Judicial Council of Georgia
Policies and Fees for Court Reporting Services in Criminal Cases
[Effective with Court Attendance and Transcripts Ordered after January 1, 2015.]

Under O.C.G.A. Title 15, Chapter 14, the Judicial Council is authorized to define and regulate the practice of court reporting to uphold the administration of justice. Production of the official court record is an essential business process contributing to court users' access to and fairness in Georgia courts, and each court has the responsibility to effectively manage that process. Through the following policies and fees, as well as the certification and regulation of court reporters, the Judicial Council identifies best practices and policies to assist judges in executing this responsibility to the citizens of the state.

1.1 Application of Fee Schedule for Court Reporting Services

The Judicial Council of Georgia *Fees for Services by Official Court Reporters* (Appendix A) applies to court reporters who are independent contractors. Courts that hire court reporters as employees shall arrange compensation and scope of work for them under their terms of employment, similar to other employees, using the fee schedule as a guide for salaries.

1.2 Contingent Expense and Travel Allowance

[Note: To better reflect typical travel guidelines that disallow expense reimbursement for travel between home and place of employment, O.C.G.A. §15-14-6 should be amended to remove the contingent expense and travel allowance for official court reporters serving a single-county jurisdiction. The ACCG or other interested organization should propose legislation to amend the statute clarifying that the contingency travel fee does not apply to single county circuits.]

1.3 Model Invoice for Services by Official Court Reporters

The Judicial Council recommends use of the model invoice contained in Appendix B to be submitted no less than once per month. Invoices incorporating substantially the same information may be used if approved by the court.

1.4 Format and Style of Transcripts

Standards for transcripts assure fair, equitable, and uniform treatment of parties. In all criminal cases filed after January 1, 2015, case transcripts shall be produced in searchable portable document format (.pdf), or another approved electronic format with document search capability, and filed with the clerk of court in a medium that can be stored electronically.

The following format and style shall be used for the production of all transcripts in Georgia courts. (See Sample Transcript, Appendix C.)

A. Margins

Preprinted solid left and right marginal lines shall be placed on the transcript page so that text begins 1-3/4 inches from the left side of the page and ends 3/8 inch from the right side of the page.

B. Character Spacing

The letter character size shall be 10 letters to the inch, providing for approximately 63 characters per line.

C. Lines and Line Numbering

Each page shall include numbers indicating each line of transcription on the page and shall contain 25 lines of double-spaced text. If a page contains less than 13 lines, no charge shall be assessed. A page containing 13 or more lines will be charged as a full page. The last page will be charged as a full page, regardless of the number of lines.

Page numbers or notations are not considered lines of text.

D. Indentations

1. Question and Answer (Q&A)

   For Q&A, indentation from the left margin shall be five spaces for the first line and none for subsequent lines.

2. Colloquy

   On the first line, indentation from the left margin shall be ten spaces, followed by speaker identification and a colon, with the statement beginning two spaces after. Subsequent lines shall be indented five spaces from the left margin.

3. Additional Testimony

   Depositions read at trial, if taken down as part of the trial transcript, shall be formatted the same as oral testimony, with the same indentations as Q&A. In a transcript, each question and answer read verbatim from a deposition shall be preceded by a quotation mark. At the conclusion of the reading, there shall be a closing quotation mark.

E. Page Numbering

Transcript page numbers shall be printed at the bottom right of each page. Pages shall be numbered consecutively beginning with page "1."

F. Cover Page

Each transcript shall include a cover page indicating:

(1) court name;
(2) case name and number;
(3) name and title of judge;
(4) type, date, location, and time of proceeding;
(5) name and address of each attorney and party represented;
(6) whether jury was present;
(7) court reporter's name, address, and contact information;
(8) volume number if multi-volume transcript (ex: Volume 1 of 3 in Arabic numerals).

G. Index

Each transcript shall contain a general index, a witness index, and an exhibit index. When a transcript has more than one volume, each volume shall contain a general index, a witness index, and an exhibit index.

(1) The general index shall list all occurrences in chronological order, including the charge of the court.
(2) The witness index shall list all witnesses in the order of their appearance with associated page numbers of their testimony on direct, cross, redirect, and re-cross examinations.
(3) The exhibit index shall list each exhibit received into evidence with its description and associated page numbers when tendered and admitted.

H. Parenthetical Notations

Parenthetical notations, when appropriately separate from dialogue, must begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.

I. Exhibits

Documents, photographs, and physical evidence must comport with Rules 71 to 74 of the Supreme Court of Georgia and Rule 17 of the Court of Appeals of Georgia. Audio/video recordings played in court entered as an exhibit in a proceeding need not be transcribed unless ordered by the court.

