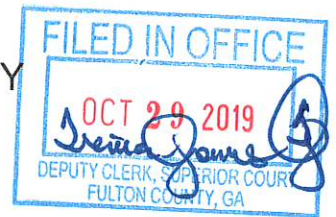


IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



IN RE:
CONTINUANCE POLICY

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STANDING ORDER ON CONTINUANCE POLICY
IN CRIMINAL CASES IN JUDGE JANE C. BARWICK'S DIVISION

To promote justice through effective case management, to promote the efficient use of judicial resources, and to provide consistent handling of requests for continuances, the following is the policy of the Superior Court of Fulton County concerning continuances in criminal cases:

1. Except for good cause, as specifically determined on the record or via written order by the assigned Superior Court Judge, all requests to continue hearings and trials must be in writing, filed with the Clerk of Court, and presented to the Judge no later than five business days before the hearing or trial.
2. Each continuance request must state with particularity: (1) the specific reason(s) for the continuance and (2) the amount of time needed to be ready to proceed. The party seeking the continuance must also show it has used due diligence in otherwise preparing the case. See O.C.G.A. § 17-8-20.
3. The Court will grant continuances only for good cause shown. Continuances are the exception to regular compliance with dates and deadlines established in scheduling orders, and parties should expect to proceed with the calendared hearing or trial until a continuance is granted.
4. The following reasons generally are not, individually or collectively, sufficient grounds to support the granting of a continuance:
 - Opposing counsel agreed to the continuance
 - The case has not previously been continued
 - The case is likely to resolve short of trial if continued
 - A continuance is needed to finalize a "global" resolution involving other cases or defendants

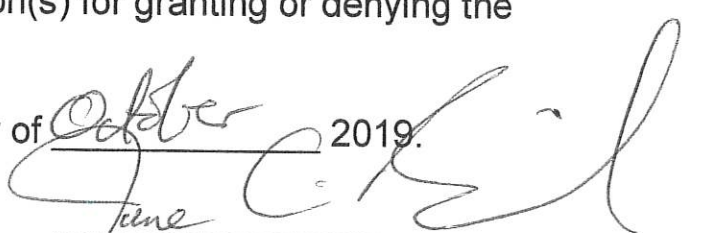
- Discovery is not complete
- New counsel has entered an appearance
- A party wishes to hire new counsel
- A witness who is not under subpoena is unavailable
- Counsel is unprepared due to her client's failure to maintain necessary contact with counsel
- A material witness is unavailable due to training or vacation, unless such plans were made prior to the scheduling of the hearing or trial and the continuance request is made within ten days of the Court's notice of the hearing or trial
- Counsel has filed an untimely motion

5. The following will be considered sufficient cause to support the granting of a continuance:

- Absence of a defendant, but only upon the showing specified in O.C.G.A. §§ 17-8-23, 17-8-26, 17-8-29, 17-8-30, or 17-8-31
- Absence or illness of counsel, but only upon the showing specified in O.C.G.A. §§ 17-8-24, 17-8-26, 17-8-29, 17-8-30, or 17-8-31)
- Absence of a subpoenaed material witness, but only upon the showing specified in O.C.G.A. §§ 17-8-25, 17-8-28, or 17-8-31)

6. Because all requests for continuances shall be in writing and filed with the Clerk of Court and because it is important for the Court to be able to track continuances granted, all rulings on continuances shall be in writing and filed. Such order shall identify which party requested the continuance and the reason(s) for granting or denying the continuance.

SO ORDERED this 29th day of October 2019.



 Judge Jane C. Barwick
 Superior Court of Fulton County