



The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

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May 24, 2023

Mark A. Keel, Esquire
Adam L. Whitsett, Esquire
Circuit Court Judges
Clerks of Court
Alan McCrory Wilson, Esquire
Solicitors
Chief Public Defenders

Re: General Sessions Docket Management Order
2023-000806

Dear All:

Enclosed is a copy of an Order of the Court issued in the above entitled matter.

Sincerely,

Patricia A. Howard
Clerk

The Supreme Court of South Carolina

RE: General Sessions Docket Management Order

Appellate Case No. 2023-000806

ORDER

General Sessions Docket Management Order

Preamble

In an efficient criminal justice system, cases should be disposed of within months instead of years, regardless of whether defendants go to trial, plead guilty, enter into a diversion program, or have their cases dismissed. In order for the system to function optimally, the judicial and executive branches of government must share responsibility. This must be a cooperative effort. In furtherance of this effort, the Court issues this Order to establish a framework for an efficient criminal justice system.¹ The Court notes no order from the Supreme Court will ensure an efficient criminal justice system unless there are sufficient numbers of prosecutors and public defenders in each circuit and county. Nor will any order succeed unless the circuit judges, this Court, Clerks of Court, and the attorneys do their part in ensuring cases are disposed of efficiently and justly. Solicitors shall deliver a copy of this Order to the Sheriffs in their circuits and to all local police departments in their circuits. This Court will deliver a copy of this Order to the Chief of the South Carolina Law Enforcement Division.

This Order will be amended as necessary from time to time to reflect best practices in the court of General Sessions. Good faith input from all participants is critical.

¹ The preservation of crime victims' rights is not directly addressed in this Order; however, the Court reminds all prosecutors, defense counsel, and circuit judges that applicable statutes and constitutional provisions—and case law interpreting the same—are to be followed.

There must be an emphasis on the disposition of older cases and addressing new cases as they come into the system. The jury trial is a crucial stage of the criminal justice system and, accordingly, jury trials receive the most attention from the public. However, the vast percentage of cases are disposed of by diversion programs, guilty pleas, and dismissals. South Carolina Court Administration data supports this conclusion. The courtroom must run efficiently; however, the Court recognizes that what happens "in court" is directly related to the degree of preparation that takes place beforehand. Therefore, prosecutors and defense attorneys must have time to receive and prepare cases outside of court.

This Order recognizes those truths and assists the litigants in achieving the cooperative goal of efficiently and fairly moving cases through the General Sessions system. It is also the Court's intention that the South Carolina Solicitors will develop, in their respective offices, a three-tier system in which prosecutors (1) take in and examine, or "triage" new cases as they come into the system, (2) prepare for court, and (3) present guilty pleas, participate in motion hearings and other pertinent pre-trial matters, and try cases in the courtroom. A Solicitor's triage system shall ensure that new cases are disposed of quickly and not left on dockets for an extended time. Further, a team of prosecutors preparing for court and a separate team of prosecutors running court will ensure that court time is not wasted.

Because public defenders must also have adequate time to resolve cases outside of court and must have adequate time to prepare for court, it would be beneficial for the Chief Public Defenders to create a similar system tailored to their respective Solicitor's system. For example, while the Chief Public Defender may not have the need for a triage system, the Chief Public Defender should allocate adequate resources to post a public defender at the local detention facility to interview arrestees and establish preliminary contact with the triage solicitor during the early stages of a case.

The Court acknowledges that the procedure for screening defendants for qualification for appointed counsel differs from circuit to circuit. At some point in the future, a uniform procedure for screening must be implemented. At this time, the Court encourages bond court judges to conduct the screening, but if bond court judges do not do so, screening must be conducted as soon as possible; therefore, in those circuits in which screening is conducted by the Chief Public Defender, the screening should be conducted before a defendant's Initial Appearance. By July 1, 2024, the Court shall implement a uniform system for screening defendants for qualification for appointed counsel.

