

**IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA**

In re:	}	
	}	
ALL CRIMINAL CASES, WITH EXCEPTIONS	}	22AP1292
	}	
In the Superior Court of DeKalb County	}	

ORDER IMPLEMENTING ELECTRONIC-FILING FOR CRIMINAL CASES

1. APPLICATION OF ORDER. The Superior Court, *sua sponte*, consolidates and designates the following case types to e-filing status, with the following effective dates:

E-filing will be mandatory for all criminal cases on March 1, 2022, except for Non-Conforming Materials and the following document types: documents filed pre-indictment; indictments; accusations; any other case initiation filings; Sealed documents; Ex Parte Matters, or any other pleading imposing a penal sanction. E-filing is mandatory even if the case was initiated prior to the signing of this Order.

All documents in all criminal cases must be e-filed, e-served and, when available, e-noticed pursuant to this Order and governed by this Order. Except as otherwise provided herein, no party will be permitted to file paper documents in any case except for incarcerated individuals without legal representation.

All criminal cases are assigned to the electronic filing and service system provided by Tyler Technologies ("Vendor") as selected by the DeKalb County Clerk's Office. Vendor is an agent of the Court for the purpose of electronic filing, receipt, service, and retrieval of electronic documents.

2. DEFINITIONS. The following terms in this Order shall be defined as follows:

- A. Case Management System - The Court's official case management and records management system.
- B. Court - The Superior Court of DeKalb County, Georgia.
- C. Document - Any paper filing, including but not limited to pleadings, petitions, complaints, motions, memoranda of law, orders, or other written papers or instruments. "Document" shall not include "Non-Conforming Material."

- D. E-document - An electronic file of a document that has been scanned or converted to a graphical or image format (PDF).
 - E. Workflow Queue - A case management tool that allows multiple users, authorized by the Clerk of Court, to process, manage, and file a document internally without using eFileGA.
 - F. E-file - Electronic transmission of an original document to the Superior Court via eFileGA / www.odysseeyefilega.com.
 - G. E-service - Electronic transmission of an original document to all designated recipients via eFileGA.
 - H. Non-Conforming Materials - All non-paper filings, including, but not limited to, videotapes, x-rays, CDs, audio recordings, and tangible objects that cannot be readily converted to paper form or are illegible when scanned.
 - I. Indictment or Accusation - A document formally charging a person with a criminal offense.
 - J. Public Access Terminal ("PAT") - A publicly accessible computer provided by the Court for the purposes of allowing e-filing, e-service, and viewing of public Court records.
 - K. E-notice – e-service of an original document requesting or demanding a party to appear in Court.
 - L. Public Access Terminal ("PAT") - A publicly accessible computer provided by the Court for the purposes of e-filing, e-service, and viewing public Court records.
 - M. Vendor - Vendor is Tyler Technologies.
3. PUBLIC ACCESS TERMINAL. Public Access Terminals (PAT) will be located in the Superior Court of DeKalb County Clerk of Court's Office, DeKalb County Courthouse, Ground Floor, 556 North McDonough Street, Decatur, Georgia 30030, or any other designated location at the DeKalb County Courthouse. PATs will be connected to eFileGA and the Case Management System. PATs are available to any person to view public files via the Case Management System. Individuals may access the public files on the PAT free of charge. The PATs are also available to e-file documents on eFileGA without registering for an eFileGA account or incurring e-file fees and convenience fees.
4. AUTHORIZED USERS
- A. Users. For the purpose of accessing eFileGA, the following users are authorized to register:

- i. Licensed attorneys and their staff, including paralegal and secretaries;
 - ii. *Pro hac vice* attorneys;
 - iii. Judges and their staff;
 - iv. Court administrative staff, including deputy clerks, court reporters, and technical support staff;
 - v. Self-represented defendants; and
 - vi. Other public users, including media representatives.
- B. Valid email Address. **It is the responsibility of every registered user to have a valid, working e-mail address that is checked regularly.** The Court assumes no responsibility for inoperable e-mail addresses, unread e-mail, or SPAM deliveries. All users must be added under the filer's signature block. An Attorney's signature block must include the email address in accordance with Uniform Superior Court Rule 4.2.
- C. Assignment by the Vendor of personal identification numbers. Upon receipt by the Vendor of a properly executed e-file Usage Agreement, the Vendor shall assign to the authorized user a username and confidential Personal Identification Number (PIN) to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents.
- D. Utilization of PIN. No attorney shall knowingly authorize or permit his/her PIN to be utilized by anyone other than authorized attorneys or employees of the attorney's law firm, or designated co-counsel, where it has been established in writing that designated counsel may file documents on behalf of the assigning counsel. An attorney who knowingly authorizes or permits his or her username and/or password to be utilized by his/her staff is fully responsible for all transmissions, communications, and notifications through eFileGA.
- E. Change in Information. Registered users are required to update their contact information with eFileGA, including change in firm name, delivery address, fax number, telephone number and/or email address within ten (10) days of such change.
- F. Self-Represented Defendants.
- i. E-filing: If a Self-Represented Defendant that does not have access to a computer to participate in e-filing, the Defendant may come into the Clerk of Court's Office and file his documents through eFileGA using one of the PATs within the Courthouse. **Filing at a PAT does not require registering for an eFileGA account and, usage and convenience fees for eFileGA are waived.**

