

IN THE STATE COURT OF FORSYTH COUNTY

STATE OF GEORGIA

In Re: Criminal Case Flow Management *

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ADMINISTRATIVE ORDER 17- 4 AMENDING ADMINISTRATIVE ORDER 14-14

AMENDED CRIMINAL CASE FLOW MANAGEMENT PLAN

This Administrative Order is issued in accordance with the Uniform Superior Court Rules and supersedes Administrative Order 14-14.

PURPOSE

This Criminal Administrative Order of the State Court is adopted to promote the just, speedy and efficient determination of criminal actions in the State Court of Forsyth County.

GOALS

The Court adopts the following Criminal Case Flow Management Plan to:

1. Expedite the disposition of all criminal cases in a manner consistent with fairness to all parties,
2. Minimize the uncertainties associated with processing cases,
3. Assure equal access to the adjudicative process for all litigants,
4. Ensure that the resolution of matters is guided by what is permissible under law by defined standards of service and by balancing the needs of the individual and society, and
5. Enhance the quality of litigation.

SCHEDULING POLICY FOR CRIMINAL CASES

The Court adopts a scheduling policy whereby all criminal cases will be set in a manner that minimizes delay for the parties and that reduces the possibility of continuance of set times. This includes early and continuous control of all cases from case initiation through post-disposition proceedings by the use of:

1. Appropriate case screening,
2. Scheduling orders and conferences for the purpose of achieving date certainty,
3. Management of discovery and motions practice,
4. Realistic setting of trial dates and time limits, and
5. Court control of continuances in compliance with Uniform Superior Court Rules for the purpose of achieving date certainty.

Criminal cases will be reviewed to ensure that each case has a pending court date.

TYPICAL CASE FLOW FOR CASES IN WHICH A JURY TRIAL IS REQUESTED

Below is the typical case flow for cases in which a jury trial is requested:

- 1. Arraignment (Traffic or Bonded)**
- 2. Attorney Status Hearing (if Defendant not represented at Arraignment)**
- 3. Pre-Trial Conference**
- 4. Motions Hearing**
- 5. Jury Trial Calendar Call**
- 6. Priority Calendar Call (may be combined with Jury Trial Calendar Call)**
- 7. Jury Trial**

TYPICAL CASE FLOW FOR CASES IN WHICH A NON-JURY TRIAL IS REQUESTED

Below is the typical case flow for cases in which a non-jury trial is requested:

- 1. Arraignment (Traffic or Bonded)**
- 2. Attorney Status Hearing (Defendant not represented at Arraignment)**
- 3. Non-jury Trial**

I. TRAFFIC ARRAIGNMENT – TRAFFIC NON-JURY

Citing Officer provides Arraignment Dates using dates provided by Solicitor-General's office, the Criminal Judicial Case Managers or the Clerk of Court after the Master Calendar is published.

- A. Reset Cases: If arraignment is reset for any reason, and the Defendant does not enter a formal plea, the Judicial Case Manager will be responsible for issuing a new Court Date Notice resetting arraignment as directed by the Court.
- B. Guilty/Nolo Contendere Plea: If the Defendant pleads guilty or nolo contendere (or pays fine), the case will be disposed of by the Clerk of Court.
- C. Not Guilty Plea: Pro Se: If the Defendant announces that he/she wishes to plead not guilty, is not represented by an attorney, and requests a trial, then the Defendant will be asked to complete a Waiver of Formal Arraignment/Acknowledgement of Court Date Notice form in which the Defendant:
 - a. Waives formal arraignment and pleads not guilty;
 - b. Acknowledges that he/she understands his/her constitutional rights to counsel and to a jury trial, including the rights associated therewith;
 - c. Advises the Court in writing that he/she is asserting or waiving his/her right to counsel;
 - d. Advises the Court that he/she is asserting or waiving his/her right to a trial by jury; and.
 - e. Acknowledges receipt of any Court Date Notices pertaining to the case.

