

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



In Re:  
Criminal Case Management

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Judge Rachelle L. Carnesale

2021-EX-000303

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

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 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.** Any motions for an extension of discovery deadlines shall be filed. Such motions must provide a detailed, fact-based explanation of the need for an extension and a proposed extended deadline, along with a proposed order for the Court's consideration. As with all motions, a courtesy copy of any motion for extension and proposed order must be provided to Judge Carnesale's Chambers via email to Litigation Manager Athina Aguirre at [Athina.Aguirre@fultoncountyga.gov](mailto:Athina.Aguirre@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 courtesy copy of such a notice must be provided to Chambers via email to Litigation Manager Athina Aguirre at [Athina.Aguirre@fultoncountyga.gov](mailto:Athina.Aguirre@fultoncountyga.gov).

If the served party does not cure the alleged deficiency within 10 days (or otherwise adequately explain the delay), the filing party shall request a hearing on the matter by contacting Litigation Manager Athina Aguirre.

4. **Experts.** Any party seeking to rely on expert testimony at trial (or any evidentiary hearing) 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 at least 10 days before trial and 5 days before any evidentiary hearing.

## **MOTIONS**

1. **General.** A deadline for filing motions will be set forth in a separate order issued upon or 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 (2000); *Van Huynh v. State*, 258 Ga. 663 (1988); U.S.C.R. 31.1. Any request for extensions shall be filed and shall include a detailed, fact-based explanation of the need for the extension and a proposed extended deadline. A copy of any request for extension and proposed order must be provided to Chambers via email to Litigation Manager Athina Aguirre at [Athina.Aguirre@fultoncountyga.gov](mailto:Athina.Aguirre@fultoncountyga.gov).

2. **Application.** The motion filing requirements and deadlines apply to all motions, including O.C.G.A. § 16-3-24.2 immunity motions, 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) 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 an alibi defense; and (e) Defendant's notice of intent to introduce evidence of specific acts of violence by a 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*, such as motions to suppress, to dismiss, or to sever defendants, will not be permitted after the motions deadline absent a showing of just cause.

3. **Particularization required.** Generalized motions and omnibus 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.

Motions must specify, with particularity, the item(s), 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. To the extent that delays in discovery result in the need for additional particularization of motions or additional motions, the same will be allowed.

4. **Filing, Service, and Courtesy Copies.** All motions must be filed with the Clerk of Court. Service copies must be served upon opposing counsel via the Court's e-filing system, email, or U.S. Mail. If feasible, the Court's e-filing system or email shall be used instead of U.S. Mail. A courtesy copy of every motion, request, and notice must be provided to Chambers via email to Litigation Manager Athina Aguirre at [Athina.Aguirre@fultoncountyga.gov](mailto:Athina.Aguirre@fultoncountyga.gov).

5. **Motions Hearings.** It is the responsibility of the movant, when providing a courtesy copy of any motion to Chambers, to provide the following information if a hearing is requested/required: (a) whether the Defendant objects to a motions hearing via video conference; (b) the estimated time for presentation of the motion; (c) the estimated number of witnesses; and (d) whether an interpreter is required (and, if so, the language). If either party intends to present exhibits during a motions hearing, such exhibits must be exchanged and provided to Chambers at least one business day before a

scheduled hearing.

At its discretion, the Court may schedule *in absentia* bond or other motions hearings. Such matters will not be heard until a written waiver of the Defendant's presence is filed in the record.

The parties are encouraged to examine calendar titles, notes, and comments to ensure that they are aware of the Court's understanding of what will be heard on a particular calendar. Do not assume that outstanding bond motions will be heard on a plea and arraignment calendar unless it is noted on the calendar. Based on the calendared hearing, the State shall provide notice to victims as required by law.