ii. E-service: If a Self-Represented Defendant does not have an email address or access to the internet and cannot register for an eFileGA account, the Self-Represented Defendant must make an attestation in his initial filing that he does not have an email address and/or access to the internet, and, therefore, he cannot register for an eFileGA account. Thereafter, all parties to the criminal action must serve the Self-Represented Defendant via traditional methods. If the Clerk of Court receives a filing without this attestation, the assigned clerk shall accept the first filing and then send a blank attestation form with this standing order. The attestation form shall be completed before further filings are accepted. Without this attestation form, further filings will be rejected.

5. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS. As of the effective date of this Order, except as expressly provided herein, all documents shall be filed electronically through eFileGA. Except as otherwise required by law or by separate memoranda, the Clerk of Court shall not accept or file any documents in paper form. Parties or their representatives must either register with the Vendor to utilize eFileGA, e-file at a PAT, or file through a workflow queue.

A. Subsequent Pleading and Discovery Parties must e-file any documents via eFileGA or at the PATs. Discovery referenced in any e-document may be attached electronically as exhibits or may be filed separately.

B. Maintenance of Original documents Unless otherwise ordered by the Court, originals of all documents filed electronically (particularly those with original ink signatures) shall be maintained by the party filing the document and shall be made available, upon reasonable notice, for inspection by the Court or the other party while the case is active and open.

The Court will NOT maintain the original signed orders as most orders are signed electronically through the workflow queue. Hence, Parties are encouraged but not required to maintain a copy of all documents and orders filed and served in their case for seven years following disposition of the matter in which the document was filed, or longer, if required to do so by applicable law.

C. Documents Filed Under Seal, Speedy Trial Demands and Emergency Matters In accordance with Uniform Superior Court Rule 36.16(B), e-filing is expressly prohibited for documents that must be filed under seal. These documents must be filed in the traditional manner at the Courthouse or internally using Odyssey. However, a seal order is first required. A courtesy copy of the seal document must be delivered to Judge's chambers with a motion requesting permission from the Court. Upon review of the document, the Judge may then provide an order directing the Clerk to seal the document. This Order and document to be sealed will be hand delivered to the Clerk's Office or picked up from chambers by the Clerk's Office.

A physical copy of Speedy Trial Demands and other Emergency Motions must be emailed to the Judge's criminal calendar clerk (NOT the clerk assigned by the Clerk of

Court) to be considered as proper notice to the Court. Thereafter, as proof of delivery, the attorney must receive written confirmation from that criminal clerk acknowledging receipt. An automated “email delivered” receipt is not sufficient.

- D. Non-Conforming Materials/ Notice of Manual Filing. Non-conforming materials must be filed manually with the Clerk of Court. The filing party shall e-file a Notice of Manual Filing which shall be docketed in the Case Management System to denote that a manual filing has been made and that the material is being held in the Clerk of Court's office. The filing party shall serve the materials conventionally if required.
- E. Court's Docket. The Court's official docket shall be accessible via its Case Management System, Odyssey. The docket can be accessed electronically via the Odyssey Portal at www.ody.dekalbcountyga.gov.

6. TIME FOR FILING AND EFFECT OF USE OF EFILE

- A. Time of Filing. Litigants may file e-documents through eFileGA 24 hours a day, seven days per week, except when eFileGA's system is down for maintenance. Any document filed electronically shall be considered filed with the Court when the transmission to eFileGA is complete. Any document filed after 11:59 p.m. EST on a day the Court is open for business shall be deemed to have been filed on the next Court day. However, if the Judge requires a document to be filed by “close of business” such document must be filed by 5:00pm to be deemed timely filed.
- B. Confirmation of Receipt. Upon completion of e-filing, eFileGA shall issue a confirmation receipt that includes the date and time of submission to the Court. In accordance with Uniform Superior Court Rule 36.16(0), an e-document is presumed filed upon its receipt by eFileGA. The confirmation receipt shall serve as proof of filing.
- C. Clerk of Court Review: Acceptance /Rejection Procedure. Following the submission of an e-document, the Clerk of Court shall timely review the e-document and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted e-document shall be entered into the docket of the case and the docket shall reflect the date and time of filing as set forth in Paragraph 6(A). If an e-document is filed which does not conform to the rules of the Court in which it is filed, a rejection notice shall be sent to the filing party and the e-document shall not be docketed. The rejection notice shall identify the basis of the rejection in accordance with the rules of the Court. An e-document may be rejected if:
 - i. The e-document is submitted without proper payment of Court Filing Fees;
 - ii. The e-document is unable to be processed by eFileGA for reasons including, but not limited to, submission of a corrupt e-document, an e-document with imbedded fonts, or e-documents containing viruses; and/or

iii. The e-document does not meet the requirements or policies of the Court.