2.1 Takedown and Transcript Filing in Criminal Proceedings

A. Takedown

1. The following <u>shall be taken down</u>:
   (1) All proceedings in death penalty cases.
   (2) All habeas corpus proceedings.
   (3) Felony cases
      (a) Guilty pleas and nolo contendere pleas.
      (b) During trial, all evidence including testimony, objections and rulings, motions and rulings thereon, jury charge, and sentencing.
      (c) Motion for new trial hearings.
   (4) Guilty pleas and nolo contendere pleas in misdemeanor cases.

2. All other proceedings in felony or misdemeanor cases, such as pretrial motions, voir dire, opening statements, colloquies, closing arguments, and probation revocation hearings shall be taken down only when requested by the court, counsel, or defendant.

3. No proceeding in magistrate court other than required by law shall be taken down unless requested by the court, counsel, or defendant.

B. Preparation and Filing of Transcript

1. A transcript <u>shall be prepared and filed</u> in:
   (1) All death penalty case proceedings.
   (2) Felony trials, jury or non-jury, resulting in a guilty verdict.

2. When requested by the court, counsel, defendant, or petitioner, a transcript shall be prepared and filed in all other proceedings.

2.2 Documentation of Evidence

To comport with appellate court requirements and other Judicial Council rules and policies, the case transcript shall include all evidence (exhibits) in digital format. Documentary evidence, photographs of physical evidence, and video and audio recordings shall be provided to the court reporter in digital format at the time of tender, unless otherwise ordered by the court.

2.3 Certified Transcript is a Public Record

A. Certification and Filing of Transcript

In all criminal cases, when a transcript is required or requested to be prepared, it shall be filed with the clerk of court immediately upon completion and certification. The court reporter shall notify the court, prosecutor, defense attorney(s), and/or self-represented defendants(s) of the date the transcript is filed with the clerk of court and provide each with a digital copy of the transcript at no charge.

Once filed, the transcript is a public record (O.C.G.A. § 50-18-70), and copies may be provided at the rate determined by the clerk or by law as any other public record.

B. Electronically Certified Transcript

Transcripts may be electronically certified. Any transcript electronically certified must include a certificate as described by O.C.G.A. § 15-14-5 and must include the electronic signature of the court reporter. The electronic signature shall be unique to and under the sole control of the court reporter using it and constitute evidence of a legal signature of the court reporter.

C. Time Period for Filing Transcript

Unless other time periods are adopted by a court, the following shall be the time periods for filing transcripts.

1. Other than in a death penalty case governed by the Unified Appeal procedures, any transcript <u>required to be prepared</u> shall be filed with the clerk of court no later than 120 days from the date of conclusion of the proceeding for which the transcript is required to be prepared.

2. Any transcript <u>to be prepared only upon request</u> shall be filed with the clerk of court no later than 120 days from the date of the request for transcript. The request for transcript shall be made in writing to the court reporter and a copy sent to the clerk of court by the requesting party.

A maximum of one 60-day extension for filing a transcript may be granted by the court. An extension shall be requested in writing and signed by the judge, with a copy sent to the clerk of court. For good cause shown by the court reporter, the judge may extend the time for filing beyond 180 days.

If the judge authorizes an extension for filing a transcript beyond the 120-day time period or the time period otherwise adopted by a court, the judge shall determine, in his or her discretion, the appropriate page rate and include it in the order approving the request. Such discretion, however, shall be limited to a page rate published in the *Judicial Council of Georgia Fees for Services by Official Court Reporters, Criminal Cases*.

2.4 Business Continuity

Each court is responsible for ensuring that an accurate record of court proceedings is produced as an essential requirement of due process of law.

To ensure business continuity, it is recommended practice that the court maintain a record of court proceedings irrespective of the production of the official record. The record maintained by the court is owned by the court and shall be made available to the public as required by law.

In addition to official reporting of court proceedings, it is recommended that the court require a digital recording of proceedings where transcripts are required or the court determines it is otherwise necessary to ensure business continuity. Courts utilizing digital recording for business continuity should follow the policies and procedures set forth in Policy 3.1 for the management of digital recording equipment and personnel assigned to its operation. Digital recordings should be stored in a secure, accessible location; indexed for convenient retrieval; and retained according to applicable retention schedules.

As an alternative to digital recording, the court may designate as the business continuity recording a backup recording generated by a court reporter who takes down assigned court proceedings. If so designated, a court reporter who takes down an assigned court proceeding shall generate a backup recording and provide it to the court on a periodic schedule (daily, weekly or monthly) as ordered by the court.

3.1 Digital Recording

I. Digital Recording of Court Proceedings

A. Digital recording is a sound recording process that converts audio or analog signals to electronic format for storage and integration with other digital applications, such as case management and calendaring systems.

