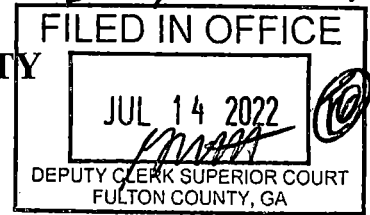


2022-EX-000871

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA



IN RE: PROCEDURE FOR ALL )  
CRIMINAL CASES ASSIGNED ) JUDGE CRAIG L. SCHWALL, SR.  
TO JUDGE SCHWALL'S )  
DIVISION )  
)

**STANDING CASE MANAGEMENT ORDER FOR  
CRIMINAL CASES IN JUDGE CRAIG L. SCHWALL, SR.'S DIVISION**

For all criminal cases assigned to this division in which the Defendant has entered a plea of not guilty and requested that the case be further noticed to a trial calendar, 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. The specific deadlines for discovery and motions in any case are provided pursuant to a separate Case Specific Scheduling Order entered in each Defendant's case ("CSSO") at Plea and Arraignment ("P&A"). Re-indicted cases are bound by the CSSO dates, notices, and published calendars for the originally indicted case absent good cause shown and further order of this Court.

**COMMUNICATING WITH THE COURT**

1. General. While the Court encourages counsel to communicate with Chambers, such communication shall be in writing and delivered in hard copy or emailed to Litigation Manager April M. Woods (April.Woods@fultoncountyga.gov) with copies of such communication also provided to all counsel of record unless the matter is a proper ex parte filing.
2. Email. The Court, via the Litigation Manager, communicates with counsel via email whenever possible. At the entry of appearance of counsel, the attorneys are required to provide their email addresses to Litigation Manager April M. Woods by emailing same to her. If you do not personally check your emails, you must arrange to have your emails forwarded to someone in your office who will be responsible for checking them and informing you of the messages/documents that have

been sent. To avoid inappropriate ex parte communications, submit all questions, explanations or discussions concerning your case by email, with a copy to opposing counsel. Appropriate ex parte communications are exempted from this rule. To prevent miscommunications and inappropriate ex parte communications, avoid telephoning chambers except in exceptional circumstances.

3. In no instance, should counsel directly email the Judge.

## **DISCOVERY**

1. General. The parties shall promptly and completely comply with the requirements of O.C.G.A. § 17-16-4 by the specific Discovery Date deadline as set forth in the separate CSSO entered in each Defendant's case. 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 request for an extension of the Discovery Date deadline shall be submitted by written motion to the Court by the Discovery Date deadline. Such motions must provide a detailed, fact-based explanation of the need for the extension including the amount of time actually needed to provide outstanding discovery, 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 Schwall's Chambers via email to April M. Woods at [April.Woods@fultoncountyga.gov](mailto:April.Woods@fultoncountyga.gov). Any outstanding forensic testing, requested by either party, must be brought to the Court's attention by way of a timely request for extension filed PRIOR TO the Discovery Deadline to prevent delays in the trial and other Court dates and deadlines.
3. Compelling Discovery. The parties are directed to comply with all discovery obligations. The parties are ordered not to file "form" motions seeking an order compelling the generalized disclosure of discoverable materials or the general exclusion of evidence. Any such non-specific "form" motions will not be considered by the Court. Should a party need to file a motion to compel discovery, the party shall

itemize the articulable and case-specific instances in which the party believes the opposing party has failed to comply with discovery obligations. Such motion may be filed any time after the Discovery Date deadline has passed and no later than the Motions Due Date which is identified in the separate CSSO entered in each Defendant's case.

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 testimony as well as her qualifications to serve as an expert witness. The notice must be provided at least fourteen days before trial and seven days before any evidentiary hearing.

## MOTIONS

1. General. The due date for all motions is the specific Motions Due Date deadline as set forth in the separate CSSO entered in each Defendant's case. Motions filed after that date are untimely and will NOT be considered, absent a showing of just cause for the late filing. Copeland v. State, 272 Ga. 816, 817 (2000); U.S.C.R. 31.1. All motions, proposed orders and other submissions to the Court shall be in WORD format and 14 cpi font size.
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; and (d) 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. Filing, Courtesy and Service Copies. All motions must be filed with the Office of the Clerk of the Superior Court. Parties filing motions are

required to deliver a courtesy copy to Judge Schwall's Chambers via email to Litigation Manager April M. Woods at [April.Woods@fultoncountyga.gov](mailto:April.Woods@fultoncountyga.gov). The courtesy copies of motions must be received in Chambers the same day that the motions are filed in the Clerk's office. Copies may be served on opposing counsel via email.

