



## SUPREME COURT OF GEORGIA

Atlanta March 13, 2013

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is hereby ordered that Part VI (Interim Appellate Review), Rule 37 (Issues for Review) of the Rules of the Supreme Court of the State of Georgia be amended to require that interim review of pre-trial matters in death penalty cases be conducted in conformity with the Unified Appeal Procedure, as amended on February 14, 2013, effective July 1, 2013.

The amended Rule 37, effective July 1, 2013, shall read as follows:

### VI. INTERIM APPELLATE REVIEW

**Rule 37. ISSUES FOR REVIEW.** Interim appellate review of pre-trial matters in death penalty cases shall be conducted as follows and in conformity with the Unified Appeal Procedure, Rule II (F) - (H) and OCGA §§ 17-10-35.1 and 17-10-35.2:

(1) The question of whether there shall be an interim review of pre-trial proceedings will be considered by this Court only if the trial court, having conducted a hearing on the matter, orders that interim review is appropriate. See OCGA § 17-10-35.2. An order by the trial court denying such review shall not be appealable. See *id.*

(2) If the trial court orders that interim review is appropriate, the trial court shall complete and file in the trial court record a report in the form provided in the Unified Appeal Procedure, Rule II (G). Thereafter, the parties shall file any reports/applications addressing the appropriateness of interim review in the trial court, and not in this Court, in the manner prescribed in the Unified Appeal Procedure, Rule II (F) (3) - (6). Any requests for extensions of time for filing the reports/applications of the parties shall be directed to the trial court and not to this Court. Upon the filing of the reports/applications of both parties or the passage of the time for filing them, including any extensions granted by the trial court, the trial court shall transmit a copy of the *entire* pre-trial record, including any reports/applications addressing the appropriateness of interim review, in the manner prescribed in the Unified Appeal Procedure, Rule II (F) (7).

(3) The parties will be permitted to file in this Court any briefs they deem appropriate within seven days of docketing of the trial court record in this Court.

(4) This Court will issue an order granting interim review of the pre-trial proceedings, or portions thereof, or denying review within 45 days of the date on which the copy of the pre-trial record is docketed in this Court.

(5) If interim review is granted by this Court, the case will proceed as any other appeal. Oral argument in such an appeal shall be mandatory. See Rule 50 (1).

(6) If interim review is denied, the copy of the pre-trial record transmitted to this Court will be returned to the trial court; however, if interim review is granted, the copy of the pre-trial record will become a permanent part of this Court's records.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I hereby certify that the above is a true extract from  
the minutes of the Supreme Court of Georgia

Witness my signature and the seal of said court hereto  
affixed the day and year last above written.

*Theresa A. Bame*, Clerk