In most circuits, it will take additional resources, primarily in the form of additional attorneys, for the Solicitors and the Chief Public Defenders to put such systems into place. As increased attorney staffing becomes a reality, the Court strongly suggests each Solicitor develop a satisfactory version of the foregoing three-tiered plan and notify the Chief Judge for Administrative Purposes (CJAP) for that circuit of the plan.

In *State v. Langford*, 400 S.C. 421, 735 S.E.2d 471 (2012), this Court held unconstitutional a statute giving the Solicitor the *exclusive* authority over the docketing and calling of cases for trial. The Court held that because the Solicitors are a part of the executive branch of government, granting them exclusive authority to run the trial docket infringed on the judicial branch's authority and was, therefore, a violation of the separation of powers doctrine. In discussing the nuances of the doctrine of separation of powers, the Court noted,

"[A] usurpation of powers exists, for purposes of [the] constitutional separation of powers doctrine, when there is a significant interference by one branch of government with the operations of another branch." This rule is not fixed and immutable, however, as there are grey areas which are "tolerated in complex areas of government." There consequently is "some overlap of authority and some encroachment to a limited degree." ("Separation of powers does not require that the branches of government be hermetically sealed; the doctrine of separation requires a cooperative accommodation among the three branches of government; a rigid and inflexible classification of powers would render government unworkable."). At its core, the doctrine therefore "is directed only to those powers which belong exclusively to a single branch of government."

Langford, 400 S.C. at 434-35, 735 S.E.2d at 478 (citations omitted).

The *Langford* Court did not prohibit Solicitors from being involved in the docketing process as long as the trial judge has ultimate authority over the setting and calling of a case for trial. The Court recognizes Solicitors cannot perform their duties without having meaningful input into the operation of the General Sessions docket. Unlike the Common Pleas docket, one lawyer—the Solicitor—is responsible for the prosecution of almost all cases comprising the docket. Solicitors, as the prosecuting authorities in their respective circuits, have the burden of proof and, therefore, the responsibility of securing the attendance of the great majority of witnesses, most of whose schedules must be managed. Accordingly, this Order

provides that the Solicitors shall have substantial input into the creation of the trial docket. Defendants also have the burden of securing the attendance of witnesses whose schedules must be managed and, therefore, due consideration is to be given to defendants in the scheduling of cases for trial. In all instances, the creation of the trial docket shall be within the parameters outlined in this Order.

The backlog of old cases brought on by the COVID-19 shutdown must be addressed and older cases disposed of. However, it is not enough that cases are disposed of; how cases are disposed of is paramount. All cases must be handled within the singular focus of obtaining justice. This Order vacates and supersedes any existing county or circuit-level differentiated case management or trial scheduling orders. Accordingly, all General Sessions cases shall be processed under the minimum procedures provided for in this Order.²

(a) Initial Appearance, Discovery, and Second Appearance.

(1) Initial Appearance.

(A) If, after arrest, a defendant appears at a bond proceeding before a magistrate or summary court judge, the judge shall provide notice to the defendant of the date, time, and location of the Initial Appearance in accordance with a pre-arranged schedule developed by the Solicitor or by the CJAP. The CJAP is not required to preside over Initial Appearances, but may do so from time to time in his or her discretion.

(B) If the defendant has obtained counsel and counsel has notified the Solicitor of such representation and has provided the Clerk of Court with the defendant's correct address and telephone number, neither the defendant nor his counsel will be required to attend the Initial Appearance, unless the defendant has mental health issues requiring a hearing and/or court order mandating an evaluation. The defendant may move for protection against prosecution pursuant to the Protection of Persons and Property Act at the Initial Appearance. *See* S.C. Code Ann. § 16-11-410 to -450 (2015 & Supp. 2022).

(C) An Initial Appearance shall be held in every case in which a defendant does not have counsel. The purposes of the Initial Appearance shall include,

² Failure to comply with a provision contained in this Order shall not, in and of itself, be a ground for dismissal of a charge.

but shall not be limited to, inquiry into:

- (i) whether the defendant has any mental health issues requiring a hearing and/or an order of the court;
- (ii) whether the defendant desires appointed counsel or will retain private counsel, or desires to represent himself;
- (iii) whether the defendant who desires appointed counsel has been advised how to apply for appointed counsel.

