

IN THE STATE COURT OF BRYAN COUNTY

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STATE OF GEORGIA

STANDING ORDER NO. 2025-3 REGARDING

Debra G. Davis
CLERK OF COURTS
BRYAN COUNTY, GEORGIA

REDOCKETING OF CASES AFTER FAILURE TO APPEAR

Findings of Fact

Defendants frequently fail to appear for scheduled hearings despite proper notice. Following such failures to appear, defendants often contact the Clerk of Court, Solicitor General, or Court requesting re-docketing after notification of a Failure to Appear Notice or bench warrant issuance. This process creates inefficiency and duplicative administrative burden.

Conclusions of Law

The State Court of Bryan County possesses express statutory authority and inherent judicial power to promulgate orders governing internal procedures and case administration. O.C.G.A. § 15-7-43(b) (2024).

I.

This Court's authority derives from multiple sources. Courts possess "inherent powers essential to [their] function" as judicial tribunals. *Bloomfield v. Liggett & Myers, Inc.*, 230 Ga. 484, 486, 198 S.E.2d 144, 145 (1973). The General Assembly has vested courts with authority "to control, in the furtherance of justice, the conduct of its officers and all other persons connected with a judicial proceeding before it." O.C.G.A. § 15-1-3(4) (2024). Courts may "amend and control [their] processes and orders so as to make them conformable to law and justice," O.C.G.A. § 15-1-3(6) (2024), and "correct [their] own proceedings before final judgment." O.C.G.A. § 15-1-3(7) (2024).

State courts operate under superior court rules and maintain "broad discretion in regulating and prescribing the manner in which the business of the court will be conducted." *Butler v. State*, 172 Ga. App. 405, 406, 323 S.E.2d 628, 629 (1984). This discretion "will not be interfered with unless flagrantly abused." *In re McLarty*, 152 Ga. App. 399, 404, 263 S.E.2d 194, 197 (1979).

II.

The Uniform Superior Court Rules authorize Standing Orders "as to matters not addressed by the uniform rules and which are not inconsistent with a uniform rule." Unif. Super. Ct. R. 1.2(E) (2024). Georgia law permits courts to "require payment of costs by the defendant in an amount not to exceed \$100.00 to reschedule [a] case." O.C.G.A. § 17-6-2(a)(5). The statute, however, establishes no implementing procedure.

This Court possesses requisite authority to issue a standing order governing the re-docketing process for defendants who fail to appear as originally required. As the governing statute provides no implementation procedure for re-docketing, and as this Court is empowered to enter a standing order, so long as such order does not conflict with the Uniform Superior Court Rules or other general law, the Court finds it prudent to enter this Order.

ORDER

WHEREFORE, upon consideration of the foregoing findings of fact and conclusions of law, this Court determines that a procedure to effectuate O.C.G.A. § 17-6-2(a)(5) is necessary.

IT IS THEREFORE ORDERED, effective immediately upon entry of this Order:

1. Re-docketing Procedure Established. Any defendant seeking to re-docket a case following failure to appear must comply with the procedures set forth herein. This

Court hereby adopts and incorporates by reference the "Request to Re-docket Form" for use in such proceedings, a copy of which is attached hereto and is available on the Court's website, <https://bryancountystatecourt.wordpress.com/wp-content/uploads/2025/06/request-to-redocket-with-judicial-acceptance-06.18.25-fillable.pdf>.

2. Applicable Cases. This procedure applies to:

- In criminal and traffic cases, the Request to Re-docket form may be submitted by Counsel, including the Office of the Public Defender, in representation of his/her client or by Defendant, if self-represented. However, the fact that the form may be submitted multiple times does not necessarily mean that the Court will approve the request multiple times. Fees associated with this application may not be reimbursed.
- The Request to Re-docket form shall still be required, however, the redocketing fee shall be waived in cases in which Defendant is only cited with violation of one of the following statutes: O.C.G.A § 40-5-29 No License on Person, O.C.G.A § 40-8-8-76.1 Use of Safety Belts, or O.C.G.A § 40-6-241 Distracted driving; restrictions on operation of wireless telecommunications devices "Hands Free". If Defendant is cited with only one of these charges, the redocketing fee may be waived.

3. Required Submissions. Defendants seeking re-docketing must:

- Complete Part 1 of the Request to Re-docket Form, providing: defendant's full name, case number, original hearing type, original hearing date, defendant's current contact information, date, and signature;
- Submit the completed form in-person or by mail to the Bryan County Clerk of Court; and

- Remit payment of seventy-five dollars (\$75.00) as the re-docketing fee.

4. Acceptable Payment Methods. The Clerk may accept re-docketing fees in the following forms only:

- Cash
- Money order
- Cashier's check

Card payments and personal checks are not acceptable.

5. Clerk Processing. Upon completion of the Request to Re-docket form, the interested party, whether the Defendant or his/her Counsel, shall submit the form to the Clerk of Court along with the required payment. The Clerk of Court shall then, if Part 1 of the form is correctly completed and payment has been submitted, forward the form to the Court's Administrator for the Court's consideration. The Court will then complete Part 2 of the Request to Re-docket Form and provide the completed form to the Clerk, or her deputies. If the Court grants the request, the Clerk shall schedule a new hearing date and notify the applicant of the rescheduled hearing date.

6. Failure to Appear and Bench Warrant Limitations. The Clerk shall not withdraw any failure to appear entry nor notify the Sheriff to recall any bench warrant until: (1) the movant appears before this Court, and/or (2) this Court orders such withdrawal or recall.

7. Court Discretion Preserved. This Court retains full discretionary authority to grant or deny any re-docketing request, notwithstanding compliance with these procedural requirements.

8. Enforcement Provisions. Requests that fail to comply with these requirements shall be denied, including, but not being limited to, for the following reasons:

- Untimely submissions;
- Incomplete forms lacking required information;
- Submissions without proper payment; and
- Submissions using unacceptable payment methods.

9. No Additional Fees. No fees other than the seventy-five dollar (\$75.00) re-docketing fee shall apply to requests submitted under this Order. Irrespective of the preceding provision, the Court reserves the right to hold a party in contempt for any actions deemed to be violative of the Court's authority and to punish the individual(s) as authorized by Georgia.

10. Contact Information. For submission purposes: - **Bryan County Clerk of Court** 151 S. College St., P.O. Box 670 Pembroke, GA 31321 Phone: 912-653-3872

SO ORDERED, this 18th day of June, 2025.



HON. BILLY E. TOMLINSON
Judge, State Court of Bryan County
State of Georgia

Phone: 912-653-3872