

FILED

2006 OCT 30 AM 11:12

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

JULIE J. ANTHONY
CLERK OF COURT

BY _____

COOPERATIVE CASE MANAGEMENT ADMINISTRATIVE ORDER

Pursuant to the authority vested in this Court by the attached Administrative Order (Attachment "A") signed by The Honorable Chief Justice Jean Toal of the South Carolina Supreme Court, the following Case Management Administrative Order is hereby adopted by this Court for the County of Charleston General Sessions Court.

This Court hereby declares and orders that all General Sessions cases arising after October 1, 2006 will be processed through the Court under the principles of the system known as Cooperative Case Management. In accordance with the requirements of this system the following rules are hereby adopted.

The Court hereby directs that in each General Sessions case arising before the various Magistrates and Municipal Courts of this County, the following shall be done:

I. BOND HEARING

- A. The Magistrate or Municipal Judge shall serve the defendant with a Notice of Mandatory Court Appearances at the time of the bond hearing. The defendant's attendance at the initial appearance hearing and second appearance hearing shall be made a condition of the defendant's bond. The dates of the initial appearance hearing and the second hearing shall be assigned in accordance with the schedule prepared and supplied by the Solicitor's Office.
- B. During the course of the bond hearing the Magistrate or Municipal Judge shall inform the defendant in writing and orally of his or her right to a Preliminary Hearing. Should a hearing be desired, it must be requested, in writing, on or before the initial appearance date but no sooner than 5 days following the bond hearing.
- C. All General Sessions defendants shall be screened by the Magistrate or Municipal Judge to determine if they qualify for the appointment of counsel. Such screening will be done in a manner as prescribed by the Clerk of Court
- D. Magistrates and Municipal Judges shall transmit warrants to the Clerk of Court within fifteen (15) days as required by Rule 3(a) of the *South Carolina Rules of Criminal Procedure*.

RWJ

FILED

2006 OCT 30 AM 11: 12

**JULIE J. ARMSTRONG
CLERK OF COURT**

BY

II. DISCOVERY

All law enforcement agencies shall provide copies of General Sessions case reports, together with all witness statements, video and audio tapes, photographs and diagrams, and any other material included in the law enforcement case file to the Solicitor's Office within thirty (30) days of the arrest of the defendant. If the case file remains incomplete thirty days after arrest, law enforcement shall provide the Solicitor's Office that portion of the report that is complete, together with a listing of those items to be provided when compiled.

- B. Defense discovery packets shall be prepared and provided by the Solicitors Office within forty-five (45) days of arrest to all attorneys that have filed a general letter of representation along with the appropriate discovery requests with the Solicitor's Office.
- C. Where applicable, the Solicitor's Office shall prepare a written plea offer for all General Sessions cases within forty-five (45) days of arrest. If a plea offer is to be made, that offer shall be communicated within forty-five (45) days of arrest to all attorneys that have filed a general letter of representation with the Solicitor's Office.

III. INITIAL APPEARANCE

- A. Approximately forty-five (45) days after arrest, the Initial Appearance hearing will be held on Fridays in a courtroom to be designated by the Clerk of Court at the Charleston County Judicial Center. A schedule of those defendants previously noticed for such hearing shall be prepared and supplied by the Solicitor's Office. Roll call will be conducted as necessary to ensure attendance. The Clerk shall upon proper motion issue bench warrants for those defendants who fail to appear and have not been excused by the Solicitor's Office or the Chief Administrative Judge for General Sessions Court.
- B. Defendants may be excused from Initial Appearance by filing letter with the Clerk of Court and providing a copy to the Solicitor's Office certifying that all matters to be resolved during Initial Appearance have been addressed by the prosecution and defense prior to the hearing. Such letter must be filed with the Clerk of Court and served on the Solicitor's office prior to the roll call to be conducted at the initial appearance hearing. Unless excused in advance, there shall be no continuances of Initial Appearance.

RWJ/2

- C. When available, the Chief Administrative Judge for General Sessions Court or his judicial designee may hold status conferences during this appearance to assist the parties in resolving pretrial issues or pleas.
- D. The issues of legal representation shall be addressed at the Initial Appearance.

FILED

2006 OCT 30 AM 11:12

JULIE J. ARMSTRONG
CLERK OF COURT

BY _____

- a. If a defendant qualified for a Public Defender, but has retained private counsel prior to the Initial Appearance date, then that attorney must file a general notice of representation with the Clerk of Court and serve a copy on the Solicitor and Public Defender. The Public Defender shall be relieved of representation at that time when the filing and service have been completed.
- b. If a defendant did not qualify for a Public Defender, and private counsel has been retained, then a letter of representation must be filed with the Clerk of Court and a copy served upon the Solicitor's Office and the Public Defender on or before the initial appearance.
- c. Unrepresented defendants may apply for a Public Defender at the initial appearance.
- d. Defendants who remain unrepresented at the initial appearance must appear for their Second appearance hearing and remain in Court throughout that term until excused by the Court. These defendants must appear for each successive term of Court as required by their bond until their case is disposed.
- e. In all cases where the defendant is represented by the Public Defender the Public Defender shall assess the case at the initial appearance for possible conflicts of interest and resolve those readily identifiable conflicts on that date. The Clerk shall, upon Affidavit of Conflict, appoint the next attorney from the conflict list and advise the defendant as to the identity of their attorney. The newly appointed counsel shall also be notified by the Clerk of Court.
- E. Issues of competency shall be addressed at the Initial Appearance. When appropriate, defense counsel shall move for a competency evaluation, and the state may consent to a competency evaluation of the subject defendant at the Initial Appearance. In the alternative, the State and defense may schedule a hearing to determine if a competency evaluation is necessary.