(D) If a circuit judge presides over the Initial Appearance, *Faretta*³ warnings shall be given to a defendant who desires to represent himself. If a circuit judge does not preside, *Faretta* warnings will be given during the Second Appearance. The Solicitor or the court shall ensure that the Clerk of Court has been given proper contact information for the unrepresented defendant or self-represented defendant to allow the Clerk to notify the defendant of future court appearances.

(E) To facilitate the giving of *Faretta* warnings during Initial Appearances and Second Appearances when there is not a court reporter present, Court Administration will develop a form to be employed by the court when giving the warnings. A full on-the-record *Faretta* colloquy must be conducted at the earliest opportunity after the *Faretta* form is used.

(F) The prosecuting solicitor must file a Notice of Appearance with the Clerk of Court. If a public defender is assigned to represent a defendant, the public defender must, within ten (10) days of such assignment, file a Notice of Appearance with the Clerk of Court. If the case is later assigned to another solicitor or public defender, the succeeding solicitor or public defender must file a Notice of Appearance. Private counsel must file a Notice of Appearance. If a defendant who was initially represented by the public defender or other appointed counsel fully retains private counsel, the public defender must be relieved by order of the court, and private counsel must file

³ *Faretta v. California*, 422 U.S. 806 (1975).

a Notice of Appearance.⁴ The Notice of Appearance requirement may be satisfied by letter from counsel to the Clerk of Court, provided the letter contains the case name and indictment number(s).

(2) Discovery; General.

(A) Timely and complete production and supplementation of discovery material in accordance with Rule 5 of the South Carolina Rules of Criminal Procedure (SCRCrimP) and *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny is paramount. While the production of *Brady* material is mandatory in every case, the Court notes the production of such material often cannot be made near the beginning of a case because the material may not yet exist; therefore, for the purposes of this Order, the term "discovery" is defined as any material subject to discovery under Rule 5, SCRCrimP. Law enforcement should provide the Solicitor with discovery and available *Brady* material within thirty (30) days of the arrest. The prosecuting solicitor shall regularly monitor all files to ensure prompt, complete, and good faith production of discovery and *Brady* material. Defense counsel shall regularly monitor all files to detect any delay in the State's production of discovery and to ensure defense counsel's own compliance with discovery rules.

(B) As noted below in paragraph (b)(1)(F), the Solicitor shall not list any case on the proposed trial docket in which production of discovery and available *Brady* material is not complete at the time the proposed docket is presented to the CJAP and the Clerk of Court. Communication between the Solicitor and law enforcement (including SLED) and between the Solicitor and defense counsel regarding discovery deficiencies is paramount.

(C) Law enforcement must regularly review case files to ensure compliance with all discovery rules and case law.

(D) Upon receipt of discovery and *Brady* material, defense counsel shall promptly share that information with the defendant unless a court order prohibits defense counsel from sharing any particular item of discovery with

⁴ In counties where the Clerk of Court is able to import representation information from the Solicitor or Chief Public Defender, the Notice of Appearance requirement may be satisfied electronically.

the defendant.

(E) If the Solicitor has not received adequate discovery from law enforcement, or if the Solicitor has not been able to gather enough information concerning the validity of the charge, the Solicitor may return the case to law enforcement for further investigation. If thirty (30) days pass after the Solicitor returns the case to law enforcement, and the Solicitor still has not received enough information to properly assess the case, the Solicitor may administratively dismiss the warrant and any related indictment. Within ten (10) days of the administrative dismissal, the Solicitor's office shall notify the Clerk of Court of the dismissal and shall return the matter to law enforcement for further investigation. Administrative dismissals for this reason shall be coded by the Clerk of Court and South Carolina Court Administration as "dismissed: returned to law enforcement for further investigation." The case shall then be removed by the Clerk of Court and Court Administration from the list of pending cases. As there are no statutes of limitation on criminal offenses in South Carolina, the Solicitor may present the case for indictment at a later date if law enforcement provides the necessary evidence.