B. Digital recordings and related materials are part of a comprehensive transcript management system that governs the life cycle of the court record from the initial court proceeding through the filing of a transcript. These recordings and materials are preliminary to the transcript and are owned by the court.

C. Digital recording may not be used as the verbatim recording in death penalty and other felony trials unless (1) authorized by the court and operated according to this policy or (2) as a secondary record of proceedings under a pilot project of limited duration to study the feasibility of a recording system.

II. Licensing of Digital Monitors

A. Preliminary Qualifications

To apply for licensure as a digital monitor, a candidate shall meet the following qualifications:

(1) At least 18 years of age,
(2) High school graduate or equivalent, and
(3) Good moral character.

B. Application for License

A candidate for initial licensure as a digital monitor shall:

(1) Apply for, pass, and receive notice of passing an exam offered by the American Association of Electronic Reporters and Transcribers (AAERT) for Certified Electronic Court Reporter, Certified Electronic Court Transcriber, or both;
(2) Complete the Board of Court Reporting's application for a licensed digital monitor; and
(3) Pass the Georgia Written Test that assesses knowledge of the laws, rules, and regulations pertaining to court processes and court reporting in Georgia.

C. Initial and Continuing Education

Within twelve months of initial licensure, a digital monitor shall complete the Board-sponsored educational program for new digital monitors.

To qualify for licensure renewal, a digital monitor shall complete and submit a certificate for a minimum of ten hours of Board-approved continuing education each year.

D. Disqualification for Act of Dishonesty

Any applicant who commits any act of dishonesty with respect to any portion of the exam shall immediately be disqualified and will not be eligible to take the exam again for a period of two years from the date of the exam on which the applicant was disqualified.

E. License

After an applicant has met all requirements for licensing, the Board shall issue a license with a unique identification number to the digital monitor. The license shall designate the proficiency in which the digital monitor is licensed to practice from the following:

(1) Licensed electronic recorder (LER),
(2) Licensed electronic transcriber (LET), or
(3) Licensed electronic recorder and transcriber (LERT).

F. Right to Review

The Board reserves the right to refuse to allow testing or licensing of any applicant for good cause.

III. Standard Operating Procedures and Rules

A. Supervision of Digital Monitors

1. The chief judge of each court may designate an administrator or a managing court reporter to oversee the digital audio recording of court proceedings.
2. The administrator or managing court reporter shall be responsible to:
   a. Appoint, schedule, and supervise digital monitors for the purpose of equitably distributing workload and assuring the lowest overall cost to the court.
   b. Verify certification records for all digital monitors working in the court's jurisdiction.
   c. Review the work and work product of digital recording monitors and report regularly to the chief judge.
   d. Manage the preparation of transcripts of digitally recorded proceedings.
   e. Coordinate requests and orders for digital recordings and transcripts and review related invoices for payment.

IV. Procedures and Best Practices for the Use of Digital Recording Technology

A. Signage

Signage provides important reminders to litigants, staff, and the public that the proceedings are being recorded and that anything spoken may be recorded.

1. The following is suggested language for signs placed at each table microphone, podium, and on the judge's bench:

   (1) *The court may be electronically recording proceedings.*
   (2) Speak clearly and slowly into the microphone.
   (3) Speak in normal conversational tone. Do not whisper.
   (4) Do not speak over another person.
   (5) Remain seated or at the podium.
   (6) Mute microphone for private conversations.

2. The following is suggested language for a sign posted at the courtroom entrance door:

   The court may be electronically recording proceedings. Silence in the gallery and litigation area is required. Remain seated and do not approach the bench until instructed to do so.

Courtroom participants may also need to be informed that the recording system may purposely or inadvertently remain operational between proceedings and/or after the proceeding has ended.

B. Opening Colloquy

For some or all proceedings, the judge may choose to supplement signage by opening the court session with an opening colloquy similar to the following:

These proceedings are being electronically recorded. Please clearly state your name and appearance for the recording. Speak clearly and directly into the microphone. Do not speak over each other. All responses must be made orally. Avoid gesturing or head nodding, as these gestures will not be captured for the record.

C. Procedures for Digital Monitors

The digital monitor (monitor) is responsible for producing backed up recordings of court proceedings using a digital recorder. The monitor produces log notes and other material containing the spelling of proper names, unusual terms, and beginning and end times enabling systematic playback.

