

IN THE BLUE RIDGE JUDICIAL CIRCUIT

CRIMINAL CASE ASSIGNMENT ORDER AND RELATED MATTERS

The purpose of this Criminal Case Assignment Order is to provide a set of rules and guidelines for the orderly assignment and equal distribution of cases among the Superior Court Judges of the Blue Ridge Judicial Circuit (“Judges”) and to provide specific default rules. This order cannot identify every possible circumstance, and if there are unique factors where a specific case is covered by conflicting rules or a rule is not clear, the Clerk of Court (“Clerk”) should seek guidance from the Chief Judge of the Circuit (“Chief Judge”). Nothing in this Order shall change the official case count required by law.

CASE ASSIGNMENT DISTRIBUTION

Criminal cases shall be randomly assigned by a system implemented by the Clerk with approval of the Chief Judge. The implementation of said system requires the Clerk or designated deputy clerk(s) to distribute the assignment of cases among the Judges in an equal fashion. That is, each judge should receive on average 25% of felony cases and 25% of serious felony cases as outlined in Schedule A, except for murder cases and RICO cases as further outlined below. The Clerk may use computer-assisted case management software to complete this process. The purpose of the computer-assisted case assignment method is to ensure that over the course of each calendar year cases are equitably assigned. Each case shall be assigned as soon as is practicable upon a case being created, and the court case management system should reflect the assignment.

There may be periodic fluctuations in the assignment of felony and serious violent felonies among the Judges, and there may be specific reasons for a deviation in distribution totals among the Judges based on this order. As such, the computer-assisted case assignment system shall take these deviations into consideration and automatically adjust future case assignments to ensure an equitable distribution of these cases, or alternatively the Clerk shall adjust cases “manually” as needed.

All serious violent felonies shall be coded by type and tracked by the Clerk who shall provide a quarterly report to the Judges indicating their caseload with the number of each type of cases assigned to them. Based on the substantial time required for murder cases and RICO cases, these case types shall be assigned separately from other assigned serious felonies. Murder cases shall be randomly but equally assigned among the Judges ensuring that no Judge receives an additional murder case until all Judges have received an equal number of murder cases. RICO cases shall be assigned separately in a similar random rotation. Cases shall be continuously distributed in this fashion until further order of the court.

For purposes of ensuring an equitable distribution of cases the beginning point for new cases under this Order shall be January 1, 2025. The Clerk, shall track, review, and provide periodic reports of the case assignment distribution among the Judges from January 1, 2025 going forward. This shall include regular felonies, serious violent felonies, murder cases, and RICO cases.

Cases are assigned when a warrant is served. Cases are unique, and there are likely to be a fluctuation on assignments and caseload, based on how cases are managed by the District Attorney and provisions in this Order. Some cases may take more investigation or time before being presented to the grand jury. Other cases may be resolved more quickly by negotiation with an accusation and plea. The Clerk shall provide reports of both indicted or accused "CR" cases along with unindicted "PI" cases to assist the Judges in getting a picture of their caseloads and assignments.

CASE ASSIGNMENTS

For purposes of this Order, a case shall include all related warrants where at least one arrest has been made, thereby including all co-defendants within the definition of a single case for assignment purposes. This Order does not modify the methodology in which a case is counted for purposes for the annual case count required by law.

Any case assignment made prior to the entry of this Order shall be unchanged, except as may otherwise be ordered. Any prior case assignment order that designated a prior sitting Judge's cases to another Judge for future assignment are hereby rescinded. (e.g., Judge Cannon will no longer automatically be assigned cases or related cases that were previously assigned to Judge

Mills unless Judge Cannon has acted on the matter and the case was assigned to him). This does not rescind any order that assigned current open cases. (e.g., The order that assigned Judge McElyea's caseload to Judge Davis's caseload upon her taking office January 1, 2025, is not affected for the cases that were open and assigned to Judge Davis on that date).

1. **Default Rule:** If companion or related cases do not exist, then as soon as practical after a warrant is issued, that warrant shall be randomly assigned to a Judge utilizing the procedure above. Only the lowest numbered warrant in any set of linked warrants shall be randomly assigned. Any other companion, related or co-defendant warrants shall then be assigned to the same Judge.

Pursuant to U.S.C.R. 3.2, companion or related cases shall be assigned to the same Judge, and defendants with cases pending or that are under sentence shall have new cases assigned to the same Judge. For these cases, assignment is not random. If a companion or related case exists when a warrant is filed, the warrant shall be automatically assigned to the same Judge as the companion or former related case. For clarification going forward, all new cases involving a defendant that has been previously sentenced shall be assigned to the original sentencing Judge of the prior cases if that Judge remains in office. (e.g., A defendant on probation gets a new felony charge that also results in a probation revocation. Both the revocation and new charge will go to the original sentencing Judge).