4. Particularization required. Only those motions sufficiently particularized as to provide legal notice to the opposing parties will be considered by the Court. Generalized and omnibus motions are not to be filed and if filed will be denied as vague, dilatory and in violation of this order. Motions must specify, with particularity, the item or statement or event at issue and must be tailored to the facts of the case at hand. Thus, a general motion seeking to suppress any and all statements or any and all evidence is insufficient and will be denied. The motion must identify the specific statement or evidence that the movant is seeking to suppress, as well as provide a theory of suppression.
5. Published Motions Hearing Calendar. The Court will publish a calendar for the Motions Hearing Date identified in the separate CSSO entered in each Defendant's case. If no motions which require a hearing are timely filed, with courtesy copies received in Chambers, your case will not appear on the Motions Hearing Calendar and your case will not be afforded a hearing.
6. Order to Confer in Advance. The Court hereby orders the parties to confer before the Motions Hearing Date to determine whether any of the outstanding motions can be narrowed or resolved by agreement and to discuss the State's offer to resolve the case as well as the Defendant's desire to enter a plea of guilty or move forward to the Motions Hearing Date and to Trial.
7. Motions and Orders in Re-indicted Cases. If a case is re-indicted, all timely filed motions and all orders from the previously indicted case are adopted and effective in the newly indicted case unless the prior motion or order was addressed by the new indictment (*e.g.* a demurrer to the original indictment)

## **FINAL PLEA DATE, NEGOTIATED and NON-NEGOTIATED PLEAS**

1. General. A Final Plea and Trial Calendar call will be held on the date as set forth in the separate CSSO entered in each Defendant's case. The Final Plea Date is the last opportunity to present a non-negotiated plea *which can then be withdrawn* at the option of the Defendant at the time of sentence pronouncement on the Final Plea Date. This right of withdrawal must be exercised on the record in open Court and expires when the Court adjourns for that day. Reductions in charges will be handled by the Court on a case-by-case basis and may either be allowed or disallowed or as specified in the CSSO. The State will not be allowed to place the case on the Dead Docket or re-indict after the Final Plea Calendar absent good cause shown and further order of this Court. The attorneys and defendants must appear at the Final Plea Calendar, unless the case has been previously resolved. The Final Plea Date shall not be reset absent good cause shown and express order of this Court.
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.
3. Entering Guilty Pleas. Negotiated or non-negotiated pleas may be entered at any time prior to the Final Plea Date. The parties are directed to contact April M. Woods, Litigation Manager for Judge Craig L. Schwall, Sr., at (404) 612-8681 or [April.Woods@fultoncountyga.gov](mailto:April.Woods@fultoncountyga.gov) to schedule a date for entry of a plea prior to the Final Plea Hearing. The Court will afford a Defendant one opportunity to enter a non-negotiated plea up until the Final Plea date. The Defendant may, as discussed above, withdraw his or her plea upon pronouncement of the sentence. However, if a non-negotiated plea has been withdrawn by the Defendant, the Defendant will not be allowed to withdraw a guilty plea at any point in the future.
4. Accountability Court Sentence Recommendations. The Court encourages Accountability Court sentence recommendations for non-violent offenders. However, a Defendant must have been interviewed and accepted by the Accountability Court program (Drug Court, Behavioral Health Treatment Court or Veteran's Court) prior to sentencing for the Court to consider the recommendation. Contact

Litigation Manager April M. Woods at [April.Woods@fultoncountyga.gov](mailto:April.Woods@fultoncountyga.gov) early in the life of the case, preferably before Plea and Arraignment if you need assistance in scheduling an Accountability Court referral or interview.

5. Continuance/Request for Status Conference. In the event a party intends to seek a continuance or has any other problem with going forward with trial on the assigned Final Plea and Trial Date due to incomplete production of discovery, incomplete witness information, client difficulties, a request for a psychological evaluation or otherwise, that party must notify the court by written request for a continuance and/or a status conference at least 30 days before the Final Plea and Trial Date absent good cause shown. The written request must specifically identify the grounds for the continuance, conference or other problems with going forward with trial.

