

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL

STATE OF GEORGIA

IN RE: SELECTION AND ASSIGNMENT §
OF PRESIDING JUDGE IN §
CRIMINAL CASES IN WHICH §
THE STATE OF GEORGIA HAS §
FILED A NOTICE OF INTENT TO §
SEEK THE DEATH PENALTY §

ORDER

FILED
HALL CO. GA
2018 DEC 12 PM 3:32
CHARLES BAKER, CLERK
SUPERIOR STATE COURT

In the interest of ensuring that criminal cases in which the State of Georgia has filed a notice of intent to seek the death penalty pursuant to Unified Appeal Rule II(c) are presided over by a Superior Court Judge selected and assigned in compliance with Uniform Superior Court Rule 3.1, and in the interest of ensuring that the selection and assignment of judges to preside over such cases cannot be influenced in any manner by the parties or by counsel,

IT IS HEREBY ORDERED that the selection and assignment of a Superior Court Judge to preside over a criminal case where the State of Georgia has filed a notice of intent to seek the death penalty shall be done in the following manner: Any and all criminal cases, including cases where the defendant is charged with murder, shall be assigned to a Superior Court Judge pursuant to the existing case assignment method being used by the Superior Court of the Northeastern Judicial Circuit, and that assigned Judge shall preside over all aspects of the case unless and until the State of Georgia files a notice of intent to seek the death penalty in the case. Simultaneously with the filing of the notice of intent to seek the death penalty with the Clerk of Court, the District Attorney shall immediately hand-deliver a stamp-filed copy of the notice to the presiding Judge in the case, or to a member of the Judge's staff, and to the Chief Judge of the Superior Court of the Northeastern Judicial Circuit, or to a member of the Chief Judge's staff. Upon a receipt of a copy of the notice, the Chief Judge of the Superior Court of

the Northeastern Judicial Circuit shall convene in a courtroom for the purpose of selecting the judge who will preside over the case. The Chief Judge shall convene in the courtroom with one or more members of the Chief Judge's staff, a certified court reporter, the Clerk of the Superior Court or the Clerk's designee, and any party or attorney who chooses to attend. The Clerk shall assemble a number of identical balls and shall assign two balls to each sitting Superior Court Judge in the Northeastern Judicial Circuit. The two balls assigned to each Judge shall be marked with the initials of the assigned Judge. All the initialed balls, two per Judge, shall be placed into a random ball selection machine.

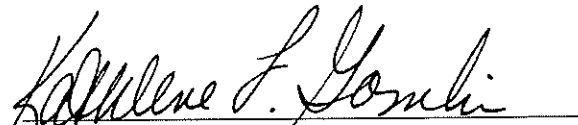
The collection of balls will be mixed by the Clerk of Court or the Clerk's designee in the manual random ball selection machine until a single ball is randomly selected by the manual random ball selection machine. The case will be docketed on the calendar of the judge whose initials appear on the ball that was randomly selected by the manual random ball selection machine and that judge shall be assigned as the presiding judge on the case in which the State of Georgia filed the notice of intent to seek the death penalty, and shall from that point forward preside over all matters in the case until its conclusion.

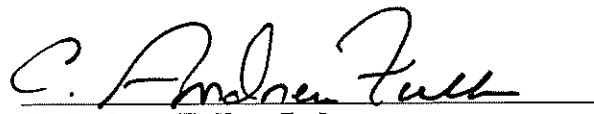
This selection and assignment process shall be repeated each and every time the State of Georgia files a notice of intent to seek the death penalty in a criminal case, with all judges currently serving in the Superior Court of the Northeastern Judicial Circuit being eligible to be randomly selected and assigned such a case using the method set out in this Order.

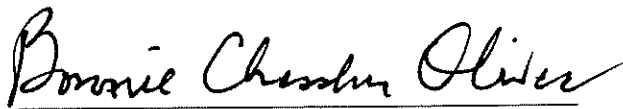
If, pursuant to this Order, a judge who is already presiding over a death penalty case is randomly assigned to multiple death penalty cases, it will be the responsibility of the presiding judge who is assigned another or other death penalty cases to seek judicial assistance from the Chief Judge of the Superior Court of the Northeastern Judicial Circuit in the event that the workload of the presiding judge would prevent the efficient administration of justice. Upon receipt of such request, the Chief Judge of the Superior Court of the Northeastern Judicial Circuit shall follow the procedure set forth in this Order for the purpose of selecting a new judge to preside over the case in which the State of Georgia has filed a notice of intent to seek the death penalty.

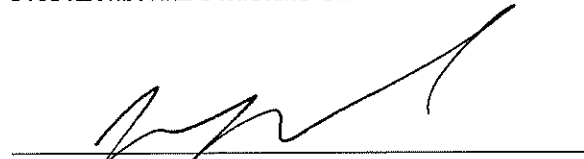
The Clerks of the Superior Court of Hall and Dawson Counties shall file this Order and enter it upon the Minutes of the Court, and the Clerk of the Superior Court of Hall County shall email a copy of said Order to each member of the Gainesville-Northeastern Circuit Bar Association. A copy of this Order will also be posted on the Hall County Superior Court website.


SO ORDERED, this the 12th day of December, 2019.


Kathlene F. Gosselin, Chief Judge
Superior Court for the
Northeastern Judicial Circuit


C. Andrew Fuller, Judge
Superior Court for the
Northeastern Judicial Circuit


Bonnie Chessher Oliver, Judge
Superior Court for the
Northeastern Judicial Circuit


Jason J. Deal, Judge
Superior Court for the
Northeastern Judicial Circuit


Clint G. Bearden, Judge
Superior Court for the
Northeastern Judicial Circuit