### **NEGOTIATED PLEAS & OPPORTUNITY TO WITHDRAW PLEAS**

1. **General.** On or before the Final Plea date, the Defendant may enter and withdraw a non-negotiated guilty plea until the conclusion of court on the day the plea is entered.
2. **Order to Confer in Advance.** The Court hereby ORDERS the parties to confer *before* the Final Plea date to determine the State's offer and whether the Defendant will enter a plea of guilty or move forward to trial. If the parties fail to bring discovery issues to the Court's attention in advance of the Final Plea date in the manner required above, the Final Plea date may not be continued for this reason.
3. **Negotiated Pleas.** Negotiated pleas may be entered at any time a case appears on any calendar. Counsel should jointly contact Litigation Manager Athina Aguirre at [Athina.Aguirre@fultoncountyga.gov](mailto:Athina.Aguirre@fultoncountyga.gov) to schedule planned guilty pleas.

### **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, Defendants and counsel are directed to report before Judge Rachelle Carnesale at the time, date, and location to be provided in a separate notice. Trials will be called in an order decided by the Court. Cases may be placed on call as directed by the Court.

2. **Pre-Trial Submissions.** No later than 4:00 p.m. one business day before trial, the parties are required to file and serve opposing counsel and Chambers with the following items:

- a. **Voir Dire Questions.** A list of potential voir dire questions.
- b. **Potential Witness List.** This witness list is for the Court's use in voir dire. It should include the name of each potential witness and title/position if relevant.
- c. **Motions in limine.** Motions should be limited to discrete evidentiary or procedural matters and shall cite applicable law. As noted above, matters that should have been resolved in the pre-trial phase of proceedings will be denied as untimely absent good cause.
- d. **Proposed Jury Charges.** For pattern charges, a party should submit only the pattern charge number and not the text of the charge itself. For all non-pattern charges, a party must submit the requested charge together with case law in support of the charge.
- e. **Proposed Verdict Form.**

3. **Digital Submission of Exhibits.** All transcripts and accompanying exhibits must be e-filed by the Court Reporter. Due to size limits of eFileGA, parties shall scan individually and email to the Court Reporter all exhibits within 5 business days after final disposition. For oversized and non-paper exhibits, a digital photograph of the item marked with an exhibit sticker may be submitted. For DVDs, CDs, and other media, parties must provide the Court Reporter with the original and a copy contained in a hard case. Carrie Newman is the Court's assigned Court Reporter, and her email address is [Carrie.Newman@fultoncountyga.gov](mailto:Carrie.Newman@fultoncountyga.gov).

4. **Special Arrangements.** Upon request, the Court will provide an interpreter for any non-English speaking or hearing impaired Defendant or witness. Please review <https://fultoncourt.org/programs/interpreters.php> for more information about interpreters.

Requests for interpreters must be made via email to Litigation Manager Athina Aguirre at [Athina.Aguirre@fultoncountyga.gov](mailto:Athina.Aguirre@fultoncountyga.gov) as soon as practicable before trial. Requests for hearing impaired interpretation services and for interpretation of critical languages must be made 10 days before any hearing or trial.

The Court is amenable to adjusting logistics in the courtroom to accommodate physical, health/safety, or other special needs of litigants or witnesses. Please contact Litigation Manager Athina Aguirre with such requests.

5. **Court Production Orders.** At the request of counsel, the Court will facilitate the production of a Defendant and/or witness incarcerated in any jail or prison facility, subject to the rules and regulations of the Sheriff's Office and the Georgia Department of Corrections. Please submit requests, with an individual's name, location, and booking ID, to Litigation Manager Athina Aguirre at [Athina.Aguirre@fultoncountyga.gov](mailto:Athina.Aguirre@fultoncountyga.gov). Note that certain entities require at least 30 days' notice.

6. **Courtroom Equipment.** In the event any party intends to utilize electronic or other equipment available in the courtroom to present evidence or argument, counsel must schedule an appointment in advance of any trial or hearing to test the equipment and ensure they are able to work the equipment. The Court will not take impromptu recesses during a jury trial to allow for equipment issues if counsel has not previously familiarized themselves with the equipment.

SO ORDERED this 17<sup>th</sup> day of February, 2021.



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**RACHELLE L. CARNESALE, JUDGE**  
Fulton County Superior Court  
Atlanta Judicial Circuit