The Judicial Case Manager will be responsible for generating Court Date Notices and serving them on the Defendant in Court, as follows:

- 1. If a jury trial is demanded or not waived, the Judicial Case Manager will create new hearing dates in Odyssey and generate Court Date Notices for one or more of the following as directed by the assigned judge:
 - a. Attorney Status Hearing;
 - b. Jury Trial Calendar Call;
 - c. Priority Calendar Call (usually held the week before trial week);
 - d. Jury Trial Week(s).
- 2. If the Court determines that the Defendant has waived his/her right to jury trial and the right to be represented by an attorney, the Judicial Case Manager will:

- a. Set the case for a Non-Jury trial on the next available Non-Jury traffic session;
 - b. Serve a written Court Date Notice of the trial date on the Defendant before the Defendant is released from Court;
 - c. Mail or email Court Date Notice to Bond Surety if the Defendant posted bond.
- D. Not Guilty Plea: Represented: If a Defendant enters a plea of not guilty, and is represented by Counsel, the Judicial Case Manager will:
 1. If a jury trial is demanded or not waived, create new hearing dates in Odyssey and generate Court Date Notices for one or more of the following as directed by the assigned judge:
 - a. Pretrial Conference and/or Motions Hearing;
 - b. Jury Trial Calendar Call;
 - c. Priority Calendar Call (usually held the week before trial week);
 - d. Jury Trial Week(s).
 2. If a jury trial is waived, create new hearing date in Odyssey and generate a Court Date Notice for a Non-Jury Trial on the next available Non-Jury Traffic session.
 3. Send or hand deliver in court, above Court Date Notices to Prosecutor, Defense Attorney, Defendant, and Bond Surety.

II. BONDED ARRAIGNMENT – EXCEPT DUI CHARGES

A. Waiver of Arraignment

1. Jail personnel shall provide first arraignment dates for all Defendants released on bond using date ranges provided by the Chief Judge of the State Court, or his designee.
2. In cases where a defendant is represented by an attorney, and the attorney files a Waiver or Arraignment prior to the arraignment date, the Clerk of Court shall enter Waiver of Arraignment as a separate event in Odyssey, even if the Waiver is contained in the initial motions package filed by the Attorney for the Defendant.
3. For all cases in which a Waiver of Arraignment has been filed prior to the arraignment date, the Judicial Case Manager will cancel the arraignment hearing and:

- a. Create new hearing dates in Odyssey and generate Court Date Notices for one or more of the following as directed by the assigned judge:
 - 1) Pre-trial Conference and/or Motions Hearing;
 - 2) Jury Trial Calendar Call;
 - 3) Priority Calendar Call (usually the week before trial week);
 - 4) Jury Trial Week(s).
- b. Send Court Date Notices to the Prosecutor, Defense Attorney, Defendant, and Bond Surety.

B. Arraignment

1. Reset Cases: If arraignment is reset for any reason, and the Defendant does not enter a formal plea, the Judicial Case Manager will be responsible for issuing a new Court Date Notice resetting arraignment as directed by the Court.
2. Guilty/Nolo Contendere Plea: If Defendant pleads guilty or nolo contendere (or pays fine), the case will be disposed of by the Clerk of Court.
3. Not Guilty Plea: Pro Se: If the Defendant announces that he/she wishes to plead not guilty and is not represented by an attorney, the Court will conduct an inquiry on the record to determine whether the Defendant wishes to hire an attorney, request an appointed attorney or proceed without an attorney, and whether the Defendant wishes to have a jury trial or bench trial. Following this inquiry and after hearing from the State and the Defendant, the Court will determine whether to arraign the Defendant or reset the arraignment to a later date, including a Final Plea and Arraignment Date. If the case is reset for arraignment, the Judicial Case Manager will generate a Court Date Notice and serve it on the Defendant in Court.

If the Defendant pleads NOT GUILTY and requests a trial, then the Defendant will be asked to complete a Waiver of Formal Arraignment/Acknowledgement of Court Date Notice form in which the Defendant:

- i. Waives formal arraignment and pleads not guilty;
- ii. Acknowledges that he/she understands his/her constitutional rights to counsel and to a jury trial, including the rights associated therewith;
- iii. Advises the Court in writing that he/she is asserting or waiving his/her right to counsel;
- iv. Advises the Court that he/she is asserting or waiving his/her right to a trial by jury; and.
- v. Acknowledges receipt of any Court Date Notices pertaining to the case.

