

**IN THE SUPERIOR COURT OF CHEROKEE COUNTY
BLUE RIDGE JUDICIAL CIRCUIT
STATE OF GEORGIA**

IN THE MATTER OF:

*

*

**COMPETENCY DOCKET
STANDING ORDER**

*

*

*

Competency Docket Standing Order

This Standing Order hereby establishes in the Blue Ridge Judicial Circuit the creation of a consolidated competency docket for felony cases in which there has been a motion for an evaluation for competency or criminal responsibility filed; a plea of mental incompetency to stand trial or plea of insanity filed; a finding by a medical professional or a fact-finder of incompetency to stand trial or of not guilty by reason of insanity; or in which a civil commitment order has been filed. The purpose of this Competency Docket is to ensure these cases move as efficiently as possible through the criminal justice system.

It is hereby ordered that all parties shall be subject to and comply with this Standing Order in its entirety. The terms and conditions hereof may be modified or amended by subsequent order of the Chief Judge of this Circuit.

Judicial Staffing

The Competency Docket will be staffed by an active Superior Court judge, although a senior judge sitting on behalf of the Presiding Judge of the Competency Docket may temporarily manage the Competency Docket.

The Presiding Judge of the Competency Docket shall serve for two years as measured from the date of appointment. There are no term limits. Judge Shannon Wallace will serve as the initial Presiding Judge of the Competency Docket effective upon the signing of this Standing Order.

Three months prior to the end of a term, the Chief Judge shall confer with the Presiding Judge of the Competency Docket to determine if that judge wishes to renew for another term. If the current

judge desires to serve another term, the current judge shall serve another term. If the current judge does not wish to renew for another term, the Chief Judge shall then solicit a volunteer for the upcoming term. Should no judge volunteer to fill a vacancy, the Chief Judge shall appoint an active Superior Court judge as the Presiding Judge of the Competency Docket for the next term.

Responsibilities of the Presiding Judge of the Competency Docket

The Presiding Judge of the Competency Docket shall be responsible for all legal proceedings, criminal and civil, for the cases assigned to the docket.¹ This includes status hearings, competency trials, civil commitment hearings, annual reviews, and any other proceedings necessitated by a defendant's competency or NGRI status. Once a defendant has been restored to competency, the defendant's case(s) shall be transferred by Order back to the originally assigned judge.

Unless otherwise ordered by the Presiding Judge, the Court shall conduct status hearings, competency trials, civil commitment hearings, annual reviews, and any other proceedings necessitated by a defendant's competency or NGRI status via videoconferencing on a platform such as Zoom. If a party is requesting an in-person hearing, he or she should file a *Motion to Conduct a Hearing In-Person*; however, the manner of conducting a hearing shall rest in the sole discretion of the Court.

Case Transfers

All felony cases, unindicted and indicted (to include closed cases with pending probation revocations), in which an order has been signed requesting the Georgia Department of Behavioral Health and Developmental Disabilities to conduct an evaluation for competency and/or criminal responsibility; or in which a medical professional or a fact-finder has determined that the defendant is incompetent to stand trial or is not criminally responsible at the time of the alleged offense; or when

¹ For any case filed prior to January 30, 2023, for which Superior Court Judge Shannon Wallace has a conflict, upon receipt of an evaluation deeming a defendant competent and/or criminally responsible, the case shall be immediately transferred back to the originally assigned judge for all further proceedings.

a special plea pursuant to O.C.G.A. § 17-7-130 or 17-7-131 has been filed shall be transferred to the Competency Docket. These transfers shall be made by the transferring judge by filing a Competency Docket Transfer Order. Once this Order has been filed, the Clerk of Court shall transfer the case to the Competency Docket. However, the originally assigned judge's name shall not be removed from the case upon the transfer of the case to the Competency Docket.

Co-defendant Cases

If a defendant found to be incompetent has competent co-defendants in any of his cases, those co-defendants remain with the originally assigned judge and are not transferred to the Competency Docket.

Returns

Cases transferred to the Competency Docket will be transferred by order back to the originating judge once the defendant has been deemed competent to stand trial or his/her competency has been restored. Likewise, once a medical professional has returned a report finding a defendant criminally responsible at the time of the crime, the case shall be transferred by order back to the originating judge for further hearings and/or trial.

Calendar Clerk Assignment

The calendar clerk assigned to the Presiding Judge of the Competency Calendar shall be responsible for basic case management for the Competency Docket. The Calendar Clerk shall be responsible for creating calendars and ensuring that all transfer orders to and from the Competency Calendar back to the originally assigned judge's Trial Calendar are received.

Removal

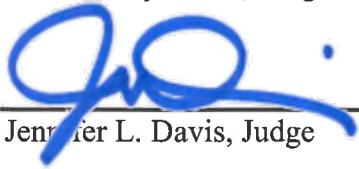
The Chief Judge may remove the Presiding Judge from the Competency Docket if the Chief Judge concludes that it is in the best interest of the Competency Docket to effect such a change.

SO ORDERED, this 5th day of March, 2025.


David L. Cannon, Jr., Chief Judge


M. Anthony Baker, Judge


Shannon Wallace, Judge


Jennifer L. Davis, Judge