencies.

The parties are at all times subject to the ongoing discovery requirements of state and federal law, to include the State's obligation to provide arguably exculpatory and impeachment evidence to the Defendant. The Defendant is directed not to file motions compelling the generalized disclosure of otherwise discoverable materials. Rather, the Defendant shall limit discovery litigation to specific, articulable instances in which the Defendant believes the State has failed to comply with one or more provisions of the law governing pre-trial disclosures. The State shall similarly limit any discovery litigation to concrete instances of the Defendant's failure to comply with the law.

To that end, either party may file a notice of discovery deficiency. Such notice may be filed at any time after the discovery deadline has passed. (A sample notice is included in the Document Appendix to this Order.) The filing party may serve the opposing party via e-mail, but copies must also be filed with the Clerk of Court and sent to Adora Drew, Litigation Manager, at adora.drew@fultoncountyga.gov. If the served party does not cure the alleged deficiency within ten business days (or otherwise adequately explain the delay), the filing party may, after the expiry of the ten days, send the Court a proposed order excluding the missing discovery. (A sample order is included in the Document Appendix.). If any party seeks to employ the remedy of evidence exclusion, a Notice of Discovery Deficiency must be filed. Further, the Court may find there is no legal basis for a continuance on the grounds that discovery is deficient, if the aggrieved party has not filed a Notice of Discovery Deficiency.

4. Experts. Any party seeking to rely on expert testimony at trial must provide written notice to the opposing party. This notice must include a meaningful summary of the expert's expected testimony as well as her qualifications to serve as an expert witness. The notice must be provided by the Final Plea calendar, absent a specific deadline set by the Court. If expert testimony will be relied upon in an evidentiary hearing, the party seeking to rely on said testimony must provide written notice to the opposing party at least 14 days prior to the hearing. Rebuttal experts must be identified by written notice within 14 days following notice of opposing counsel's expert notification, absent leave of court.

MOTIONS/NOTICES

1. General. A deadline for filing motions will be set forth in a separate order issued after arraignment (or waiver thereof). Motions filed after that date are untimely and generally will not be considered, absent a showing of just cause for the late filing. *Copeland v. State*, 272 Ga. 816, 817 (2000); *Van Huynh v. State*, 258 Ga. 663 (1988); USCR 31.1. Any requests for extensions shall be submitted in writing to the Court with a detailed, fact-based explanation of the need for the extension, along with a proposed order for the Court's consideration.
2. Application. The motion filing requirements and deadlines apply to all motions, including O.C.G.A. § 26-3-24 immunity motions as well as demurrers, pleas in bar or abatement and apply to the following notices: (a) State's notice of O.C.G.A. §§ 24-4-404(b), 24-4-413 and 24-4-414 evidence; (b) State's notice of intention to use child hearsay; (c) Defendant's notice of intent to raise issues of incompetency, insanity or mental illness (d) Defendant's notice of intent to raise alibi defense; (e) any motions/notices related to the Rape Shield statute; and (f) Defendant's notice of intent to introduce evidence of specific acts of violence by victim against third parties. These deadlines do not apply to motions *in limine* involving discrete evidentiary issues the significance of which is not readily apparent until focused trial preparation. However, untimely motions improperly cast as motions *in limine* which are not true *in limine* motions, such as motions to suppress, to dismiss, or to sever defendants, will not be permitted after the Motions Due Date deadline absent a showing of just cause.
3. Particularization required.
Generalized motions and omnibus¹ motions are not to be filed; they will be denied as vague and dilatory. Motions seeking to suppress "everything," to include items not present in a particular case (*e.g.*, an identification in a case in which no identification was made) are improper and should not be filed. Rather, each motion shall be limited to a single issue (*e.g.*, suppression of statement, suppression of fruits of search warrant, etc.); multi-issue motions seeking to suppress, for example, both physical evidence *and* statements are not proper. In this vein, motions must specify, *with particularity*, the item(s)

¹ "Omnibus" motions include those infamous pleadings favored by some practitioners that compile multiple motions (many of which typically are in no way pertinent to the specific facts of the case at issue and are replete with boilerplate language) into a single filing. **Every motion requiring the Court's attention must be filed separately.**

or statement(s) or event(s) at issue. Thus, a motion seeking to suppress “any and all statements” is insufficient; the motion must identify the specific statement(s) the movant is seeking to suppress, as well as provide a theory of suppression. Upon receipt of a courtesy copy of a particularized motion, the Court will schedule a Motions hearing, if applicable.

4. Filing, Courtesy and Service Copies.

All motions must be filed with the Clerk of Court. Copies may be served on opposing counsel via e-mail. A courtesy copy of every motion must be sent to Adora Drew, Litigation Manager, at adora.drew@fultoncountygga.gov under separate cover – SERVING HER VIA EFILEGA IS INSUFFICIENT. The courtesy copies of motions must be received in Chambers the same day that the motions are filed in the Clerk’s office. Failure to provide the Litigation Manager with a copy of a motion will result in that motion not being calendared for a hearing and may constitute waiver of the issue.