In general, responsibilities include:

(1) Assisting in identifying the best placement of microphones in the courtroom to achieve the goal of maximizing channel-to-channel voice separation for all speaking participants;
(2) Monitoring the recording through headphones to ensure that the proceedings are being properly recorded by the digital recording equipment;
(3) Taking and maintaining log notes and relevant lists of attorneys' names and addresses, witnesses, exhibits, and other information;
(4) Playing back recorded court proceedings, as directed by the judge; and
(5) Ensuring that the recording is properly stored and archived at the court.

1. Case Management System Entries

When appropriate, the monitor may be assigned responsibility for making entries into the court's case management system (CMS) for proceeding start and end times, appearances, court orders, and next hearing dates. For example, at arraignment or change of plea sessions, the digital monitor may be assigned responsibility for entering conditions of release, fine amounts, and conditions of probation into the court's CMS.

2. **Practices and Procedures**

a. **Preparation for proceedings**

i. **Supplies**

Make sure that all necessary supplies for producing a recording, making log notes, marking exhibits, and preserving the record are available and accessible. Supplies could include headphones, the court calendar and docket, pens, pencils, legal pads, blank appearance sheets, witness and exhibit lists, and compact disks used for archiving the recording.

ii. **Daily Testing**

(1) Test the recording and log notes software for operating functionality.
(2) Check the microphone and camera placement in the courtroom according to the type of case and the flow and movement of the participants.
(3) Test the recording quality of each microphone and the wiring by speaking into each microphone and listening to the recorded result on each audio channel. Problems could be caused by the microphones not being plugged into the proper channels or equipment or not being set on "Record" mode. Report any problems so that they can be fixed prior to the day's proceedings.

iii. **Default Settings**

If default settings are used, check whether the system has been set back to the appropriate default setting and, in particular, that the setting accurately identifies the name of the judge presiding over the recorded proceeding.

iv. **Communication with Judge**

Determine how the judge would like to be notified or interrupted by the monitor during the court proceeding if the record is not being captured.

b. **During Proceedings**

i. **Operation**

The recording system should be operated at the direction of the judge.

ii. **Confidential Communications**

a. The court should post signs providing notice that any conversations occurring in the room and, in particular any conversations at the attorney/party tables, may be recorded at any time.
b. The court should install microphones with "hold to mute" buttons for microphones used by attorneys and the judge.

iii. **Monitor Through Headphones**

Using headphones, monitor what is being recorded onto the audio channels, not what is being said into the microphones, ensuring that the proceedings are being adequately and intelligibly recorded (known as "confidence monitoring").

iv. **Interrupting Proceedings**

a. The digital monitor should strive for an unobtrusive presence interrupting proceedings only as necessary and in accordance with protocols established with the judge. Monitors must use their best judgment before interrupting, since an interruption may not be desirable at a critical point in testimony. It may be necessary to interrupt proceedings to:

(1) Request the correct spelling of names or technical or unfamiliar names;
(2) Request that a party move closer to the microphone;
(3) Request that a person stop tapping a microphone or shuffling papers too close to it;
(4) Request that a non-verbal response be made audible; or
(5) Request that a party slow down his or her speech pattern.

b. Interrupt the proceeding and notify the judge when a record is not being made. Examples include:
(1) Technical failure of the equipment
(2) The speaker's words are inaudible for reasons including:
(3) Audio level of the recording is not adequate
(4) Parties are speaking too softly or too rapidly
(5) Parties are talking simultaneously over each other
(6) Excessive shuffling of papers
(7) A microphone remains muted
(8) Excessive gallery or extraneous noise.

c. Monitors must use their best judgment before interrupting. An interruption may not be desirable at a critical point in testimony.

v. Off the Record Discussions

The recording should be stopped for "off the record" discussions only at the direction of the judge and only as long as the judge directs that the discussions not be recorded.

vi. Sidebar or Bench Conferences

Sidebar or bench conferences are part of the official record and need to be recorded unless the judge orders otherwise. Because these conferences are often whispered, it is important to monitor the volume and to ensure that the log notes identify each speaker.

vii. Jury Voir Dire

Creative microphone placement and/or the use of wireless microphones can help avoid problems with voir dire. The judge and attorneys should address jurors by name or number for proper identification during questioning. Monitors may need to be particularly vigilant at asking potential jurors to speak up.

viii. Language Interpreters

Digital recording preserves both the English and the foreign-language interpretation making it possible to confirm accuracy. The interpreter must be provided with a microphone assigned to a channel that is not the same as the channel assigned to the witness in order to ensure that the witness is not speaking over the interpreter. Log notes on when the interpreter is interpreting and the identity of the speaker whose words are interpreted are particularly important.

ix. Log Notes

Log notes allow for a simplified search of the electronic record for the playback of testimony during and after court proceedings.

a. For all court proceedings, log notes must contain:
(1) Names/Identifiers - the full name of the judge, parties, and attorneys present and not present; case caption; and case number; and
(2) Time - the beginning and end times of each proceeding.