If an e-document is rejected by the Clerk of Court, and a filer wishes to challenge the rejection of the prior e-document and/or wishes to relate the date of filing back to the date of the first filing attempt, the filer must petition the Court for such relief.

- D. Technical Problems. In accordance with Uniform Superior Court Rule 36.1 6(F), if the electronic filing or service does not occur because of (1) inaccessibility to eFileGA that was not caused by the filer, (2) an error in the transmission of the document to eFileGA which was unknown to the sending party, (3) a failure to process the e-document when received by eFileGA, (4) other technical problems experienced by the filer, the Court may upon satisfactory proof enter an order permitting the document to be filed nunc pro tunc to the date it was first attempted to be transmitted electronically.

7. FORM OF DOCUMENTS ELECTRONICALLY FILED

- A. Format of Electronically Filed documents. All e-documents shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper documents, and in such other and further format as the Court may require from time to time. The e-documents shall be eFiled via eFileGA in a pdf file format that does not exceed 25 megabytes, in searchable format, or such other file format as directed by the Vendor.
- B. Proposed Orders. Proposed Orders must be submitted to the Clerk of Court in both Word and PDF file format through eFileGA. However, a Proposed Order [PDF format] may be uploaded into the Odyssey Workflow queues by the following agencies: District Attorney's Office; Public Defenders Office; Department of Community Supervision (Felony); State Court Probation; and the Conflict Attorney's Office.
- C. Representations by Using an electronic or typographical Signature. Every document filed in e-file system shall be deemed to have been signed by the attorney or party if it bears a signature version of such person. Hence, those signing shall endeavor to use electronic or pdf versions of their authentic signature. To the extent that is not possible, a facsimile, electronic, or typographical signature of such person (e.g. /s/NAME), along with the typed name, address, telephone number, email address, and State Bar of Georgia number of a signing attorney, is sufficient for filing purposes. The electronic or typographical signatures shall be treated as personal signatures for all purposes under the Georgia Rules of Criminal Procedures.

D. Electronic Title of Pleadings and Other documents. The electronic title of each e-document shall, to the extent practicable, include:

- i. The party or parties filing the e-document;
- ii. The nature of the e-document.

For example, the e-document shall be titled “Defendant Smith’s Motion to Compel Discovery against the State.” The title shall be used for administrative purposes only.

8. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS

- A. Workflow Queues. The District Attorney’s Office, Public Defender’s Office, Conflict Defender’s Office, and the Probation Department are able to present documents to the Clerk for filing or to the Court for execution and filing through the Workflow queue. Specifically, the District Attorney’s Office shall file Accusations or Indictments via the workflow queues in Odyssey, not directly through eFileGA. A copy of the Accusation or Indictment will be available in Odyssey and the public site at www.ody.dekalbcountyga.gov.
- B. Filings. Except as otherwise set forth in this Order, all parties shall e-serve all Documents through eFileGA. Parties, or their designated counsel, shall receive all Documents e-filed and e-served upon them via eFileGA. The District Attorney’s Office, Public Defender’s Office, Probation Office, Attorney’s General’s Office, and any other governmental agency may receive serve through the workflow queues.
- C. Effect of Electronic Service. Except as otherwise required by law, the electronic service of an e-document via eFileGA shall be considered as valid and effective service and shall have the legal effect as an original paper document sent via conventional means, U.S. mail and/or hand delivery. Recipients of electronic service shall receive an email notification of service, which contains an electronic image of the served E-document. The District Attorney’s Office, Public Defender’s Office, Probation Office, Attorney’s General’s Office, and any other governmental agency shall each designate the main address to serve all filings by court divisions. A Standing Order on this matter is attached as Exhibit B.
- D. Court Docket. Recipients of e-documents can access e-documents through the eFileGA system in cases in which they have appeared and consented to e-filing. A docket listing is accessible via the Odyssey public portal at www.ody.dekalbcountyga.gov. E-documents on the official court docket may be viewed for free at any PAT. **Paper copies of e-documents from the official court docket will be available on demand, at cost to the public, in the Clerk of Court’s Office.**