FINAL PLEA and NEGOTIATED PLEAS

1. Re-Indictments. The State may not re-indict a case after the Final Plea date.
2. General. A defendant’s final plea hearing either will occur on a stand-alone calendar or else will be concurrent with her first trial calendar. A defendant who enters a guilty (or *Alford*) plea on or before the day of her final plea hearing may withdraw her plea if she is dissatisfied with her sentence. This right of withdrawal (premised on sentence dissatisfaction) must be exercised on the record in open court on the same day the plea was entered. This right of withdrawal expires when Court adjourns that day.
3. Scheduling Negotiated Pleas in Advance. Negotiated pleas may be entered at any time prior to the Final Plea date. The parties are directed to contact Adora Drew, Litigation Manager for Judge Ingram, at (404) 612-8529 or adora.drew@fultoncountygga.gov to schedule a date for entry of a negotiated plea prior to the Final Plea date.
4. Continuance/Request for Status Conference. In the event a party intends to seek a continuance or has any other problem with going forward on the final plea date due to incomplete production of discovery, incomplete witness

information, client difficulties or otherwise, that party must notify the court by written request for a continuance and/or a status conference at least 5 days before the Final Plea date. The written request must specifically identify the grounds for the continuance, conference or other problems that form the basis of the request.

TRIAL DATE AND PRE-TRIAL PROCEDURE

1. Report for Trial Calendar. For all cases in which a plea of not guilty has been entered without resolution, the defendants and counsel are directed to report before Judge Shukura Ingram Ingram, at 185 Central Avenue, Atlanta, Georgia 30303, Courtroom 7-E for the Trial Calendar call as published and noticed.
2. Called in for Trial. Trials will called in the order decided by the Court, which is not necessarily the order in which the cases appear on the published Trial Calendar. All cases will be on **two (2)-hour call** for the duration of the Trial Calendar. It is the duty of counsel to stay informed as to when the case will be called for trial.
3. Pre-Trial Submissions. Once a case is called in for trial for a set date (as opposed to the call of the trial calendar), the Court will notify counsel for all parties when the following are due:
 - a. A list of proposed voir dire questions. See below Voir Dire Procedure utilized by Judge Ingram. This shall be filed with the Clerk of Court. A courtesy copy shall be provided in Word format to the Court.
 - b. Witness list. This is used for purposes of Voir Dire. Parties must comply with the O.C.G.A. regarding disclosure of witnesses and witness lists e-filed to comply with this Order may have the lay witnesses dates of birth and contact information redacted; however said information must be provided timely in confidence to opposing counsel.
 - c. All motions *in limine*. Each motion should be sent as an individual file. 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 from an autopsy or the propriety of using a defendant's purported moniker of "Maniac." 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. All motions *in limine* must be filed with the Clerk of Court. A courtesy must be sent to the Court.

- d. Proposed Jury Charges. The parties' must submit all proposed requests to charge which, for the State, includes charges of the particular offense(s) alleged in the indictment. For pattern charges, each party is to submit ONLY the pattern charge NUMBER and not the text of the charge itself. For all non-pattern or modified pattern charges, the parties are required to submit the full text and cite the case law, statutory or other authority supporting such requested charge.

Courtesy copies of pre-trial submissions should be submitted to the Court via e-mail to Adora Drew, Litigation Manager, at adora.drew@fultoncountyga.gov.

CONDUCT DURING HEARINGS AND TRIAL

The Court, in order to assure proper hearings and a proper trial, further orders that all counsel shall, during the trial and other court appearances before this division conform his or her conduct in accordance with these requirements:

1. Timeliness. Counsel, and parties, will timely appear before the Court at each setting and following each recess.
2. Voir Dire Procedure. Counsel shall submit to the Court all proposed voir dire questions as directed above. The statutory and other general questions will be propounded by the Court. 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, including the statutory questions, as well as those questions submitted by the parties, which the Court indicated pre-trial it would ask. 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 made available for follow-up questioning. Prior to any individual questioning, each of the prospective jurors will respond with their name, general area of the county in which they reside, marital status, current or most recent occupation for themselves and their spouse, if applicable, and the number of children they have. 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 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 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. Jury selection. Peremptory strikes will be by silent strike sheet when prospective jurors are physically present and will be oral when they are not. All parties are free to strike from the entire panel of qualified jurors; they need not decide first on Panel Member No. 1 then Panel Member No. 2, etc. The same process applies to the pool of potential alternate jurors. 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. 36).
3. Exhibits. Exhibits should be marked and digitized (scanned) before trial.

Any party that intends to introduce exhibits during trial must provide an exhibit list to the Court and one copy to all other parties 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.