[Note: The digital recording software should automatically insert the beginning and end times along with any time that the recording is paused, started, or stopped. In court sessions where proceedings overlap, the monitor will need to be particularly diligent at logging start and stop times and may not be able to rely on the software to do so.]

b. For trials and evidentiary proceedings, log notes must contain:
   (1) Names/Identifiers - the full name of the judge, monitor, parties, and attorneys present and not present; case caption; and case number;
   (2) Time - the beginning and end times of each proceeding;

[Note: Log notes should also identify the time that each type of examination (direct, cross, *voir dire*) begins, the time that any off the record discussion begins, and the time that the jury enters or leaves the courtroom.]

   (3) Spelling/Unusual Names and Terminology - uncommon words, proper nouns, unusual phrases or jargon, events occurring on the record, attorney objections, and court rulings; consider a separate word list with the spelling of proper nouns and technical jargon;
   (4) Trial Events - the calling and swearing in of witnesses, the beginning of each type of examination, all attorney objections and court rulings, exhibit marking and identifying, motions for admission of evidence, references to statutes and rules and any other information that would assist transcription; commonly used abbreviations may be useful;
   (5) Identifying Speakers by Channel - speakers may move between multiple microphones during a proceeding, so it may be useful to develop a code to identify a speaker on a particular channel at a particular time.

[Note: A standard setup for channel allocation could serve as a useful guide in the majority of cases. For example:

① Judge/Jury/Bench or Well
② Witness
③ Defendant
④ Plaintiff]

   (6) Nonverbal occurrences - such as "witness nodded head" and could indicate times when attorneys are conferring off the record;
   (7) Abbreviations – for commonly understood standard terms, such as "YH" for "Your Honor;"
   (8) Shortcuts - as needed to identify speakers in the log notes during rapid fire colloquy with the judge, such as "Jones, then Smith, then Judge, Jones again, then Smith, etc.;"

x. Appearance/Information Sheet

a. For indexing case information, enter case information onto a digital or paper appearance/information sheet identifying the case along with the judge's name and the names and spellings of the attorney(s) representing the parties in the case.

[Note: In some recording systems, this information can be entered when a recording is initiated, preserving it in a searchable format directly associated with the recording.]

b. For most hearings, the sheet should contain the:
(1) date of the hearing;
(2) full name of the judge and monitor;
(3) case number, case name, and type of hearing;
(4) full names and spellings of attorneys and self-represented litigants;
(5) speaker identification codes selected for the log notes;
(6) channel designation and seating arrangement for all parties.

[Note: In some recording systems, monitors can create name macros for all parties present for a case, enabling the monitor to quickly insert the full name of a party or an attorney by a single mouse click, entry, or keystroke combination.]

c. For trials and evidentiary hearings, the sheet should contain items (1)-(6), above, and the:
(1) law firm and/or government agency names, street addresses, e-mail addresses, and business and cell phone numbers;
(2) names of all witnesses;
(3) description and number for all exhibits.

xi. Playback

a. As directed by the judge, locate the requested portion and play it back, using the courtroom public address system or sound reinforcement system such as a set of speakers connected to the recording personal computer.
b. After the playback, ask the participants to provide time for the monitor to resume duties before resuming the hearing.

[Note: The recording system should support immediate resumption after playback, with no interruption in the proceedings.]

c. At the conclusion of the day's proceedings
Follow court practice to properly store and archive the recording at the court. This could include:
(1) backing up the day's recordings to the court's electronic network,

[Note: If the system does not enable backup onto a network, back up the day's recordings onto a compact disk.]

(2) labeling the recordings to enable their retrieval during the retention period,
(3) setting the system on the appropriate default setting for the next day's proceedings, and
(4) shutting down the recording system.

D. Procedures for Judges

(1) Verify with the monitor that the system is operational.
(2) Make participants aware that the court proceeding is being electronically recorded.
(3) Remind participants to speak loudly and clearly.
(4) State each case by name and number and type of proceeding each time a case is called.
(5) Remind all participants to properly identify themselves when making their appearance at the beginning of each proceeding and to spell their names for the record.
(6) Request attorneys to give their appearances at the start of each day of a continuous, multi-day trial.

(7) Remind attorneys to take necessary precautions (i.e. cover the microphone or use the mute button) when they wish to consult with clients during the hearing.
(8) Point out to those present that coughing or sneezing near a microphone will adversely affect the recording.
(9) Permit attorneys to remain seated during proceedings and make sure that they are speaking into a microphone.
(10) Remind participants that only one person should speak at a time. Discourage overlapping questions and answers or colloquy.
(11) Discourage speakers wandering around the courtroom unless wireless microphones are used.
(12) Hold on the record bench conference conversations at the bench conference microphone.
(13) Leave the judge's bench microphone turned on while in session.