(3) Second Appearance.

(A) General.

(i) Second Appearances shall be held to facilitate the process of determining: (1) whether the defendant will enter a diversion program, (2) whether the case will be dismissed, (3) whether the defendant will plead guilty, or (4) whether the defendant will go to trial. The dates for Second Appearances shall be scheduled by the CJAP—in consultation with the Solicitor and Chief Public Defender—and shall be presided over by the CJAP or his/her designee. Any "designee" must be a circuit judge.

(ii) If a defendant was not required to attend an Initial Appearance (*see* paragraph (a)(1)(B)), that defendant's Second Appearance shall be held during the fourth month after arrest.

(iii) For those defendants who were required to attend an Initial Appearance, Second Appearances shall be held in murder and criminal sexual conduct cases no later than the seventh month after the date of the Initial Appearance. In all other cases in which a defendant was

required to attend an Initial Appearance, Second Appearances shall be held no later than the fourth month after the Initial Appearance. As the backlog subsides, this Order may be amended to alter these time frames.

(iv) No less than thirty (30) days before the Second Appearance, the prosecuting solicitor shall provide to defense counsel (or to the self-represented defendant) discovery, a plea offer (if one is to be made), and existing *Brady* material. At least twenty-one (21) days before the scheduled Second Appearance, the Solicitor shall notify the Clerk of Court of the cases to be listed on the Second Appearance roster. At least fifteen (15) days before the Second Appearance, the Clerk of Court shall provide notice of the Second Appearance to defense counsel by email through the trial court case management system (CMS),⁵ and to the self-represented defendant by regular mail.

(B) Procedure During Second Appearance.

(i) During the Second Appearance, the court shall again inquire of an unrepresented defendant whether the defendant desires counsel or to represent himself. If the defendant desires to represent himself, the court shall provide *Faretta* warnings to the defendant and make appropriate findings. If the defendant desires to be represented by counsel, the court shall require the defendant to secure private representation or apply for a public defender within fourteen (14) days. If the unrepresented defendant desires to be represented by counsel, the Second Appearance shall be rescheduled for the next available date. If the unrepresented defendant unreasonably delays securing private counsel or applying for a public defender, the court will allow the case to move forward.

(ii) At the Second Appearance, at a minimum, the Solicitor shall inform the court:

- whether the Grand Jury has indicted the defendant,
- that the Solicitor provided to defense counsel (or to the self-represented defendant) all discovery and all available *Brady* material at least thirty (30) days prior to the Second Appearance, and

⁵ The trial court CMS will use attorney email addresses from the Attorney Information System (AIS). Rule 410(e), SCACR.

- that the Solicitor has provided a plea offer (if one is to be made) to defense counsel or to the self-represented defendant.

(iii) Defense counsel and self-represented defendants shall confirm to the court whether they have received and reviewed:

- discovery,
- any *Brady* material that has been provided, and
- any plea offer.

(iv) The defendant and his counsel (or the self-represented defendant) must inform the court whether the defendant intends to plead guilty or go to trial.

(v) The prosecuting solicitor, defense counsel, or the self-represented defendant should be prepared to notify the court if there are any pretrial issues, the resolution of which could assist the defendant in deciding whether to plead guilty or go to trial. This includes, but is not limited to, motions pursuant to the Protection of Persons and Property Act, and any other motions that, if granted, would prevent the prosecution of the defendant. Defense counsel should also notify the court if the defendant has any mental health issues that should be addressed by the court.

(vi) A representative from the office of the Clerk of Court must be present at the Second Appearance and shall be given information as to the identity of counsel for the defendant and shall enter such information into the Clerk's records. If counsel is substituted, withdraws, or is relieved, such must be memorialized by order of the presiding judge to be delivered to the Clerk of Court for filing and recording in the CMS.

(C) **Scheduling.** At the Second Appearance, the court may schedule a guilty plea and any motions (except those motions that must be heard by the trial judge) filed by the Solicitor or the defendant. The Clerk of Court will add the plea and any filed motions to the appropriate list of pleas or motions to be heard.

