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Paul Wickensimer COC GUL SC

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
) THIRTEENTH JUDICIAL CIRCUIT
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 In Re:)
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 Return to Normal Court Operations) **ADMINISTRATIVE MEMORANDUM**
 During COVID-19 Pandemic and)
 Docketing of General Sessions Trials)
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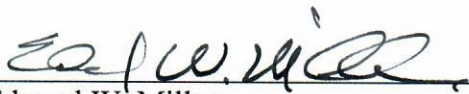
The Thirteenth Judicial Circuit Court issues this Administrative Memorandum to assist in the return to normal court operations during these unprecedented times. The alternative docketing requirements included herein are anticipated to be terminated upon the resumption of the normal docketing system.

1. Prior Order. Former Chief Justice Toal’s December 12, 2013 Order Regarding Disposition of Cases in General Sessions in the Thirteenth Judicial Circuit, which took effect January 1, 2014, is incorporated herein. Strict adherence to the aforesaid order is required, as the Thirteenth Judicial Circuit Court intends to maintain the efficient operation of the General Sessions docket.
2. Plea Negotiation Deadlines. Deadlines for plea negotiations set by the Thirteenth Judicial Circuit Solicitor’s Office (Solicitor’s Office) are to be set in compliance with the above December 12, 2013 Order by Former Chief Justice Toal. The Court expects attorneys to engage in serious plea negotiations to comply with offer deadlines.
3. Pretrial Roster System; Docketing. A pretrial roster system is instituted to confirm that General Sessions cases docketed for future jury trial terms of court are thoroughly vetted and to ensure all cases have an opportunity to resolve before a trial. The pretrial roster system will entail the following:

- a. Submission of Cases to Pretrial Roster. The Solicitor's Office will generate a list of cases submitted to the pretrial roster. The pretrial roster will be produced a minimum of thirty (30) days prior to a case appearing on the trial docket. Assistant Circuit Solicitors may submit qualified cases for the pretrial roster without the consent of defense counsel so long as the following requirements are met:
- i. The case is indicted;
 - ii. An offer has been extended; and
 - iii. The offer expiration date set by the Solicitor's Office has passed.
- b. Exempted Cases. The following cases are exempt from the pretrial roster and, therefore, may be placed on a trial docket at will:
- i. Where there is mutual consent of the parties—e.g., a date certain trial; or
 - ii. Cases that have previously been docketed on a published docket.
- c. Cases Published on Pretrial Roster. The pretrial roster will allow an extension of time to negotiate and/or dispose of cases (which have complied with the above procedures) by providing a period of time before a case is placed on the trial docket. During this pretrial roster period, defense counsel should contact the Solicitor's Office to coordinate a mutually acceptable date for a defendant to appear in court to resolve his/her case by entering a guilty plea. The Solicitor's Office will not be required to bond card a defendant to court during the pretrial roster period unless defense counsel has confirmed a defendant has accepted a plea offer and a guilty plea needs to be scheduled. Once the pretrial roster period has ended, all unresolved cases will be eligible for submission to a trial docket. A case placed on the pretrial roster is not required to be scheduled for the next available jury trial term of court.

- d. Placement of Qualifying Cases on Trial Docket. Only cases that have either been published on a pretrial roster or cases exempt from the pretrial roster procedure (outlined above) will be submitted for a trial docket. The Solicitor's Office will continue to generate the trial docket for all terms of court. The consent of defense counsel is not necessary to docket a case for trial. All pretrial roster offers, unaccepted plea negotiations, and/or reductions of charges will be deemed void once a case is eligible for a trial docket. The Court disapproves of parties negotiating off the trial docket once it has been published. The goal of the Court is to ensure trial dockets are used for cases that cannot be resolved short of a trial to protect the wellbeing of summoned jurors.
- e. Publication of Pretrial Roster and Trial Docket. Pretrial roster and trial docket publication dates will be provided to the Thirteenth Judicial Circuit Public Defender's Office and the Greenville Association of Criminal Defense Lawyers. Additionally, the published trial docket will be placed on the Solicitor's Office website for the legal community at-large to review. Furthermore, attorneys who are affected by the published trial docket will be provided a published docket. Trial dockets will be published a minimum of two (2) weeks before a General Sessions trial term of court begins. This is a reduction in Greenville from the thirty (30) day trial docket publication rule.
- f. Docket Order. The Chief Judge for Administrative Purposes for General Sessions, or a presiding trial judge, will hold a roster meeting on the first day of a jury trial term of court to set the order for docketed cases to be called for trial. The order of cases will roll day-to-day during the scheduled trial week. The only exception to this procedure is a date certain trial.

The provisions of this Administrative Memorandum shall apply from the June 2021 jury trial term of court, to midnight on December 31, 2021.



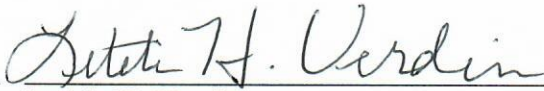
Edward W. Miller
Chief Administrative Judge, General Sessions



Perry H. Gravelly



Alex Kinlaw, Jr.



Letitia H. Verdin

Dated: May 3, 2021
Greenville, South Carolina