

STATE COURT OF FULTON COUNTY  
JUDGE SUSAN EDLEIN  
SECOND AMENDED STANDING ORDER FOR CRIMINAL STATUS CONFERENCE<sup>1</sup>

On March 14, 2020, the Supreme Court of Georgia entered an Order Declaring Statewide Judicial Emergency.<sup>2</sup> Most recently, the Supreme Court of Georgia entered its Eleventh Order Extending Declaration of Statewide Judicial Emergency<sup>3</sup> (Eleventh Order). According to the Eleventh Order:

(A) All courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person proceedings, unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely.

(B) Courts should understand and utilize the authority provided and clarified by the emergency amendments made to court rules on video conferences and teleconferences.

(C) Courts may compel the participation of litigants, lawyers, witnesses, and other essential personnel in remote judicial proceedings, where allowed by court rules (including emergency amendments thereto). Such proceedings, however, must be consistent with public health guidance, must not impose undue burdens on participants, and must not be prohibited by the requirements of the United States or Georgia Constitutions or applicable statutes or court rules.

Id. III(a)-(c).

Due to the current public health crisis and to reduce the Court's backlog, the Court will conduct a virtual status conference via Zoom.<sup>4</sup> The conference will be live streamed to provide public access.<sup>5</sup>

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<sup>1</sup> (amended for conferences scheduled beginning February 10, 2021)

<sup>2</sup> <https://www.gasupreme.us/wp-content/uploads/2020/03/CJ-Melton-amended-Statewide-Jud-Emergency-order.pdf>

<sup>3</sup> [https://www.gasupreme.us/wp-content/uploads/2021/02/11th-SJEO\\_as-issued.pdf](https://www.gasupreme.us/wp-content/uploads/2021/02/11th-SJEO_as-issued.pdf)

<sup>4</sup> Zoom is available for free. <https://zoom.us>. Prior to the status conference, parties must ensure their audio and video works on zoom. Free training is available. <https://zoom.us/docs/en-us/covid19.html#training-resources>

<sup>5</sup> Judge Edlein's YouTube channel is <https://www.youtube.com/channel/UCCy-8w7Ofqy3gOUKuGMXhmg/live>.

Live streaming can also be accessed via <http://fultonstate.org/state-court-judges-live-stream/>

If a defendant is represented by counsel, the defendant does **NOT** have to be present at the status conference, but is welcome to attend. If a defendant is NOT represented, the defendant must attend the status conference by Zoom or by telephone. Zoom is preferred.

**At least five days before** the scheduled status conference, the prosecutor and defense attorney must discuss potential resolution of the matter and make a good faith effort to resolve the case. If the matter cannot be resolved, they must discuss any remaining issues such as discovery, motions, and any other matters to ensure the case is ready for trial, once jury trials resume in the State Court of Fulton County. Defense counsel must confirm that any offers have been presented to the defendant.

Self-represented defendants are encouraged to contact the prosecutor to determine if any issues can be resolved, but they are not required to do so.

During the status conference, the parties **MUST** provide the following information:

1. The status of the case going forward:
  - a. Eligibility for diversion (if so, please provide specific details of the diversion, including start date of program)
  - b. Possibility of nolle pros order
  - c. Possibility of Plea – negotiated or non-negotiated
  - d. Trial – bench or jury
2. For pleas, a plea will be scheduled at a later time via Zoom or plea in absentia, depending on the type of case. Consideration should be given to allow a defendant time to complete any plea requirements or to obtain money to pay a fine to avoid probation.
3. If the case is going to trial, please consider a bench trial.
4. For cases going to trial – provide a status update on the following:
  - a. Discovery – has all discovery been exchanged. If not, what is still outstanding (videos, 911 calls, etc.). Parties will need to provide a date discovery will be submitted.
  - b. Any outstanding motions – please be prepared to discuss in detail and with specificity – ex. cross fifth, competency, self-defense, motions to suppress
  - c. Potential witness issues – is there valid contact information for witnesses (both state and defense). **If a key witness is unavailable, there needs to be full disclosure to all parties and the Court.**
  - d. Whether either side will have an expert witness at trial.
  - e. Scheduling orders will be issued for the cases going to trial. Deadlines set forth in the scheduling orders will be enforced.

For any questions about the case status, please contact Evelyn Clark, [evelyn.clark@fultoncountyga.gov](mailto:evelyn.clark@fultoncountyga.gov), 404-613-4358, Litigation Manager for Judge Edlein.

To obtain Zoom conference information or for assistance, please contact Kimberley Davis, [Kimberley.davis@fultoncountyga.gov](mailto:Kimberley.davis@fultoncountyga.gov), 404-613-0490, Judicial Assistant for Judge Edlein

So ORDERED this 10<sup>th</sup> day of February, 2021

/s/ Susan E. Edlein

Susan E. Edlein

Judge, State Court of Fulton County

Prosecutor Contact Information:

Odd numbered cases – Gabriela Benghiat, [gabriela.benghiat@fultoncountyga.gov](mailto:gabriela.benghiat@fultoncountyga.gov)  
404-618-2082

Even numbered cases – Cherise Challenger, [cherise.challenger@fultoncountyga.gov](mailto:cherise.challenger@fultoncountyga.gov)  
404-612-4816

If a defendant wants to talk to a Public Defender about potential representation, Defendant must contact the public defender at least seven days prior to the scheduled status conference. Contact information is:

Odd numbered cases – Ashlee Thompson, [Ashlee.thompson@fultoncountyga.gov](mailto:Ashlee.thompson@fultoncountyga.gov)

Even numbered cases – Teri Brown, [teri.brown@fultoncountyga.gov](mailto:teri.brown@fultoncountyga.gov)

Telephone – (404) 612-5419