E. Procedures for Attorneys and Courtroom Participants

(1) Attorneys should inform their clients of the method of recording being utilized and take necessary precautions to protect disclosure of confidential communications during proceedings.
(2) Upon speaking for the first time, identify yourself for the record. Spell your name and state whom you represent.
(3) Provide the monitor with the correct spellings of unusual or technical names and words to be used.
(4) Avoid moving microphones.
(5) Always remain within arm's reach of a microphone. If you approach the bench, wait until you are within arm's reach of a microphone before speaking again.
(6) For the benefit of the written record, avoid speaking while witnesses or other counsel are speaking. Only one person should speak at a time.
(7) Address jurors by name or number for proper identification during voir dire.
(8) Solicit verbal responses from all witnesses since the recording system can only pick up spoken words. Avoid "uh huh," head nods, and gestures.
(9) Avoid shuffling papers or making other noises when people are talking. Move away from the microphone before coughing or sneezing.
(10) Use the mute button to consult with a client or make statements that should not be recorded. Be sure the mute button is off and the microphone is on before proceeding.
(11) When at a bench conference, avoid blocking the microphone with documents and speak one at a time into the sidebar microphone.
(12) When there are multiple cases set for hearing, hold discussions outside the courtroom or away from microphones.

3.2 Georgia Realtime License

1. Qualifications

To obtain a Georgia Realtime License (GRL), an applicant must:

A. Qualify as a Georgia certified court reporter in good standing; and

B. 1) Successful achievement on the realtime certification exam administered by the National Court Reporters Association (NCRA) or the National Verbatim Reporters Association (NVRA); or

2) Achieve a minimum score of 90 percent on the realtime certification exam administered by the National Court Reporters Association (NCRA) or the National Verbatim Reporters Association (NVRA); or

C. Be grandfathered as a realtime reporter by April 1, 2016. To satisfy the grandfathering requirement, a court reporter shall make an application on an approved Board form documenting the judge's affirmation of the reporter's capability to deliver a realtime feed.

2. Certification and Training Requirements

A. The Board shall issue the designation, Georgia Realtime License (GRL), to display on the court reporters certificate annually; and

B. Each court reporter issued a GRL shall comply with the training requirements as determined by the Court Reporters' Training Council.

3. Fees

In order to charge for realtime services, court reporters must possess a GRL as set forth above.

APPENDIX A

Judicial Council of Georgia
Fees for Services by Official Court Reporters
Effective January 1, 2015

CRIMINAL CASES

Takedown		Preliminary Unedited Copy[1]		Certified Transcript	
Court Attendance[1]	Court Attendance with Realtime Feed[1]	Daily Copy[2]	Expedited Copy[2]	Page Rate	Exhibit Page Rate[4]
≤ 8 hrs. = $200.00 > 8 hrs. = $235.00	≤ 8 hrs. = $260.00 > 8 hrs. = $290.00	$7.60/page	$5.70/page	≤ 120 days = $6.00 > 120 days = $5.00[3]	$0.50

*[See **Judicial Council Policies and Fees for Court Reporting Services in Criminal Cases, 2.1 Takedown and Transcript Filing in Criminal Proceedings**, for mandatory and discretionary takedown and transcript filing.]*

[1] As authorized by the court.
[2] Daily copy is furnished within 24 hours from the close of court. Expedited copy is produced within 48 hours from the close of court. The transcript page rate is in addition to these fees.
[3] See Policy 2.3 (C), Time Period for Filing Transcript, for discretion of judge in determining page rate for extensions.
[4] If evidence not tendered digitally to court.

Appendix B

I N V O I C E

Date	**Invoice No.**

TO: County Fiscal Office or Name
Address
City, State Zip Code

FROM: Name
Address
City, State Zip Code

Vendor No./Other identifier:

DATE OF PROCEEDING (--/--/----)	NAME OF JUDGE AND COURT	CASE NUMBER	TYPE OF PROCEEDING	INVOICE CODE	# DAYS	# PAGES	TOTAL
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
Explanation of Other:*						**INVOICE TOTAL**	.

I swear that the information provided is true and correct and in compliance with the Judicial Council of Georgia Fees for Services by Official Court Reporters.