The Judicial Case Manager will be responsible for generating Court Date Notices and serving them on the Defendant in Court, as follows:

1. If a jury trial is demanded or not waived, the Judicial Case Manager will create new hearing dates in Odyssey and generate Court Date Notices for:
 - a. Attorney Status Hearing;
 - b. Jury Trial Calendar Call;
 - c. Priority Calendar Call (usually held the week before trial week);
 - d. Jury Trial Week(s).
2. If the Court determines that the Defendant has waived his/her right to jury trial and the right to be represented by an attorney, the Judicial Case Manager will:
 - a. Set the case for a Non-Jury trial on the next available Criminal Non-Jury session;
 - b. Serve a written Court Date Notice of the trial date on the Defendant before the Defendant is released from Court;
 - c. Mail or email Court Date Notice to Bond Surety if the Defendant posted bond.
4. Not Guilty Plea: Represented: If a Defendant enters a plea of not guilty, is represented by Counsel, and jury trial is demanded or not waived, the Judicial Case Manager will:
 - a. Create new hearing dates in Odyssey and generate Court Date Notices for one or more of the following as directed by the assigned judge:
 - 1) Pre-trial Conference and/or Motions Hearing;
 - 2) Jury Trial Calendar Call;
 - 3) Priority Calendar Call (usually held the week before trial week);
 - 4) Jury Trial Week(s).
 - b. Send or hand deliver in court, above Court Date Notices to Prosecutor, Defense Attorney, Defendant, and Bond Surety.

III. BONDED ARRAIGNMENT FOR DUI CASES

The following shall apply to all DUI cases bondable to State Court:

- A. **Bond Returnable Date.** For all defendants charged with a DUI offense, jail personnel shall provide a DUI Review Hearing Date as the returnable date on the bond using the date ranges provided by the Chief Judge of the State Court or his designee. The Sheriff's will modify the bond paperwork for DUI cases to show that the returnable date is for a DUI Review Hearing and not an arraignment date.
- B. **Original Jail/Incident Records; Defendants Unable to Post Bond.** The Sheriff's Office has agreed to give priority to transmitting the original citations, warrants, incident report, arrest, booking and bond paperwork and associated records of defendants charged with DUI offenses to the Solicitor-General's Office as soon as possible after arrest. Any Defendant charged with a DUI offense who remains in custody 48 hours or more after his or her arrest shall be brought before a State Court Judge at the next available State Court Calendar or DUI Review Hearing Calendar, whichever occurs sooner, for the Court to address the issue of bond or other pre-trial release, indigent status, attorney representation, Defendant's eligibility and referral to DUI Court and other matters appropriate to the case.
- C. **Solicitor-General Review.** Prior to each DUI Review Hearing date, the Solicitor-General, or his designee, shall review the jail records of the cases scheduled for the upcoming date to determine which Defendants are eligible for the DUI Court program and to determine whether eligible Defendants will be referred to the Forsyth County DUI Court.
- D. **DUI Review Hearing Date.**

- 1. **Appearance at DUI Review Hearing.** All Defendants who are not represented by counsel must appear in person at and may not be excused from appearing in person at the DUI Review Hearing Date.

All represented Defendants and their attorneys must appear in person at the DUI Review Hearing Date except as provided in Paragraph 4.

At the call of the case, the Solicitor-General will announce whether the Defendant is being referred to the DUI Court program by the State.

- 2. **Defendants Not Referred to DUI Court Program.** For those Defendants who are not referred to DUI Court by the State, the Judicial Case Manager will issue a new Notice of Arraignment to said Defendants and their attorney, if present. If the attorney is not present the Judicial Case Manager will mail or email the Notice of Arraignment to the attorney.

3. **Defendants Referred to DUI Court Program.** For those Defendants who are referred to DUI Court by the State:

- a. The Solicitor-General will provide the Defendant and the Defendant's attorney, if the Defendant is represented, a "DUI Court Offer."
- b. If the Defendant expresses an interest in the DUI Court program, the Defendant and/or the Defendant's attorney will be given a DUI Court Application Packet and a notice of the Defendant's clinical assessment appointment with the DUI Court staff.
 - 1) If the Defendant is not represented, the Defendant will be afforded the opportunity to speak with the DUI Court Defense Attorney about the DUI Court Program and the options available to the Defendant. If the Defendant decides to make application to the DUI Court Program without an attorney, the DUI Court Defense Attorney will be available to assist and advise the Defendant in completing the application and in the entry process, including representing the Defendant during the entry of his/her guilty plea. If at any time during the application/entry process the Defendant decides not to enter the DUI Court Program, the DUI Court Defense Attorney's involvement in the Defendant's case will end, and the Defendant's case will be placed on the regular trial track of the judge to whom the case was originally assigned. The Defendant may also be referred to the Indigent Defense Office if the Defendant requests appointed counsel.
 - 2) For all cases originally assigned to Judge Abernathy-Maddox, the Defendant or his/her attorney will complete and sign the attached **"Order of Transfer to Judge McClelland for DUI Court Entry"** (Attachment 1) and present it to Judge Abernathy-Maddox for signature. The Order (signed by Judge Abernathy-Maddox) shall be submitted to the DUI Court Coordinator with the original completed DUI Court application packet.
- c. **Future Court Date Notices.** The Judicial Case Manager will issue a Notice of Arraignment for the Defendant to appear before the Defendant's originally assigned judge. Until the Defendant is accepted into DUI Court, the Defendant shall remain on that judge's current calendars and the application for DUI Court shall not delay any scheduled hearings or the trial of the case except upon approval of the assigned judge.

