

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

IN RE: PROCEDURE FOR ALL  
CRIMINAL CASES ASSIGNED  
TO JUDGE BENTON'S DIVISION

JUDGE ALICE BENTON

**STANDING TRIAL MANAGEMENT ORDER FOR  
CRIMINAL CASES IN JUDGE ALICE BENTON'S DIVISION**

For all criminal cases assigned to this division and scheduled for trial, the Court HEREBY ORDERS that the following deadlines, policies, and procedures govern. Absent express permission from the Court, no exceptions, extensions, or waivers to the requirements set forth herein are allowed.

**TRIAL DATE AND PRE-TRIAL PROCEDURE**

1. General. If a case is not resolved following the Final Plea/Trial Calendar Call, it will be noticed for a Trial Calendar or placed on call as directed by the Court. 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. Typically, the Court will call the cases appearing on the Trial Calendar in the listed order, but the Court reserves the right to call cases in any order upon two-hour notice. Any cases not reached will roll over to the next scheduled trial calendar call.
2. 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 parties are required to efile, serve on opposing counsel by email, and submit by email to Litigation Manager Terrion Simpson (Terrion.Simpson@fultoncountyga.gov), by 4 p.m. two business days before the first day of trial, the following (if the case is called to trial with less than one business day notice, these submissions are due by the time the parties are ordered to appear in Court or as otherwise directed by the Court):
  - a. A list of potential *voir dire* questions.

- b. 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 all pre-trial discovery requirements concerning witnesses, including the disclosure of all requisite identifying information and the content of expert opinions, if any.
- c. All motions in limine. Each such motion shall be a separate document. Such motions should be limited to discrete evidentiary or procedural matters, such as the admissibility of a specific piece of evidence. It is not proper to attempt to raise, as a motion *in limine*, matters that should have been resolved during the pre-trial motions phase of proceedings, such as a motion to sever, etc. Such a motion cast as a motion *in limine* will be denied as untimely absent good cause shown.
- d. Proposed Jury Charges. The parties must submit all proposed requests to charge, including the 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 non-pattern or modified pattern charges, the parties are required to submit the full text and cite the case law, statute, or other authority supporting such requested charge.
- e. A proposed verdict form.

## **VOIR DIRE**

Prior to the commencement of *voir dire*, the Court will discuss with the parties which of their proposed questions will be permitted or disallowed.

1. 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. Counsel should track affirmative responses to general questions asked by the Court in order to proceed expeditiously with the individual *voir dire*.
  - a. 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 the 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 improper areas of inquiry 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.

- b. Juror Information Sheets. Jury Services provides the Court and attorneys Juror Information Sheets for all panelists as a courtesy prior to *voir dire*. Counsel are directed not to copy the information sheets and are cautioned to avoid taking important notes on the information sheets as they will be collected by the sheriff's deputy immediately following jury selection.
- c. Motions to Strike for Cause. The Court will hear motions to strike 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.
- d. Jury selection. 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” are used by the Defendant to indicate his/her first nine strikes (and higher if more strikes are awarded the Defendant). 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 or her alternate strikes.

## **CONDUCT DURING TRIAL**

To ensure proper hearings and a proper trial, counsel shall 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. Duty to Have Witnesses on Hand. The parties and attorneys are ordered to have enough witnesses on hand for each day’s proceedings. If a party fails to have a witness to call to testify, in the discretion of the Court, that party’s case will rest.
3. Duty to Instruct Witnesses. The parties and attorneys are hereby ordered to instruct all of their testifying witnesses as follows: (a) pause and not talk when an attorney objects during the witness’ testimony, wait for the Court to rule on the objection, and respond to any pending question only if the objection is overruled by the Court, (b) avoid talking over the attorneys or judge, (c) refrain from referencing any evidence excluded by prior Court orders, and (d) avoid discussing their testimony with any other potential trial witness during trial.
4. 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.
5. Avoid Addressing Attorneys. Attorneys 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.

6. 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 (one to the judge and one to the court reporter) 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. Counsel shall obtain approval from the Court before publishing any evidence/exhibits to the jury.
7. Digital Submission of Exhibits. All transcripts and accompanying exhibits must be e-filed by the court reporter. Due to the size limits of eFileGa, all exhibits must be scanned individually and emailed to the court reporter in accordance with the file size limitations of eFileGa and clearly labeled. If one exhibit exceeds the size limitation, it must be split up and each subpart needs to be clearly designated, such as A, B, C, or Part 1, 2, 3, etc. 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 will be inserted by the court reporter in its place as the exhibit attached to the transcript.
8. 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 three words (*e.g.* "objection-lack of foundation," "objection-calls for speculation," "objection-asked and answered"). The Court will not entertain argument on the objections within the hearing of the jury. "Speaking objections" will not be permitted. If counsel wishes to present argument with respect to an objection being made or opposed, counsel shall request a discussion outside the presence of the jury.
9. 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.
10. 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.

11. Preparation of Orders. Counsel shall promptly prepare orders or judgments to be presented to the Court. Proposed orders shall be submitted by email to Litigation Manager Terrion Simpson and opposing counsel simultaneously and within three business days of the pronouncement of that order or judgment, unless directed otherwise by the Court.

## **SENTENCING HEARINGS**

1. Timing. The Court anticipates proceeding with presentencing hearings and sentencing immediately after any conviction. However, on good cause shown by either party, the Court will entertain a continuance.

## **REQUEST FOR COURT SERVICES**

1. Court Interpreter. Upon request, the Court will provide interpretation services for any non-English speaking or hearing-impaired Defendant or witness. The request for an interpreter must be submitted in writing via email to the Litigation Manager Terrion Simpson no later than five 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. Parties must submit their request in writing to Litigation Manager Terrion Simpson, and the production request must be received no later than 30 business days before the scheduled court appearance.

3. Courtroom Evidence Presentation. Counsel shall familiarize themselves with the evidence presentation technology 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 Gwendolyn Green at (Gwendolyn.Green@fultoncountyga.gov).

**SO ORDERED**, this 16th day of January, 2024.



ALICE BENTON  
FULTON COUNTY SUPERIOR COURT  
ATLANTA JUDICIAL CIRCUIT