Signature (Court Reporter)_____

Approved by (Name)_____ Signature_____

INVOICE CODES AND FEES

CA	Court Attendance	$200.00 (≤8 hrs.)	**CART**	Court Attendance-Realtime	$260.00 (≤8 hrs.)	**TDLY**	Takedown/Daily Copy	$7.60 /page	**T**	Transcript	$6.00/p. (≤120 days); $5.00/p. (>120 days), unless extended by judge
CA/O	Court Attendance/ Overtime	$235.00 (>8 hrs.)	**CART/O**	Court Attendance-Realtime/Overtime	$290.00 (>8 hrs.)	**TEXP**	Takedown/Expedited Copy	$5.70/page			

Other* (Explain service and charge, above.)
EX Exhibits (not digitized) $.50/page

Appendix C
Sample Transcript

THE SUPERIOR COURT OF LOWNDES COUNTY
STATE OF GEORGIA

```
STATE OF GEORGIA,              )
                               )
                               )
     -VS-                      ) CASE NO. 2011-CR-0359-5-RWS
                               )
JOSE ANTONIO AYVAR-SOBERANIS,  )
                               )
      DEFENDANT.               )
```

TRANSCRIPT OF GUILTY PLEA PROCEEDINGS
BEFORE THE HONORABLE RICHARD W. STILL
SUPERIOR COURT JUDGE
WEDNESDAY, APRIL 20, 2011
8:30 A.M.

APPEARANCES:

ON BEHALF OF THE STATE:
MICHAEL V. HERSKOWITZ, ESQ.
ASSISTANT DISTRICT ATTORNEY
LOWNDES COURTHOUSE
123 ASHLEY STREET
VALDOSTA, GA

ON BEHALF OF DEFENDANT:
CRISPIN J. QUINTANILLA, ESQ.
ATTORNEY AT LAW
3001 DOWNTOWN DRIVE
VALDOSTA, GA

ALSO PRESENT:
DAVID HOOVER, COURT INTERPRETER
312 WEST STREET
VALDOSTA, GA

LISA SMITH, RMR, CRR
OFFICIAL COURT REPORTER
POST OFFICE BOX 2010
VALDOSTA, GEORGIA 3001

(Guilty Plea)

THE COURTROOM DEPUTY CLERK: Court calls the case of State vs. Ayvar-Soberanis, case 2011-CR-0359-5-RWS.

THE COURT: All right. If counsel and defendant will approach the podium, Mr. Goss will administer the oath to the defendant

JOSE ANTONIO AYVAR-SOBERANIS,

having been duly sworn, was examined and testified through the interpreter as follows:

MR. QUINTANILLA: Good afternoon.

THE COURT: Mr. Herskowitz, you may proceed.

MR. HERSKOWITZ: Thank you, Your Honor. Mr. Ayvar-Soberanis, I'm showing you a Guilty Plea and Plea Agreement in this case. Turning your attention to page 13, is that your signature on the right side of the page by the name Jose Antonio Ayvar-Soberanis?

THE DEFENDANT: Yes.

MR. HERSKOWITZ: Mr. Quintanilla, did you sign as his counsel?

MR. QUINTANILLA: I did.

Your Honor, for the record, Crispin Quintanilla. I am his counsel, Your Honor.

THE COURT: Thank you.

MR. HERSKOWITZ: On page 14, sir, is that your signature given over the name Jose Antonio Ayvar-Soberanis?

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA	)	
	)	
vs.	)	CASE NO: 2015-CR-0001-Z
	)	
JOSEPH O. SMITH,	)	
	)	
DEFENDANT.	)	VOLUME 1 OF 6

JURY TRIAL
HEARD BEFORE THE HONORABLE GEORGE JEFFERSON
SUPERIOR COURT JUDGE
JANUARY 13, 14, 15, 16, 17; SENTENCING ON JANUARY 20, 2015
COMMENCING AT 8:30 A.M.

APPEARANCES:

JANE F. SMITH, ASSISTANT DISTRICT ATTORNEY
1000 WEST STREET, SUITE 200
ATLANTA, GEORGIA 30001

FOR THE STATE

JOSEPH F. DOE, ESQUIRE
JENNIFER SMITH, ESQUIRE
ATTORNEYS AT LAW
DOE & DOE, ATTORNEYS AT LAW
100 JONES STREET, ATLANTA, GEORGIA 30001

FOR THE DEFENDANT

BOB SMITH, RPR
COURT REPORTER, ATLANTA JUDICIAL CIRCUIT
100 HOLIDAY DRIVE
ATLANTA, GEORGIA 31000
(770) 000-0000

THE COURT: Good morning. And, Mr. Doe.

MR. DOE: My expert tells me that people might be more willing to answer completely in writing more than open voice in front of 40 or 50 other people. I've made copies in advance in case you're willing to go along with it and it asks about prior experiences with cases involving molestation.

THE COURT: All right. Thank you for letting me know that, and I'll let you know how we'll proceed.