4. **Excusal of Appearance of Defendant and Counsel at DUI Review Hearing**

a. **Represented Defendants Referred to DUI Court.** The Solicitor-General may excuse a Defendant who is being referred to DUI Court, and his or her attorney, from appearing at the DUI Review Hearing Date if and only if:

- 1) The Defendant's attorney has notified the Solicitor General and the DUI Court Office **in writing** that the Defendant is **DECLINING** DUI Court; and,
- 2) The Solicitor-General has notified the Judicial Case Manager that the Defendant is excused from appearing at the DUI Review Hearing.

b. **Represented Defendants Not Referred to DUI Court.** The Solicitor-General may excuse a Defendant and his or her attorney from appearing at the DUI Review Hearing Date if and only if:

- 1) The Solicitor-General has communicated to the Defendant's attorney and the DUI Court Office, that the Defendant is not eligible for DUI Court or is not being referred to DUI Court;
- 2) The Defendant's attorney has filed a Waiver of Arraignment with the Clerk of State Court, or has completed an "Under Investigation" form with Solicitor-General's Office; and,
- 3) The Solicitor-General has notified the Judicial Case Manager that the Defendant and his or her attorney are excused from appearing at the DUI Review Hearing.

5. **Bond Conditions.** At the request of the State or the Defendant, the Court may inquire into and modify the Defendant's bond conditions at the DUI Review Hearing.

IV. ATTORNEY STATUS HEARINGS, PRE-TRIAL CONFERENCES, HEARINGS ON PRE-TRIAL MOTIONS

A. Attorney Status Hearings

1. The purpose of the Attorney Status Hearing is to determine whether or not the Defendant has obtained an attorney before the case is set for trial.
2. If the Defendant has obtained an attorney by appointment through the Indigent Defense Office or by hiring an attorney prior to the Attorney Status Hearing date,

and the attorney has filed an Entry of Appearance with the Clerk, the Defendant and the Attorney are excused from appearing at the Attorney Status Hearing calendar and the hearing may be canceled by the Judicial Case Manager. If an attorney has not filed an Entry of Appearance, the Defendant is required to appear at the calendar.

3. If the Defendant has not obtained an attorney, then the Defendant will be required to attend the Attorney Status Hearing in person. If the Defendant fails to appear at the Attorney Status Hearing, the Court may find that the Defendant has waived his right to counsel and that a further continuance of the case based on the Defendant not having an attorney will not be warranted.

B. Pre-Trial Conferences

1. A Pre-Trial Conference shall be scheduled and conducted pursuant to Uniform State Court Rule 7.4 within 45 days of the Arraignment Date as scheduled by the Judicial Case Manager in all cases where the Defendant is represented and the Defendant has requested a jury trial, unless the presiding judge otherwise directs. **All parties and counsel must appear at the Pre-Trial Conference except as provided below.**
2. At the Pre-Trial Conference, all motions, special pleas and demurrers (including discovery matters) not previously decided by the Court shall be presented to and heard by the assigned judge, except that motions requiring the presentation of evidence may be, in the discretion of the Court, scheduled for hearing at a later date during the Pre-Trial Conference. Any and all pending motions, **including motions to suppress or motions in limine that have not be particularized as required by law or Court Rule**, which are not called to the Court's attention at the Pre-Trial Conference shall be deemed to have been abandoned and waived, except as provided in Rule 7.4. Counsel are also expected to address with the Court any matters that may cause a delay of the trial as provided in Rule 7.4 (B).
3. At the Pre-Trial Conference the Court will also inquire of counsel: (1) whether a plea offer has been extended by the State and whether negotiations in the case will likely lead to resolution of the case without a trial; and (2) whether the case is ready for trial.
4. At the conclusion of the Pre-Trial Conference, the Court will set or confirm the date for a motions hearing, if necessary, and set or confirm the trial dates for the case.