E. Service on Parties: Time to Respond or Act.

- i. E-service shall be deemed complete at the time a document has been received by eFileGA as reflected by the authorized date and time appearing on the electronic transmittal.
- ii. For the purpose of computing time to respond to documents received via e-service, any document served on a day when the Court is not open for business shall be deemed served on the next day the Court is open for business.
- iii. **Registered users consent to receive e-service documents**, other than service of subpoenas or summons.
- iv. Registered users are consenting to accept e-service notification of hearings or trials. **Registering will include said attorneys for all cases filed in DeKalb County, unless the attorney specifically opts out.**

F. System or User Filing Errors. If e-service does not occur because of (1) an error in the transmission of the e-document to eFileGA or served party which was unknown to the sending party, (2) a failure to process the e-document when received by eFileGA, (3) the party was erroneously excluded from the service list, or (4) other technical problems experienced by the filer, the party shall, upon a motion or requested hearing, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within which any right accrues or any duty or other act must be performed.

9. COURTESY COPIES TO THE COURT.

Parties may elect to mail courtesy copies of documents to the Judge or may be required to do so in the Judge's discretion. **However, a physical copy of Speedy Trial Demand and other Emergency Motions must be emailed to the Judge's criminal calendar clerk (NOT the clerk assigned by the Clerk of Court) to be considered as proper notice to the Court. Thereafter, as proof of delivery, the attorney must receive written confirmation from that criminal clerk acknowledging receipt. An automated "email delivered" receipt is not sufficient.**

10. COLLECTION OF FEES FOR INSTRUMENTS REQUIRING FEE PAYMENT.

- A. Any document requiring payment of a statutory filing fee in order to initiate a cause of action and achieve valid filing status shall be paid electronically, except for filers utilizing the PATs, who may tender payment in person in a form approved by the

Clerk of Court's office. If a filing fee is required, immediately upon acceptance of the filing by the review Clerk of Court or Deputy Clerk, Vendor will credit the designated Court account via ACH (Automated Clearing House).

- B. Fees may be charged by the Vendor to parties or attorneys for e-filing of E-documents, access to documents and/or dockets, and e-service of documents. These fees shall be payable to the Vendor at the time of filing and are in addition to the statutory filing fees.
- C. If a party wishes to request a waiver from filing fees due to indigency, the party may e-file a petition to proceed *In Forma Pauperis* by completing the Pauperis Affidavit. There is no fee to file this petition. The Court will review the application. If a party is exempt from paying statutory filing fees or other fees because the Court has determined that the party is indigent, the Court will e-file an Informa pauperis Order. Then, the party shall e-file his or her case initiation pleadings by selecting a waiver code as payment and the statutory filing fees, as well as e-filing and e-service fees, shall be waived in that particular case. Alternatively, the party may file his petition in the traditional manner. The Court shall also respond in the traditional manner. If granted, the petitioner shall then file the document per the rules herein.

11. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS.

The Court shall issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of this Order. An Order or other Court-issued e-document bearing the electronic signature of a Judge filed electronically and entered by a judge, Clerk of Court, Deputy Clerk, or court personnel per the order of a Judge shall have the same force and effect as if the document contained the handwritten signature of the judge.

12. PETITION FOR RELIEF FROM E-FILING/E-SERVICE REQUIREMENTS.

Any person seeking to file in an existing criminal case in Superior Court who desires relief from e-filing and the requirements set forth herein and/ or who desires to opt -out of this process may file their petition for relief in paper form with the Clerk's Office. The petition shall set forth the reasons as to why that party cannot or is not legally required to comply with the e-filing and/or e-service requirements. The petitioning party must show the legal reason or good cause for the need for such relief.

If the petition is granted, said party will also no longer qualify for e-notice and thus will no longer receive advanced electronic notices from the Court, electronic notice of documents electronically filed, or electronic copies of any filing, including Orders, in the case.

13. EFFECTIVE DATE OF ORDER.

This Order applies to new cases filed after this effective date, as well as to all cases pending in DeKalb County Superior Court on the effective date of this Order, which will be August 1, 2022.

14. E-FILING TRAINING

Any attorney needing assistance with e-filing or training to comply with this Order should contact the court program supervisor or e-filing specialist in the Clerk's Office.

15. ELECTRONIC RECORD.

The Clerk of Superior Court is authorized to maintain the original and official case record in electronic format and maintain the propriety of the filed documents. The Case Management System shall be the official case record.

SO ORDERED this 29th day of July, 2022.

COURTNEY L. JOHNSON, Judge
Division One

ASHA F. JACKSON, Judge
Division Two

YOLANDA C. PARKER-SMITH, Judge
Division Three

SHONDEANA C. MORRIS, Judge
Division Four

GREGORY A. ADAMS, Judge
Division Five

STACEY K. HYDRICK, Judge
Division Six

LATISHA DEAR JACKSON, Judge
Division Seven

VACANT
Division Eight by Chief Jackson

MARK ANTHONY SCOTT, Judge
Division Nine

TANGELA M. BARRIE, Judge
Division Ten