RNF/3

FILED

2006 OCT 30 AM 11:12

JULIE J. IRMS/STRONG
CLERK OF COURT

- F. In all cases where it is feasible to do so, at Initial Appearance the defendant and the State shall enter into negotiations concerning pleas and scheduling. Any plea offers tendered at the initial appearance must be accepted or rejected by the defendant's second appearance date.
- G. In order to be prepared to respond to the State's plea offer in a timely manner, all public defenders and conflict Court appointed counsel shall meet in person with their clients prior to the second appearance hearing for the purpose of discussing the State's plea offer and all other matters relating to the defendant's case. It is suggested that the public defender use the Initial appearance hearing to schedule appointments for this purpose.

Prior to the Initial Appearance, the case will be assigned a disposition date approximately one hundred twenty (120) days from the date of the Initial Appearance. It is the objective of all parties to have every case concluded on or before its disposition date. Should the disposition date fall on a non-court week, it will be extended until the end of the term of Court. Homicide and Criminal Sexual Conduct cases are an exception to this system and will not be assigned a disposition date.

IV. INDICTMENTS

- A. All General Sessions cases to be presented for indictment shall be presented to the Charleston County Grand Jury within ninety (90) days in accordance with Rule 3 of the South Carolina Rules of Criminal Procedure. This Court recognizes that due to their nature or type, certain cases may not be prepared to go to the Grand Jury within ninety (90) days and grants an extension in those instances.
- B. In accordance with South Carolina law, no preliminary hearings will be held on indicted cases.

V. SECOND APPEARANCE

- A. Approximately one hundred twenty (120) days from the date of arrest, the Second Appearance hearing will be held on Fridays at the Charleston County Judicial Center. A schedule of those defendants previously noticed for such hearing shall be prepared and supplied by the Solicitor's Office. Roll call will be conducted as necessary to ensure attendance. The Clerk shall upon proper motion issue bench warrants for those defendants who fail to appear and have not been excused by the Solicitor's Office or the Chief Administrative Judge for General Sessions Court.
- B. All parties shall, during this appearance, engage in final plea negotiations. In those cases where a plea agreement is reached, the parties shall

RW/4

prepare the necessary paperwork, obtain the necessary signatures, and schedule the plea.

- C. Plea offers shall expire at the end of the business day on the second appearance date and will be extended only at the sole discretion of the Solicitor's office.
- D. When necessary the Chief Administrative Judge for General Sessions Court or his judicial designee will be present to assist the parties with cases that are unresolved at the second appearance.
- E. Defendants who remain unrepresented on their Second appearance date must be present in Court throughout the following term. These defendants must appear for each successive term of Court as required by their bond until their case is disposed.

VI. GENERAL SESSIONS COURT PRACTICE

- A. A trial roster and a roll call roster shall be prepared for each term of General Sessions Court. For consecutive terms, the rosters may cover two terms of court. The rosters shall be prepared and published on the Solicitor's website at www.scsolicitor9.org at least ten (10) business days prior to the term of Court. A copy will also be provided to the Chief Public Defender for Charleston County, and to the Chief Administrative Judge for General Sessions Court.
- B. The Solicitor's Office shall set the order of trials and a representative of the Solicitor's Office shall meet with a representative of the Public Defender's Office no later than the Monday morning a week before the term of court begins to review the order of trials as well as the Court's plea, bond and probation revocation schedule. It shall be the responsibility of all attorneys with clients on this docket to notify their clients that their case is scheduled for disposition.
- C. During a term of General Sessions Court all assigned solicitors and public defenders shall be present in the designated courtrooms no later than 9:00 a.m. for the morning session of court and 1:30 p.m. for the afternoon session of court, unless excused by the presiding judge.
- D. Nothing in this Order shall be construed by this Court or any other Court as a reason for a case to be judicially dismissed. This Order is intended to be administrative in nature.

Handwritten initials: RNO/5

BY _____
JULIE J. ARMSTRONG
CLERK OF COURT
2006 OCT 30 AM 11:12
FILED

AND IT IS SO ORDERED!



R. MARKLEY DENNIS, JR.
Chief Administrative Judge
Ninth Judicial Circuit Court of General Sessions

Moncks Corner, South Carolina

October 26, 2006

2006 OCT 30 AM 11:13
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

FILED