In conjunction with the Default Rule and Uniform Superior Court Rule 3.2 as described above, new cases involving a defendant under sentence or on probation will be assigned the Judge of the former case, along with the probation revocation. NOTE: this is a significant change of our prior rule which required a random reassignment of new cases and the probation revocation to be assigned to that new Judge.

- a. Cases involving four or more defendants: The directive of USCR 3.2 regarding the assignment of actions involving parties currently under sentence or pending cases shall not apply when a new action involves four (4) or more defendants because it is not practical. Thus, if a new set of linked warrants involves four (4)

or more linked co-defendants, then those cases shall be randomly assigned without regard to whether any of those defendants are currently under sentence or have cases pending. (e.g., Defendants, Jones, Smith, Williams, and Miller are all charged with a new offense of Armed Robbery. Defendant Smith was sentenced by Judge Cannon last year on a drug charge. The new case involving all the defendants would be randomly assigned based on the number of defendants).

- b. If multiple warrants in a set of linked warrants have companion or related cases, then the oldest filed companion or related warrant assigned to an active Judge, whether pending or under sentence, shall be used for assignment. Reassignment of these cases shall be made as outlined in this Order, where needed, to put all related pending matters together in front of the same Judge, regardless of whether co-defendants were charged together or not.
- c. Current cases in which there were previously filed or have companion or related matters that are inadvertently assigned to a new Judge shall be reassigned to the proper Judge by the Clerk within sixty (60) days of the initial filing, provided no action has occurred by the Judge on the current case. The Clerk shall send notice of the reassignment to both affected Judges. If action has been taken by a Judge on an affected case, the Judge of the current case and the Judge or Judges of the prior case shall have a conference to determine the appropriate judicial assignment, considering the action taken by each Judge. In this instance an order shall be required for any case re-assignment.
- d. The District Attorney may have information that suggests a specific Judge should be assigned a particular case based on information not contained on the face of the warrant, such as co-defendant companion or related cases. The District Attorney may seek case reassignment in these situations by filing a request in writing in the case with the Clerk without judicial approval within sixty (60) days of the case creation, no indictment being returned, and no action having been taken by a Judge on the case. The District Attorney shall provide notice to the affected

Judges' calendar clerks. If a case to be reassigned in this manner has a pending court date scheduled, then the District Attorney shall notify the affected Judges, criminal calendar clerks, and defense attorney and seek to get the case calendared as soon as is practicable to the appropriate Judge.

- e. If the District Attorney determines that a matter was in the purview of the District Attorney's office while Judge Wallace filled that office, the District Attorney may seek a random case reassignment by filing a request in writing in the case with the Clerk without judicial approval within sixty (60) days of the initial filing, and no indictment being returned, and no action having been taken by Judge Wallace.
 - f. The District Attorney may also seek reassignment in matters in which the randomly assigned Judge has had significant pre-arrest ex-parte involvement (e.g., search warrants). This involvement might warrant a recusal or raise concerns about a Judge's impartiality. The District Attorney may file a written request to randomly reassign the case to the Clerk within sixty (60) days without judicial approval.
 - g. In each of the above instances, if action has been taken by the court on the current case or more than sixty (60) days has passed since the creation of the case, then such request shall be made by motion, and re-assignment shall be done by an order by the affected Judges. Nothing shall prevent the Judges from re-assigning cases among themselves if there is a more appropriate assignment. In the event there is a disagreement of the proper assignment among the Judges, then the matter shall be referred to the Chief Judge for assignment purposes.
 - h. The District Attorney shall provide a quarterly report to the Judges and Court Administrator detailing the cases that were reassigned at the District Attorney's request.
2. **Special Rules:** Special rules are necessary for situations where the default rule described above shall not fairly or accurately lead to a balanced workload. When circumstances

cause a special rule to apply, the special rule shall be followed instead of the default rule. The Clerk shall notify the receiving Judge's judicial assistant and criminal calendar clerk of the recusal or transfer via email of the new assignment or transfer as soon as is practicable.

- a. Recusals: When a judge recuses from a case pre-disposition (i.e., before sentencing) the case shall be re-assigned randomly by the Clerk upon entry of an order notifying the Clerk of the recusal by the Judge and a request to randomly reassign. In a case where a Judge has concerns about a potential circuit wide recusal, the Judge should notify the Court Administrator of the concern. The Court Administrator shall review any motion pending and determine if a circuit wide recusal is warranted. In the case of a circuit wide recusal, the Chief Judge shall submit an order to the District Administrative Judge.
- b. Accountability Courts: To assure uniformity, cases that are entering an accountability court should be sentenced by the appropriate Accountability Court Judge. A case entering an accountability court maybe scheduled on the accountability court Judge's calendar prior to reassignment. Reassignment in the case management system may be done at time of sentencing or shortly thereafter. Nothing shall prevent another judge from sentencing someone into an accountability court, however the case shall be reassigned to the accountability court Judge's caseload and the accountability court judge shall receive "credit" for the case. Once a defendant has entered an accountability court, then any future criminal cases involving that defendant shall be assigned in accordance with this Order.
- c. Unified Appeals - Death Penalty: When the District Attorney files a notice of intent to seek the death penalty in a case, the Clerk shall reassign the case by rotating case assignments based on seniority of the Judges. A judge who has been assigned a death penalty case shall be removed from the assignment process of the next death penalty case until the rotation has been completed.

