

**IN THE SUPERIOR COURT OF NEWTON COUNTY
ALCOVY JUDICIAL CIRCUIT
STATE OF GEORGIA**

**IN RE: STANDING CASE & TRIAL
MANAGEMENT ORDER FOR
CRIMINAL CASES BEFORE
JUDGE CHEVEDA D. MCCAMY**

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**STANDING CASE AND TRIAL MANAGEMENT ORDER FOR
CRIMINAL CASES IN JUDGE MCCAMY'S COURTROOM**

The following rules, procedures, and deadlines govern the criminal cases before Judge McCamy. 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 pretrial order.

DISCOVERY

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 pretrial order issued after arraignment (or waiver thereof). 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. 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.

Deficiencies

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. 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 Staff Attorney Drayton Ballard at wdballard@co.newton.ga.us.

If the served party does not cure the alleged deficiency within ten 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.

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 fourteen (14) days before trial and seven (7) days before any evidentiary hearing.

MOTIONS

A deadline for filing motions will be set forth in a separate pretrial 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.

This deadline applies as well to (1) demurrers, (2) "immunity" motions pursuant to O.C.G.A. § 16-3-24.2, (3) other pleas in bar, and (4) Defendant's notice of intent to raise issues of insanity or mental illness.

The one standing exception to this deadline is for motions in limine seeking the Court's ruling in advance of trial on minor, discrete evidentiary

issues (e.g., the (in)admissibility of a particular record or fact). These are typically matters whose significance is not readily apparent prior to focused trial preparation. Such motions will seldom require the presentation of witness testimony and typically can be ruled upon orally immediately before trial. Motions to suppress, sever, dismiss, etc., are not properly cast as motions in limine and will not be permitted after the filing deadline -- again absent a showing of just cause.

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 a 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) 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.

All motions must be filed with the Clerk of Court. Copies may be served on opposing counsel via e-mail. All motions will generally be heard in the afternoon of the Criminal Arraignment and Motions calendar.

EXCLUSION OF EVIDENCE

Any evidence or witness not disclosed during discovery, and objected to at trial, will be excluded.

MOTIONS FOR CONTINUANCE FOR CASES ON A TRIAL CALENDAR

All motions for continuance for cases on a trial calendar will be considered. However, the motions will not be granted for a missing witness that has not been personally served a subpoena absent a showing that the opposing party had a part in the absence of the witness or the witness is intentionally evading service despite the due diligence of the party seeking the appearance of the witness. Motions for continuance will not be granted because a witness has a planned vacation or training. It is the parties' responsibility to ascertain the availability of its witnesses before announcing ready for trial, to inform its witnesses of perspective trial dates and to properly serve the witnesses.

VOIR DIRE

Voir dire will be conducted in the following manner: the Court will propound the statutory and hardship questions to the entire panel. Attorneys

will then ask their general questions. Prospective jurors will be seated in the gallery in numerical order; each prospective juror will have a card with his/her juror number on it. Prospective jurors will respond to the Court's questions and the attorneys' general questions by raising their cards. At the completion of general questioning, counsel will then be permitted to conduct the follow-up questioning. Each juror number will be called and counsel will then ask any relevant follow-up questions of the juror. (If counsel are repeating each others' inquiries or exploring areas outside the scope of the general questions, the Court may redirect counsel.) This process will continue until the Court determines that enough jurors have been qualified. The Court will hear motions for striking potential jurors for cause prior to beginning peremptory strikes.

Peremptory strikes are oral. The State strikes first. Parties will review the potential jurors in numerical order. Once 12 jurors in a felony trial and 6 jurors in a misdemeanor trial have been selected, counsel will then utilize strikes to select an alternate. 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).

MOTIONS IN LIMINE

Motions in limine must be filed with the Clerk at least three business days before the start of trial. Courtesy copies must also be provided by that

deadline to wdballard@co.newton.ga.us and to all other parties. 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.

EXHIBITS

Any party that intends to introduce exhibits during trial must provide two copies of 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 the exhibit number (or a space to write in the exhibit number), the name of the witness through which the exhibit will be tendered and a brief description of what the exhibit purports to be. Counsel are under a continuing obligation to preview exhibits with opposing counsel on their own time, 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 their box. An attorney presenting an exhibit to a witness is free to approach that witness without seeking leave of the Court.

WITNESSES

At the time that the announcement of ready for trial is made, 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.

JURY CHARGES

Counsel must submit to the Court all proposed jury charges on the morning of jury selection. **Submissions should be made via e-mail in Microsoft Word format to wdballard@co.newton.ga.us**, with a courtesy copy e-mailed to all other parties. Although the Court will consider all valid and relevant requested charges, pattern charges are preferred. When requesting pattern charges, counsel shall tailor any parentheticals and make any necessary adjustments so that the charge conforms to their case. This should be completed prior to submitting the proposed jury charges to the Court. Each requested charge must be numbered, must include the pattern number (if pattern), and must include the charge, as requested. At the charge conference, the Court will hear argument from the parties as to which charges

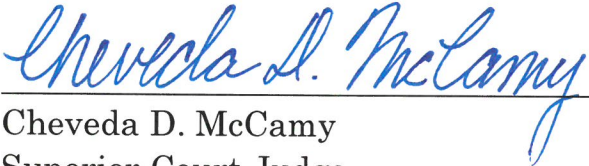
should or should not be given and what language, if any, should be added to or omitted from a proposed charge. A copy of the final charge will go out with the jury during deliberations. The Court will prepare a verdict form for the parties' consideration.

SUMMARY OF DEADLINES.

Three business days before trial: motions *in limine*

Before voir dire begins: exhibit list, witness list & jury charges

So Ordered, this 7th day of February, 2023.



Cheveda D. McCamy
Superior Court Judge