

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

In re:	}	
	}	Division 5
ALL CRIMINAL CASES	}	Judge Mike Jacobs
_____	}	

STANDING ORDER IN CRIMINAL CASES

This Order shall apply in all criminal cases assigned to Division 5 of the State Court of DeKalb County. All parties should read this Order carefully and comply with its provisions.

The Court typically sets jury trials for most of its criminal cases on a Monday calendar at 9:30 a.m. Sometimes the Monday that would be used for a criminal jury trial calendar falls on a state or federal holiday, in which event the calendar will set for Tuesday at 9:30 a.m. Witnesses subpoenaed to testify in cases scheduled on these calendars must be available on the first day of the calendar and the two business days immediately thereafter, a total of three (3) days.

Jury trials in cases involving Title 40 traffic offenses, excluding cases with charges of DUI or vehicular homicide in the second degree, are typically set on a Thursday calendar at 9:30 a.m. Witnesses subpoenaed to testify in cases scheduled on these calendars must be available on the first day of the calendar and the business day immediately thereafter, a total of two (2) days.

Bench trials are typically set on a Friday calendar at 9:30 a.m. Witnesses subpoenaed to testify in cases scheduled on these calendars need only be available on the day of the calendar. The Court may schedule both criminal and civil cases on its bench trial calendars.

The Court generally endeavors to call older cases before newer cases for trial, using the dates the accusations were filed, but this is not always possible and does not apply to calendars on which a particular case has been specially set in the first position. The Court may conduct trials in more than one case on any given jury trial or bench trial calendar.

Counsel for both the State and Defendant, as well as the individual Defendant, are required to appear when a case is scheduled on any criminal calendar of any kind.

Any motion to reconsider, reduce, revoke, or modify the bond in a criminal matter must be made in writing, filed with the Clerk, and served upon the opposing party via electronic mail no later than 5:00 p.m. on the business day immediately preceding the day the moving party wishes to have the motion heard. The Court hears motions for bond reconsideration, reduction, revocation, and modification on its Wednesday jail plea calendars. The moving party must select the date of the jail plea calendar on which the matter will be heard and specify that date in the motion. The Sheriff is directed to produce the Defendant in court on the specified date if the Defendant is in custody. Consideration of a bond motion requires an evidentiary hearing. In the hearing, the moving party will have the burden of producing evidence in support of the motion. *Ayala v. State*, 262 Ga. 704, 705-06 (1993). The motion will be denied if the moving party fails to satisfy this burden of production. The opposing party may tender rebuttal evidence. *Id.* The rules of evidence shall not apply in the hearing. O.C.G.A. § 24-1-2(c)(6). Although the Court will require the presentation of testimonial or documentary evidence, the rules governing admission of the evidence will be relaxed and cross-examination will not be permitted.

All fines and court costs included as part of a sentence may be worked off through community service at the rate of \$10.00 an hour unless the Court has specifically ordered that fines and court costs may not be worked off through community service. All community service, whether mandatory or in lieu of fines and court costs, must be performed through a standing provider approved through the Court's prior approval process unless the Court orders otherwise.

All attorney conflicts will be resolved as provided in Uniform Superior Court Rule 17.1. All attorney leaves of absence affecting a calendar and filed after a notice to appear is given will

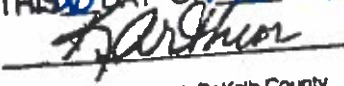
require an application and Court approval pursuant to Uniform Superior Court Rule 16.2. All motions to withdraw as counsel for a Defendant must comply with Uniform Superior Court Rule 4.3, including notice of the matters enumerated in Rule 4.3, and must include a certificate of service that the motion and notice were served upon Defendant and the State via first class mail.

Any questions regarding the Court's criminal case calendars should be directed to Dylan Herzog, Criminal Case Manager, at (404) 687-2753 or drherzog@dekalbcountyga.gov.

SO ORDERED, this 20th day of March, 2019.



MIKE JACOBS, Judge
State Court of DeKalb County

FILED IN THIS OFFICE
THIS 20th DAY OF Mar 2019

Clerk, State Court, DeKalb County