A Judge is disqualified from receiving a death penalty case until that Judge has been in office for more than one year.

- d. Nothing in this Order shall prohibit the use of Senior Judges or judges from other classes of court for assistance. Nothing shall prohibit a Judge, in case of emergency or consent, from entering an order in an action prospectively assigned to another Superior Court Judge. Cases are not to be reassigned in based on this assistance unless an order is entered.

CASELOAD CONSIDERATION

In any instance described above in which cases are reassigned, redistributed, or transferred among the Judges prior to disposition of the case, consideration shall be given to each Judge's workload of the reassignment and adjusted accordingly to ensure that the cases are equitably assigned.

Based on rules of assignment above, a particular Judge may be assigned more cases or more of a specific type of case at a particular time. The Clerk should ensure that future assignments are adjusted to ensure an equal distribution of cases. In no instance shall the Clerk or computer aided assignment system factor disposition rates, clearance rates, time to resolution, or any other performance factor of any Judge into case assignment determination.

Reports shall be provided to the Judges and Court Administrator as set forth below. If there is a significant disparity in total case assignments or among the categories of cases, the Clerk shall present to the Chief Judge a plan to adjust the case assignments over the next quarter to achieve an equal assignment and distribution of cases. To the extent the case management system can automatically adjust future case assignments based on the rules in this Order to ensure an equal assignment of cases, the Clerk shall seek that solution from the vendor with approval of the Chief Judge.

POST ARREST SEARCH WARRANTS

In the event the District Attorney seeks search warrants or similarly allowed matters by Judge or learns that a law enforcement agency is seeking similar judicial assistance in cases that have already been assigned, the District Attorney shall obtain relief from another unassigned Judge. Additionally, if seeking search warrants or similar matters multiple times involving related matters or defendants, the District Attorney shall present those matters to the same judge if practicable.

PROBATION REVOCATIONS

The Clerk shall assign a unique filing number for all probation revocation cases. This is a reference number and should not be the official case number. The official case number for revocations shall be the original criminal file action number. This numbering system shall retroactively begin for probation revocation petitions beginning January 1, 2025. The revocation reference number should be linked to the original case number in the case management system. The Clerk may make an electronic file available using this reference number only. The Clerk shall copy or link the following documents available in the electronic file: original filed indictment, indictment indicating a plea of guilty or conviction, verdict form showing a conviction, any nolle pros of any charges, the sentence, any revocation order, any order amending or modifying a sentence, any current or prior revocation petition, any prior tolling or un-tolling order.

Petitions for probation revocation shall be heard by the sentencing Judge, except as described herein. If the sentencing Judge is no longer in office, then the Judge who entered the most recent probation revocation order shall be assigned the current probation revocation matter. If there have been multiple prior revocation orders, and the sentencing Judge or the most recent Judge who entered a revocation order is no longer in office then the case shall be randomly assigned to a new Judge.

In conjunction with the Default Rule and Uniform Superior Court Rule 3.2 as described above, a probation revocation will remain with the assigned Judge of the former case, and the new case will be assigned to that same Judge unless it is governed by one of the exceptions above.

NOTE: this is a significant change of our prior rule which required a random reassignment of new cases and the probation matter to be assigned to that new Judge.

ACCOUNTABILITY COURTS

All cases qualified by the Drug Accountability Court Team and accepted by the Drug Accountability Court Judge for entry shall be assigned to Judge David L. Cannon, Jr., prior to the entry of a sentence that includes participation in the Drug Accountability Court. Future cases of that defendant shall be assigned to the current Judge of the Drug Accountability Court in accordance with this Order.

All cases qualified by the Treatment Accountability Court Team and accepted by the Treatment Accountability Court Judge for entry shall be assigned to Judge Shannon Wallace prior to the entry of a sentence that includes participation in the Treatment Accountability Court. Future cases of that defendant shall be assigned to the current Judge of the Drug Accountability Court in accordance with this Order.

All cases qualified by the Veterans Accountability Court Team and accepted by the Veterans Accountability Court Judge for entry shall be assigned to Judge A. Dee Morris prior to the entry of a sentence that includes participation in the Veterans Accountability Court. Probation revocations of current participants in Veterans Accountability Court program shall remain assigned to Judge Morris, other new felony offenses shall be randomly assigned to a Superior Court Judge.