C. Pre-Trial Motions

1. **ALL motions must be filed within the time required by law, including applicable case law, or by Court Rule unless otherwise approved by the Court.**
2. Any motions that are filed more than ten (10) days after arraignment will be deemed untimely and the Judicial Case Manager shall not have the authority to schedule such motions for a hearing, except pursuant to a Rule Nisi presented to and signed by the assigned judge.
3. At the time of filing, counsel shall serve a courtesy copy of all motions on the Judicial Case Manager for the judge assigned to the case.
4. Motions regarding bond (Motion for Bond, Motion to Modify Bond, Motion to Revoke Bond, etc.) are to be given priority and will be scheduled by the Judicial Case Manager at the next available hearing date in consultation with the judge assigned to the case.
5. The Judicial Case Manager will be responsible for scheduling all motions hearings requiring the presentation of evidence in consultation with the assigned judge and serving notice on all parties. The Judicial Case Manager shall have the discretion to reschedule such motions hearing to accommodate the availability of witnesses and/or conflicts of counsel, **except where continuance of the motions hearing will delay the trial of case or where either party objects to the continuance.** In that event, the request for continuance must be submitted to the judge assigned to the case for a ruling on the request. Parties and counsel must comply with the applicable statutes and Court Rules for presenting this issue to the court and for the proper showing required for the granting of a continuance.
6. The Judicial Case Manager will have the authority to cancel any motions hearing upon receipt prior to the hearing date of a pleading filed with the Clerk of Court which specifies that counsel is withdrawing the motions set for hearing. The failure of counsel or the defendant to appear at the motions hearing without due cause will result in the motions being deemed abandoned.

V. JURY TRIALS

A. Jury Trial Calendar Call

1. In all cases in which a jury trial is demanded or not waived, the Judicial Case Manager will assign the case to the next available jury trial calendar at or before the Pre-Trial Conference, unless otherwise directed by the assigned judge, and serve notices on all parties as required by law or Court Rules.

2. All parties and counsel who will be trying the case must appear at the Jury Trial Calendar Call. If permitted by the judge assigned to the case, the Judicial Case Manager may provide a method for the defendant and/or counsel for the defendant to be excused from personally appearing at Calendar Call by submitting an announcement in writing to the Judicial Case Manager in a manner and format approved by the judge. Unless specifically approved by the assigned judge as to a particular case, any such written announcements received by the Judicial Case Manager within six (6) business days of the Jury Trial Calendar Call will not excuse the defendant or counsel from appearing at the Jury Trial Calendar Call.
3. All cases that announce ready will be assigned a priority number by the assigned judge.
4. Failure of the defendant to appear at the Jury Trial Calendar Call without due cause, may result in a bench warrant issued by the assigned judge.
5. As provided below, attorney conflicts and/or leaves of absence for the Jury Trial Calendar Call will not automatically result in a continuance of the trial. If counsel is available during all or part of the trial week(s), the case will remain on the trial calendar for those day(s) that counsel is available.

B. Priority Calendar Call

1. All parties and counsel who will be trying the case must appear at Priority Calendar Call to update or confirm their announcement of ready. All cases that remain ready for trial will be tried in the order established and on trial dates set by the assigned judge at the Priority Calendar Call.
2. Unless provided otherwise by the assigned judge, all negotiated pleas must be entered on or before the Priority Calendar Call date. Unless provided otherwise by the assigned judge, entering a jury trial waiver will not remove the case from the trial calendar. If the jury trial waiver is being entered in order to allow for the entry of a plea at a later date, the Judicial Case Manager, shall whenever possible, schedule the guilty plea hearing for a date within 30 days of the last day of the scheduled jury trial week(s).
3. Following the Priority Calendar Call, the Judicial Case Manager, will notify all affected counsel and defendants without counsel of any changes to the priority order and/or the trial dates in a manner prescribed by the assigned judge, including notification via email and/or telephone. All defendants proceeding to trial without an attorney must provide a valid email address and/or telephone number to the Judicial Case Manager before being excused from the Priority Calendar Call.
4. Unless otherwise set by the assigned judge, all cases not reached on the first day of trials will be subject to "overnight call" for the balance of the trial week(s).

5. As provided below, attorney conflicts and/or leaves of absence for the Priority Calendar Call will not automatically result in a continuance of the trial. If counsel is available during all or part of the trial week(s), the case will remain on the trial calendar for those day(s) that counsel is available.