## **TRIAL DATE AND PRE-TRIAL PROCEDURE**

1. General. The Court may call any case appearing on the Trial Calendar to trial in any order, upon two-hour notice and not necessarily in the order in which the case appears on the published Trial Calendar. Trial Calendars run for as many weeks as necessary to reach all cases.
2. 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 Craig L. Schwall, Sr., at 185 Central Avenue, Atlanta, Georgia 30303, Courtroom 5E for the Trial Calendar call on the Final Plea and Trial Date as set forth in the separate CSSO entered in each Defendant's case. Parties will note the Final Plea Date and Trial Calendar call are the same. This is intentional. Final Pleas will be taken up to and on the date of the call of the Trial Calendar.
3. Called in for Trial. Trials will begin the next business day following the Trial Calendar call and in the order as decided by the Court, which is not necessarily the order in which the cases appear on the published Trial Calendar. After Final Plea/Trial Calendar call, all cases are subject to two-hour notice to appear in Court ready for trial absent express order of this Court. Notice will be provided by email to counsel of record.

4. Pre-Trial Submissions due 4 p.m. one business day before trial. 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 file with the Clerk of Court, serve on opposing counsel by email and submit by email to Litigation Manager April M. Woods at [April.Woods@fultoncountyga.gov](mailto:April.Woods@fultoncountyga.gov), **by 4 p.m. one business day before the first day of trial**, the following **FIVE ITEMS** (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):
- a. A list of potential voir dire questions. See below Voir Dire Procedure utilized by Judge Schwall.
  - 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 and attachment to the email to opposing counsel and to Ms. Little. Such motions should be limited to discrete evidentiary or procedural matters, such as the admissibility of a specific piece of evidence. As mentioned above, 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 the submission of identification evidence or a confession or 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 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, statute or other authority supporting such requested charge.
  - e. A proposed verdict form.

## 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 the Court propounds of all criminal jury panels are attached hereto as **Exhibit "A"**. Prior to the commencement of voir dire, the Court will discuss with the parties which of their proposed questions will be asked and which will be asked.
  - a. General and Statutory Questions. The Court will propound all general questions to the entire panel, including the ones on Exhibit "A" 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 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 their name, 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.

- c. 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.
- d. 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. While each of the fourteen panelists are in the jury box, the Court will call attorneys to side bar before excusing each such panel. At side bar, the Court will solicit motions to strike for cause any member of that panel of fourteen, will hear argument on same, and will rule at that time.
- e. 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); "SA1", etc. is used by the State to indicate its alternate strikes and "DA1", etc. is used by the Defendant to indicate his alternate strikes. 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. Before striking begins, the Court will inform the parties of the universe of panelists from which they are to strike (e.g., from

Panelist No. 1 through No. 36).

3. 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, that party's case will rest.
4. Duty to Instruct Witnesses. The parties and attorneys are hereby ordered to instruct all of their testifying witnesses, the following: (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.
5. 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.
6. 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, with the exception that statements and arguments can be made directly to the jury but only during opening statements or closing arguments.
7. 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.
8. Digital Submission of Exhibits. All transcripts, and accompanying

exhibits, must be e-filed by the court reporter. Due to the size limits of eFileGa, the attorneys are ordered to scan individually and email to the court reporter all exhibits within 5 business days after final disposition. 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 (such as gun, poster board, etc.) will be inserted by the court reporter in its place as the exhibit attached to the transcript. Regarding DVDs/CDs and the like, provide the court reporter with the original and one copy. They must be contained in a hard case (such as a jewel case). Candice Sanders is the Court's assigned court reporter and her email address is [Candice.Sanders@fultoncountyga.gov](mailto:Candice.Sanders@fultoncountyga.gov).

9. 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. Therefore, what is commonly known as "speaking objections" will not be permitted. If counsel wishes to present argument with respect to an objection being made or opposed, counsel shall ask to approach the bench for a discussion at sidebar with the judge and opposing counsel.
10. 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.
11. Use of lectern. Attorneys shall use the lectern and microphone positioned in the middle of the courtroom during all hearings and at all times during trial, except as follows. Counsel may, alternatively, use the Court's secondary lectern on the opposite side of the jury box in questioning witnesses in order to encourage the witness to face the jury when responding to questions. During opening and closing statements, the attorneys can move more freely a few paces in front of the jury panel but at no time should the attorneys touch jurors or the jury box or seek to engage them in communications. When approaching a witness with an exhibit see below direction. During voir dire, attorneys may individually question jurors with their notes from counsel table.