NON-MANIPULATION RULES

The Superior Court Clerk of Court's duties in managing warrant/case assignment are ministerial only, and the Clerk's responsibility is to carry out the method of assignment established herein by the Judges. All persons tasked or involved with managing the case assignment are directed to refrain from attempting to affect such assignment in any way, and no person shall have the power or discretion to pre-determine a case assignment to a particular Judge or avoid a particular Judge.

If the order or timing of filing is a factor in determining case assignment, neither the Clerk nor any other person situated to have knowledge of those items of information shall disclose to any person the Judge whom any case is assigned, or the order of any future assignment or until such time as the assignment has already occurred and is public.

CASE ASSIGNMENT TRACKING, REPORTING AND AUDITS

Consideration shall be given for each case re-assigned or transferred among the Judges prior to trial or entry of a plea or final disposition under this order so that each Judge's caseload is increased for each case gained and each Judge's caseload is likewise decreased as a result of any case removed. (e.g., Judge Cannon was assigned a case for Defendant Smith who has a case under sentence with Judge Baker, The Clerk discovers this within sixty (60) days and reassigns the new case to Judge Baker. Judge Cannon's caseload would show a decrease and Judge Baker's would show an increase). In instances where a case is reassigned due to a rule that does not change the number of cases, then consideration shall not be given to the Judge receiving the case. (e.g., The District Attorney determines Defendant Smith is currently assigned to Judge Cannon but should be reassigned because that case involves a defendant Jones who has the lower warrant number and is currently assigned to Judge Baker. The District Attorney files a request within sixty (60) days to assign Defendant Smith's case to Judge Baker based on being co-defendant with Defendant Jones. Judge Cannon's caseload was reduced but Judge Baker's did not increase because adding a codefendant to an existing case does not create a new case).

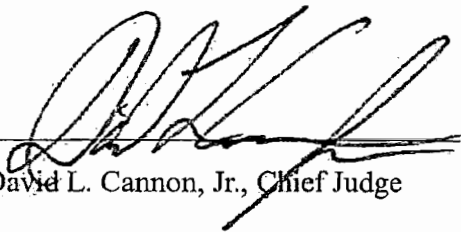
Post-adjudication recusals (i.e., defendants under sentence) shall NOT be considered in the Judge's caseload, and changes in judicial assignment for these cases shall not result in any consideration of case assignment.

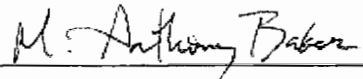
The history of case assignments shall be maintained to allow for monitoring and auditing. The case management system should be able to generate reports summarizing criminal caseloads by judge and case type for any specific date and time. The Judges and Court Administrator shall have the ability to review this data.


Beginning October 1st, 2025, the Clerk shall provide to the Judges and the Court Administrator an initial report for all cases from January 1, 2025 through June 30, 2025. It shall include the


total number of cases initially assigned to each Judge and currently assigned to each Judge during the appropriate time period, a breakdown by case type of felony, serious violent felony, murder and RICO and code sections to the extent that data is available. The clerk shall provide a list of all the "PI" case numbers and the initial judicial assignment for each case and any reassignments of those cases, and any other report the Clerk deems relevant. The Judges may request additional information, reports or case management data to establish that cases are being assigned as directed by this Order. The subsequent quarterly reports are due by the 10th of each month or the following business day of each following quarter. This Order supersedes that Order entered February 1, 2023, recorded in Minute Book 202, Page 478, and any previous case assignment order.

SO ORDERED, this 23rd day of September, 2025.


David L. Cannon, Jr., Chief Judge


M. Anthony Baker, Judge


Shannon Wallace, Judge


Jennifer L. Davis, Judge

Schedule A: Criminal Cases

Serious Felonies

1. Murder or felony murder, as defined in O.C.G.A. § 16-5-1
2. Armed robbery, as defined in O.C.G.A. § 16-8-41
3. Kidnapping, as defined in O.C.G.A. § 16-8-41
4. Rape, as defined in O.C.G.A. § 16-6-1
5. Aggravated Child Molestation as defined in subsection (c) of O.C.G.A. § 16-6-4, unless subject to the provisions of paragraph two (2) of subsection (d) of O.C.G.A. § 16-6-4
6. Aggravated sodomy, as defined in O.C.G.A. § 16-6-2
7. Aggravated Sexual Battery, as defined in O.C.G.A. § 16-6-22.2
8. Racketeer Influenced and Corrupt Organization (RICO) cases as defined by O.C.G.A. §16-14-3
9. Home Invasion, as defined in O.C.G.A. § 16-7-5(b)

Non-Serious Felonies and Others- all others not specifically listed above