(b) **Trial Docket.**

(1) General.

(A) The Solicitors should evaluate their caseloads well in advance of the forty-five (45) day deadline set forth in this paragraph and regularly communicate with the CJAP and all defense counsel to ensure orderly and just disposition of pretrial issues and the case itself.

(B) Notwithstanding any provision in this Order, if a speedy trial motion is granted, the CJAP will determine the placement of the case on a proposed trial docket; however, the case will not be placed on a proposed trial docket that has already been presented by the Solicitor to the CJAP and Clerk of Court unless the Solicitor and defense counsel (or the self-represented defendant) agree.

(C) Notwithstanding any provision in this Order, if the Attorney General and the Solicitor cannot resolve a conflict as to the placement of an AG case on the proposed trial docket, the CJAP shall make the determination after consultation with the Solicitor, the AG, and defense counsel (or the self-represented defendant).

(D) Likewise, to ensure cases placed on the trial docket are truly ready for trial, the Solicitor should regularly consult with defense counsel in the generation of the proposed trial docket. Prosecuting solicitors, public defenders and private defense counsel should regularly communicate with each other regarding reasonably perceived discovery deficiencies and any other issues that may reasonably require a delay in the disposition of a case.

(E) The order of cases listed on the proposed trial docket by the Solicitor shall be the order in which they are to be called for trial. A case may be called for trial out of order by the presiding judge if the prosecuting solicitor and defense counsel or self-represented defendant agree, and if defense counsel or the self-represented defendant in preceding cases also agree. In the discretion of the presiding judge, a case may be called out of order if the trials of preceding cases on the docket cannot be concluded before the end of the term.

(F) The Solicitor shall not list any case on the proposed trial docket that the Solicitor does not reasonably expect to be ready for trial during the term of court. The Solicitor shall not list any case in which the State (the Solicitor and law enforcement) has not complied with Rule 5 and *Brady* at the time the proposed trial docket is transmitted to the CJAP and the Clerk of Court. As

used in this Order, the term "discovery" is defined as any material subject to discovery under Rule 5, SCRCrimP. *See* Paragraph (a)(2)(A).⁶

(G) Even though the Solicitors have discretion to determine the number of cases to be listed on their proposed trial dockets, the Solicitor shall communicate regularly with the CJAP, Chief Public Defender, and Clerk of Court to determine the optimal number of cases to be placed by the Solicitor on the proposed trial docket.

(2) Proposed Trial Docket

(A) No less than forty-five (45) days before the term of court, the Solicitor shall transmit by email a proposed trial docket for that term to the CJAP and the Clerk of Court. The Solicitor must copy the Chief Public Defender—and private defense counsel listed on the proposed trial docket—with the email and proposed trial docket, and must copy the self-represented defendant by regular mail.⁷ The Chief Public Defender shall have the responsibility of conveying the proposed trial docket to individual public defenders defending cases listed on the proposed trial docket.

(B) At least 70% of the proposed trial docket shall consist of cases that are

⁶ This paragraph is not intended to create an independent basis for a claim of prosecutorial misconduct if there is a shortcoming in production of discovery. However, this provision and the provisions governing Second Appearances are intended to ensure the State's timely production of discovery to the defense in accordance with Rule 5. To that end, it is incumbent upon law enforcement to efficiently and timely submit material to the prosecuting attorney so the prosecuting attorney can timely produce all discovery and *Brady* material to the defense. Of course, Rule 5 also requires production of discovery by the defendant on a timely basis.