12. 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.
13. In Court Presentation of Documents to Judge. Counsel shall deliver to the bailiff any documents to be presented to the judge or ask permission to approach the bench to deliver documents to the judge.
14. Preparation of Orders. Counsel shall promptly prepare orders or judgments to be presented to the Court. Proposed orders shall be submitted by email to the Court ([April.Woods@fultoncountyga.gov](mailto:April.Woods@fultoncountyga.gov)) and opposing counsel simultaneously and within three business days of the pronouncement of that order or judgment unless directed otherwise by the Court. In no instance, should counsel directly email the Judge.

### **SENTENCING HEARINGS**

1. Victim Impact Statements. All victim impact statements must be in writing and on point and directed to the Court and not others. They are to be no longer than three pages in length and may be read by the victim, victim's family or representative, or the prosecutor.
2. Requests for Leniency. Any requests for leniency must be in writing and on point and directed to the Court and not others. These requests are to be no longer than three pages in length and may be read by the Defendant, the Defendant's family or loved ones, or Defendant's attorney.
3. Timing. The Court anticipates proceeding with sentencing hearings immediately after any conviction. However, on good cause shown by either party, the Court will entertain a continuance of the sentencing for a few days.

### **REQUEST FOR COURT SERVICES**

1. Court Interpreter. Upon request, the Court will provide interpretation

services for any non-English speaking Defendant. The request for an interpreter must be submitted in writing via email to the Litigation Manager April M. Woods at [April.Woods@fultoncountyga.gov](mailto:April.Woods@fultoncountyga.gov) **no later than 5 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 April M. Woods at [April.Woods@fultoncountyga.gov](mailto:April.Woods@fultoncountyga.gov) and the production request must be received **no later than 30 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 5E, then that attorney is required to submit a written request for equipment training. Training can generally be accomplished in 15 minutes. This request should be submitted in writing to Case Manager April Woods, **no later than 5 business days** before trial date. Timely (5 business days) email notification to Ms. Woods at [April.Woods@fultoncountyga.gov](mailto:April.Woods@fultoncountyga.gov) is sufficient. HOWEVER, the courtroom evidence presentation technology is unreliable, so the attorneys and parties must be prepared with alternative means of displaying evidence in the event the courtroom equipment is not functioning. The inability to utilize courtroom technology will not be a reason to delay trial.

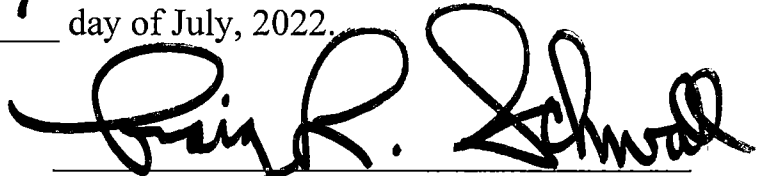
### **APPEARANCE AT ALL CALENDARS AND HEARINGS**

1. **Attorneys.** No attorney shall appear in that capacity before the Court until the attorney has filed an entry of appearance that fully complies with U.S.C.R. 4.2 or a notice of substitution of counsel that fully complies with U.S.C.R. 4.3(3). Attorneys are required to appear at all published calendars and properly noticed court appearances unless a proper Leave of Absence in accordance with U.S.C.R. 16.1 or 16.2, or a proper conflict letter in accordance with U.S.C.R. 17.1 is timely filed

or the attorney is otherwise expressly excused by the Court. Note that any Leave of Absence not filed or served pursuant to U.S.C.R. 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 U.S.C.R. 16.4. Note that unless U.S.C.R. 17.1 is followed in all its subsections, then the attorney shall not be deemed to have a conflict pursuant to U.S.C.R. 17.1(A).

2. Defendants. Unless expressly excused by the Court, Defendants must appear at all calendar calls and properly noticed court 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, this, the 07 day of July, 2022.



CRAIG L. SCHWALL, SR., JUDGE  
FULTON COUNTY SUPERIOR COURT

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**STATUTORY AND PRELIMINARY QUESTIONS (FROM THE COURT):**

Let me read to you the Indictment the Grand Jury returned in this case. It reads:

**READ INDICTMENT**

1. Have any of you for any reason formed and expressed any opinion in regard to the guilt or innocence of the accused? If you have, please raise your hand.

2. Do any of you have any prejudice or bias resting on your mind either for or against the accused? If you have, please raise your hand.

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3. Are your minds perfectly impartial between the State and the accused? If not please raise your hand.

4. Is there anyone who does not reside in Fulton County?

5. Is there anyone who is not at least 18 years of age?

6. Is there anyone who is 70 years of age or older and does not want to serve?

7. Is there anyone who has some physical or mental impairment or limitation that you believe will cause you to be unable to serve?