4. Digital Submission of Exhibits. Pursuant to the new rules of the Judicial Council of Georgia, all transcripts, and accompanying exhibits, are required to 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, i.e., 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, i.e., gun, posterboard, etc., will be inserted by the court reporter in its place as the exhibit attached to the transcript. Parties must provide the court reporter with five (5) copies of media exhibits (DVDs / CDs/flash drives). DVDs and CDs must be contained in a hard case (e.g., jewel case). Scanning of trial exhibits may be accomplished post-trial upon instruction by the Court.
5. Witnesses. By the start of trial, the parties are to have complied with all discovery requirements concerning witnesses, to include the disclosure of all mandated identifying information and the content of expert opinions, if any. Any party that intends to call witnesses shall provide **two** copies of a witness list to the Court and one copy to every other party prior to jury selection. This list should include all potential witnesses; it is not sufficient for a party to rely on the indictment or documents provided in discovery as a witness list.
6. Juror questions during trial. Jurors may be permitted to submit written questions for witnesses at the close of the parties' examination. The Court and counsel will review all such submissions; the Court will then pose those questions it deems proper. *Allen v. State*, 286 Ga. 392, 397 (2010).
7. Stipulations. All stipulations must be made in writing, signed by the parties and presented to the Court outside the presence of the jury. No counsel

should offer to enter into a stipulation orally before the jury, unless prior permission is granted by the Court.

8. Preparation of Orders. Counsel shall promptly prepare orders or judgments to be presented to the Court and mail or email (adora.drew@fultoncountyga.gov) the same to the Court and opposing counsel simultaneously and within three business days of the entry of that order of judgment by the Court unless directed otherwise by the Court.

REQUEST FOR COURT SERVICES

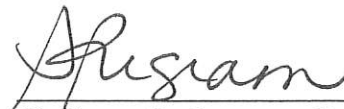
1. Court Translator. Upon request, the Court will provide a translator to provide translation services for any non-English speaking Defendant. The request for a translator must be submitted in writing to Adora Drew, Litigation Manager, at adora.drew@fultoncountyga.gov, **no later than 10 business days** prior to the hearing date.
2. 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 (including GDC# and name of facility). Parties must submit their request in writing to Adora Drew, Litigation Manager, at adora.drew@fultoncountyga.gov and the production request must be received **no later than 14 business days** before the scheduled court appearance.
3. Courtroom Evidence Presentation. In the event any party intends to utilize exhibits during any hearing, trial or other proceeding and the counsel is unfamiliar with the evidence presentation technology in Courtroom 7-E, then that attorney should consult the Court to find out if Zoom or Evidence Presentation Technology (https://www.fultoncourt.org/about/admin/eps_brochure.pdf) will be used.
If further assistance is needed counsel should contact Court Support at (404) 612-2770 or e-mail CourtSupport@fultoncountyga.gov. If counsel is unable to get the needed assistance from contacting Court Support, he or she should contact Kathy Cobbs, Judicial Assistant, at kathy.cobbs@fultoncountyga.gov. Said e-mail should include the

specifics of the technology questions/support needed in advance of trial. Parties should note that the Court only provides a VGA connection to the Evidence Presentation System, if it is being utilized. Therefore, if another type of connection is needed, each party must bring their own adapter. Parties must bring their own laptops to connect to Zoom, when it is being utilized for evidence presentation.

APPEARANCE AT ALL CALENDARS AND HEARINGS

1. Attorneys. Attorneys are required to appear at all published calendars 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 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).
2. Defendants. Unless expressly excused by the Court, Defendants must appear at all calendar calls and hearing 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.

SO ORDERED on this 17th day of May 2022.



Shukura L. Ingram, Judge
Fulton County Superior Court
Atlanta Judicial Circuit

Document Appendix

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

vs.

*
*
*
*
*

CRIMINAL CASE _____

JUDGE INGRAM

NOTICE OF DISCOVERY DEFICIENCY

This case was arraigned on _____. Discovery was due on _____.

As of this filing, Defendant has not been provided with the following item(s) believed to be discoverable:

Submitted this ____ day of _____, 202__.

Counsel for Defendant

Copies to:

ADA _____

Ms. Adora Drew, Litigation Manager for Judge Ingram

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

vs.

*
*
*
*
*

CRIMINAL CASE _____

JUDGE INGRAM

ORDER EXCLUDING EVIDENCE

This case was arraigned on _____. The State was served with a Notice of Discovery Deficiency on _____. Ten days have since passed and the State has not cured the deficiency or otherwise demonstrated that, for good cause, it has been unable to do so. Consequently, pursuant to O.C.G.A. § 17-16-6, the Court excludes the following items:

SO ORDERED this ____ day of _____, 201__.

Judge Shukura I. Ingram
Fulton County Superior Court

Copies to:

ADA _____

Counsel for Defendant