⁷ This notification of the proposed trial docket from the Solicitor to the CJAP and the Clerk of Court is only for informational purposes. As provided in paragraph (2)(D) below, the Clerk of Court will transmit the official proposed docket to public defenders and private defense counsel who are on the proposed trial docket by email through CMS, and to self-represented defendants by regular mail. Any objections to the proposed docket must be made in accordance with paragraph (2)(E).

thirty (30) months old⁸ or older from the date of indictment. The Solicitor may exclude from the proposed trial docket (a) defendants with outstanding bench warrants; (b) defendants in failure to appear status; (c) defendants participating in pretrial intervention, multidisciplinary court, a conditional discharge sentence, or other diversion program; and (d) cases in which the prosecuting solicitors or defense attorneys are personally unavailable for trial. The Solicitor must be mindful of those defendants who have been detained for a significant time in local detention facilities.

(C) Except by consent of the CJAP, prosecuting solicitor, and defense counsel (or the self-represented defendant), a case may not be added to the proposed trial docket after the proposed trial docket is presented by the Solicitor to the CJAP and Clerk of Court. Provided, however, the CJAP may from time to time require the Solicitor and defense counsel to provide reasons why cases more than thirty (30) months old from the date of indictment are not prepared for trial.

(D) Within seven (7) days after receiving the proposed trial docket from the Solicitor, the Clerk of Court shall transmit the proposed docket to public defenders and private defense counsel on the proposed trial docket by email through CMS, and to self-represented defendants by regular mail.

(E) Within seven (7) days after the proposed docket is transmitted to defense counsel or self-represented defendants by the Clerk of Court, defense counsel or the self-represented defendant may provide the CJAP (and copy the prosecuting solicitor and the Clerk of Court) with any objections to the proposed trial docket. A self-represented defendant must mail any objections to the proposed trial docket to the Clerk of Court and the Solicitor within seven (7) days from the date of mailing of the proposed trial docket by the Clerk of Court.

(F) The CJAP will consider all objections and may convene an on or off-the-record status conference to discuss the case.

(3) Final Trial Docket.

(A) No less than twenty (20) days before the term of court, the CJAP will

⁸ As the backlog subsides in any given county, the Court may shorten the thirty-month time frame, or reduce the percentage from 70, or both.

send the final trial docket to the Clerk of Court by email or hand delivery, or by such other method agreed upon by the CJAP and the Clerk of Court. Within five (5) days thereafter, the Clerk of Court shall electronically transmit the final trial docket to defense counsel of record by email through CMS and shall send the docket by regular mail to self-represented defendants.

(B) Cases not reached during a scheduled term shall not automatically roll over onto the trial docket for the next term. While a case will not automatically roll over onto the trial docket for the next term, the Solicitor may place a case on successive proposed trial dockets in accordance with the provisions of paragraphs (b)(1) and (2).

(4) Continuances. Either the State or the defendant may file a motion with the court for a continuance or for protection or relief from the final trial docket. Such a motion shall contain an affirmation that the moving party, prior to filing the motion, communicated or attempted to communicate with the opposing party in good faith in attempt to resolve the motion, together with an explanation of whether the opposing party consented to or objected to the request. The nonmoving party may file and serve a response to the motion for continuance within three (3) business days after receiving notice of the motion. The CJAP or a designee may resolve the motion on the filings without a hearing or may hold a hearing to determine whether a motion for continuance, protection, or relief should be granted.

(5) Trial Docket Status Conferences. Trial Docket status conferences may be scheduled at the discretion of the CJAP and may be held by the CJAP or a designee.

(6) Multiple Trial Terms. In any county in which multiple terms of jury trials will be held during the same month, the Solicitor may present a different proposed trial docket for each term.

(c) List of Matters.

(1) Separate and apart from the trial docket, the Solicitor, the CJAP, and the Clerk of Court shall compile a list of matters to be scheduled by the court for disposition by the court. Defense counsel or the self-represented defendant may request the CJAP to add to the list of matters. The list of matters shall include, but shall not be limited to, guilty pleas, bond hearings, motions, or any other non-trial matters.

(2) The CJAP, docket liaison, and Clerk of Court shall monitor the number of outstanding motions in each county. The following motions shall be heard only by

the trial judge: *Jackson v. Denno*, *Crawford v. Washington*, *U.S. v. Bruton*, *Neil v. Biggers*, *Franks v. Delaware*, and other motions to suppress evidence. However, these motions may be heard by a judge other than the trial judge if both parties agree, and if both parties agree to be bound by the ruling.⁹

(3) Other motions may be heard by the CJAP or any circuit judge assigned to the county in which the motion is pending. Speedy trial motions should be given priority.