(Whereupon, a recess was taken)

THE COURT: All right, Mr. Doe, I've looked at your jury questionnaire.

Ms. Smith, do you have an objection to that? Don't have an objection?

ASSISTANT D.A. DOE: Having just been handed that, your Honor, I haven't had an opportunity to review all five of the questions. It looked like these would be similar to what the State would ask in general questioning, so I don't have an objection to this as long as, of course, the State is provided the answers as well as the defense.

(Pause in the proceedings)

THE COURT: And Kenny, how many jurors are in the jury assembly room?

THE CLERK: We have some taken out already. You have 45 to come up here for you.

Mr. HENRY JONES,

was called, and upon being first duly sworn,

was examined and testified as follows on

DIRECT EXAMINATION

BY ASSISTANT D.A. DOE:

Q. Now, I know you're sitting in the chair and you have a microphone in front of you. Can you talk in front of the microphone for everybody? And when you answer a question, if your answer is yes, if you'll say into the microphone "yes" or if it's no, if you'll say "no" because the guy sitting right here has to take everything down. So if you just nod he can't write that, okay?

Can you say it?

A. Yes.

Q. There you go, good job.

All right. Can you tell the jury your name?

A. Henry.

Q. What's your full name?

A. Henry Keith Jones.

Q. How old are you, Henry?

A. Seven.

Q. What school do you go to?

A. I don't know because I'm a new student.

Q. You just started at a new school?

(Charge of the Court)

THE COURT: And good afternoon, ladies and gentlemen of the jury, we're now ready to move into the legal charge phase of the case. During this phase of the case, the Court will read to you the legal principles of law that you will utilize during the deliberation process. As I've mentioned and will again mention, it is your sole responsibility to determine the facts of this case based upon the evidence that you heard. You then apply the law that I provide to you in these legal principles to the facts of the case as you find the facts of the case to be, and that's the way that you reach your unanimous verdict.

In order to do so and for perfection of the record I'm required to read these to you, and I will start to read these to you now.

You are considering the case of the State of Georgia versus Joseph Smith as styled in Fulton County Superior Court, Case Number 2015-CR-0001-Z. Mr. Smith in this case has been charged with the offense of child molestation. Mr. Smith is charged as follows: Joseph Smith is charged with the offense of child molestation for that the said accused in the County of Fulton and the State of Georgia on or between August 12, 2014, and August 15, 2014, the exact date being unknown to the State of Georgia, did perform an immoral and indecent act in the presence of Henry

INDEX TO PROCEEDINGS

	PAGE
VOIR DIRE EXAMINATION	15
OPENING STATEMENT BY MS. DOE	380
OPENING STATEMENT BY MR. DOE	390
MOTION FOR DIRECTED VERDICT	853
RENEWED MOTION FOR DIRECTED VERDICT	954
CHARGE CONFERENCE	910
CLOSING ARGUMENT BY MS. DOE	958
CLOSING ARGUMENT BY MR. DOE	962
FINAL CLOSING ARGUMENT BY MS. DOE	987
JURY CHARGE	1010
VERDICT	1047
SENTENCING	1172

LIST OF WITNESSES - CHRONOLOGICAL ORDER

	PAGE
WITNESSES:	
HENRY JONES	
DIRECT EXAMINATION BY MS. DOE	552
CROSS-EXAMINATION BY MR. DOE	597
REDIRECT EXAMINATION BY MS. DOE	669
RECROSS-EXAMINATION BY MR. DOE	673
JULIE SMITH	
DIRECT EXAMINATION BY MS. DOE	859
CROSS-EXAMINATION BY MR. DOE	888
JORGE EDWARDO ANNASKI	
DIRECT EXAMINATION BY MR. DOE	937

INDEX TO EXHIBITS

FOR THE STATE

EXHIBIT NO.	DESCRIPTION	TENDERED	ADMITTED
1	PHOTOGRAPH OF KNIFE	865	888
2	GBI CERTIFICATE	900	901

STATE'S EXHIBIT
2

Georgia Bureau of Investigation
Division of Forensic Sciences

Hereby Declares That

is certified to conduct analyses of bJUth specimens for their alcohol content pursuant to all provisions of the Official Code of Georgia Annotated authori7iog the Georgia Bureau of Investigation, Division of Foreosic Sciences tO approve methods and issue peanits to perl'oJlD clumical aaal;yses. This certification is subject to the rules and regulations of the Georgia Bureau ofinvestiplion. This auth.orizati.on is applicable to analyses ntiJizing the Intoxilyzer Model 5000 only.

This permit munbe.r, 39361
is effective July 19, 201L

Christopher S. Tilson, B.S.
Manager
Implied Consent Section

This permit expires July 18, 2015.

Agency # 4200