8. Is there anyone who, for this week, is a full time student?

9. Is there anyone who is not a US citizen?

10. Is there anyone who is the primary care giver for a child 5 years old or younger and you cannot make reasonable alternative childcare arrangements?

11. Is there anyone here who is a primary teacher in a home-study program and you have no reasonably available alternative for the children in the home-study program?

12. Do any of you have difficulty understanding the English language?

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13. Is there anyone here who served on the Grand Jury that returned this indictment?
  14. Is there anyone here who has ever been convicted of a felony and not had their civil rights restored?
  15. Does anyone here currently work in law enforcement and have arrest powers?
  16. Does anyone here have any immediate family members or close friends who currently work in law enforcement and have arrest powers?
  17. Has anyone here, you personally or an immediate family member or close friend of yours, ever in the past worked for law enforcement and had arrest powers?
  18. Does anyone here work for the criminal justice system, such as working as a parole officer, probation officer, court staff member or the like?
  19. Does anyone here have a family member or close friend who works in the criminal justice system?
  20. Based upon what was read from the indictment, is there anyone here who believes that they have any prior knowledge about this case?

### **GENERAL**

1. Are any of you related by blood or marriage to the Defendant?
2. Do any of you believe that you know or recognize in any way the Defendant?
3. Does the Defendant resemble or remind you of anyone?
4. Are any of you related by blood or marriage to the alleged victim in this case?
5. Are any of you related by blood or marriage to Mr. Paul Howard (the District Attorney of this County), or ADA?



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6. Are any of you related to or do you know any employee of the Fulton County DA's office?
  7. Are any of you related by blood or marriage to the defense counsel?
  8. Do any of you know the Defense counsel?
  9. Are any of you related by blood or marriage to, or do you have a close friend who is, an attorney practicing criminal law, be it prosecution or defense?
  10. The following is a list of individuals that may be called as witnesses at the trial of this case. (READ WITNESS LIST).
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11. Do any of you know or have you heard of any of the potential witness?
12. Has anyone ever served on a jury - actually served - not just called for service?
  - (a) For those of you who responded, how many served on a criminal jury?
  - (b) For those of you who responded, how many served on a civil jury?
  - (c) For those of you who responded, were you the foreperson?
  - (d) For those of you who responded, was your jury unable to reach a verdict?
13. Has anyone here had a bad experience with law enforcement such that it sticks out in your mind?
14. Has anyone here had a good experience with law enforcement such that it sticks out in your mind?
15. Has anyone here had a bad experience with a District Attorney's or other prosecutor's office?
16. Has anyone here had a good experience with a District Attorney's or other prosecutor's office?
17. Anyone here feel that you, a family member, or close friend has been treated unfairly in a criminal case or any court/judicial proceeding?

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18. Have any of you or your immediate family or close friend ever been accused, arrested, prosecuted or convicted of a crime (other than a parking violation or speeding ticket)?

19. Have any of you, family members, or close friends ever been falsely accused of a crime?

20. Does anyone here have legal training?

21. Is there anyone here who has ever been the victim of a violent crime?

22. Has anyone close to you been a victim of a violent crime or offense?

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23. Has anyone here ever been accused of a violent crime or offense?

24. Have you or anyone close to you ever been accused of a violent crime or offense?

### **CAPABLE OF SERVING**

1. Georgia law in cases such as this, in which the State is NOT seeking the death penalty, requires that the jury only concern itself with whether or not the Defendant is guilty or not guilty of the offenses charged and not with whether or how the Defendant might be punished. Punishment, if any, after a guilty verdict is left completely to the judge. Is there anyone here who cannot put the issue of potential punishment out of their minds and make their decision on each count strictly as to whether the Defendant is guilty or not guilty?

2. Some people believe that it is wrong to sit in judgment of others, for moral, philosophical, or religious reasons. This is what the jury will be asked to do in this case when it comes to the Defendant. Is there anyone here who does not believe that they could serve as a juror in this case because it would require them to sit in judgment of the Defendant?

3. [With co-defendant case] there are 2 (or more) co-defendants in this case. If you are selected as a juror you will be required to separately determine whether each

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defendant is guilty of the crimes with which each is charged in the indictment. In doing so you must separately evaluate the evidence as it applies to each separate defendant. Is there anyone here who does not believe that they can keep the evidence separately organized as to each of the different defendants in this case?

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