VI. ENTERING CASE INFORMATION IN ODYSSEY CASE MANAGEMENT SYSTEM

- A. Unless otherwise instructed by the assigned judge, all court sessions will be created, modified or deleted by the Judicial Case Manager for the assigned judge.
- B. The initial appearance dates provided to defendants released on bond, including DUI Review Hearing dates, will be entering into the respective Odyssey Court session by the Clerk of Court when the case is opened.
- C. For all other matters i.e., reset arraignment dates, "jail" calendars, motions, pleas, jury trials, non-jury trials, the Judicial Case Manager will be responsible for entering the hearings into the Odyssey session for any upcoming court dates.

VII. ATTORNEY LEAVES OF ABSENCE AND CONFLICTS

- A. Attorneys must comply with Rules 16 and 17 of the Uniform Rules of Superior Court.
- B. Rule 16 – Leaves of Absence.
 1. A copy of all notices of leaves of absence shall be sent to the Judicial Case Manager.
 2. If a notice is properly filed in accordance with the rules, or the leave has been granted by the Court, the Judicial Case Manager will not set any protected matters on dates covered by the period of absence, and is authorized to continue any hearings or trials that were set down after a leave was noticed or granted. Leaves of Absence will not be recognized for periods of more than 30 days, or for cases appearing on a noticed calendar when the notice of leave of absence is filed. In such cases, attorneys must seek an order from the Court granting the leave of absence.
 3. With respect to Jury Trial Calendars:
 - a. If an attorney is available for the week(s) of trial, the attorney's case(s) will remain on the calendar regardless of the attorney's availability for calendar calls;
 - b. If an attorney has a leave of absence for a portion of a trial week or weeks, but not the entire trial week or weeks, the attorney's cases will be subject to being called for trial on the day(s) not affected by the leave of absence, unless the Court otherwise directs.

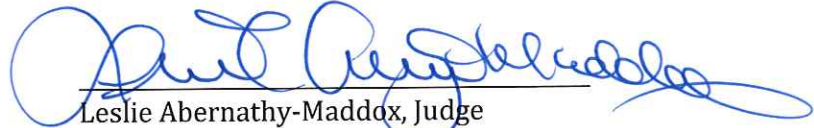
C. Rule 17 – Notices of Conflict:

1. A copy of all notices of conflict required by Rule 17 shall be sent to the Judicial Case Manager.
2. In the event that counsel for the State and the defendant agree that the case should be reset based upon the attorney's conflict, such agreement to reset the case shall be communicated to the Judicial Case Manager. The Judicial Case Manager shall be authorized to reset the case.
3. Otherwise, the case(s) shall remain on the calendar and the conflict(s) noted for the Court.

IT IS SO ORDERED, this 10th day of April, 2017.



T. Russell McClelland III, Chief Judge
Forsyth County State Court
Bell-Forsyth Judicial Circuit



Leslie Abernathy-Maddox, Judge
Forsyth County State Court
Bell-Forsyth Judicial Circuit

ATTACHMENT 1
IN THE STATE COURT OF FORSYTH COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

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VS.

*

CASE NUMBER: _____

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ORDER OF TRANSFER TO JUDGE MCCLELLAND FOR DUI COURT ENTRY

The undersigned hereby consents to the transfer of this case to Chief State Court Judge T. Russell McClelland, III if and when the Defendant is approved for entry into DUI Court. If the Defendant is not approved for DUI Court, the case will remain assigned to Judge Leslie Abernathy-Maddox. Until actually accepted into DUI Court, Defendant shall remain on current calendar(s). Application for DUI Court shall not delay trial except upon approval of the undersigned assigned judge.

This _____ day of _____, 20____.

JUDGE LESLIE ABERNATHY-MADDOX

The Defendant having been approved for entry into DUI Court, the undersigned hereby consents to the transfer of this case to Chief Judge T. Russell McClelland, III, for adjudication of the case as part of DUI Court and for all subsequent proceedings herein.

This _____ day of _____, 20____.

CHIEF JUDGE T. RUSSELL MCCLELLAND, III

Presented by:

Attorney for Defendant

Consented to by:

Consented to by:

Assistant Solicitor General

Defendant

Instructions for completion: The original assigned Judge shall sign the top half of the order, which indicates approval for submission of a DUI Court application. The original assigned Assistant Solicitor should sign the bottom, as should the Defendant and the Defense Attorney. This order should be submitted to the DUI Court Coordinator along with an original completed application packet. The DUI Court Judge will sign the bottom half of the order when taking the plea. The case is NOT considered transferred until the time of the plea. This order should not be filed until signed by both Judges.