(4) Guilty plea dockets shall consist of those pleas announced at a Second Appearance and Trial Docket Status Conferences, as well as those pleas communicated to the CJAP by the Solicitor, Chief Public Defender, and private counsel. The CJAP shall, with the input of the Clerk of Court, the Solicitor, Chief Public Defender, and private counsel, create the plea docket for an appropriate term of court. The Clerk of Court shall provide notice of the guilty plea docket to defense counsel by email through CMS, and to the self-represented defendant by regular mail. The presiding judge may add guilty pleas to the guilty plea docket.

(d) Attorney General.

(1) The Attorney General (AG) prosecutes a substantial number of cases throughout the State of South Carolina. The AG shall have regular access to the scheduling of motions, pleas, and trials. The AG shall provide the Clerk of Court, the Solicitor, the docket liaison, and the CJAP quarterly with a list of each indicted case being prosecuted by the AG, together with the name of the prosecuting AG, in the county over which the CJAP and Solicitor have authority. Upon request of the AG, the CJAP shall instruct the Clerk of Court to add cases to the Second Appearance list, provided proper notice has been given to defense counsel or the self-represented defendant. Upon request of the AG, the CJAP shall instruct the Clerk of Court to add cases prosecuted by the AG to a plea or motion docket, provided fifteen (15)-days' notice has been given to defense counsel or the self-represented defendant. The Solicitor and the AG shall regularly communicate with one another and with the CJAP to ensure the AG has input into the listing of AG cases on the proposed trial docket. The AG and the Solicitor shall make every effort to resolve any disputes between each other concerning the scheduling of pleas,

⁹ At some point, it will likely be advisable for the Court to amend this order or propose an addition to the Rules of Criminal Procedure allowing such motions to be heard with finality by a judge other than the trial judge. However, that will not be a requirement at this time.

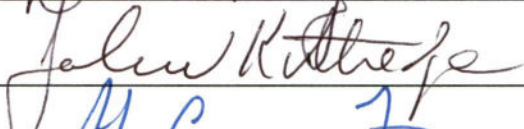
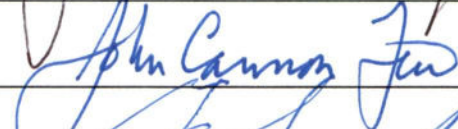
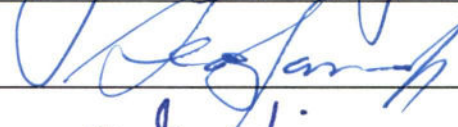
motions, or trials.

(2) In any case prosecuted by the AG (except for State Grand Jury cases), the identifier "AG" shall be inserted on the indictment at the end of the indictment number. Court Administration records, including those records posted on the sccourts.org website, shall include that or a similar identifier. If a case is originally indicted and prosecuted by the Solicitor, and prosecution is later assumed by the AG, the indictment must be amended to include the identifier.

(e) **Docket Reconciliation.** A representative from the Clerk of Court's Office, a representative from the Solicitor's Office, a representative from the Chief Public Defender's office, and the docket liaison shall meet at least once each six months to ensure that all cases disposed of during the previous six months were properly recorded, and that the respective dockets are consistent. The CJAP can order these meetings to be held more frequently. After the meeting, the docket liaison shall then provide the CJAP with a list of all cases that are over thirty (30) months old from the date of indictment and, if not indicted, over thirty-six (36) months old from the date of arrest. The CJAP or designee may hold status conferences in these cases.

(f) **Effective Date.** This Order shall be effective July 3, 2023. The deadlines and lead times set forth in this Order will not be in force until the effective date.

IT IS SO ORDERED.

	_____	C.J.
	_____	J.
	_____	J.
	_____	J.
D. Hester	_____	J.

Columbia, South Carolina
May 24, 2023